

Illinois State Board of Education

Ad Hoc Rules Committee of the Whole

January 13, 2010

4:00 p.m.

(This meeting will begin immediately following the previous session.)

All open meetings will be audio cast on the Internet at: www.isbe.net

AGENDA (*timeframes are estimated for planning purposes*)

- I. Roll Call
- II. Board Member Participation by Other Means
- III. Public Participation (*15 minutes maximum*)
- IV. Minutes of the December Ad Hoc Rules Committee of the Whole Meeting (**pp. 2-3**)
- V.*Rules for Initial Review 4:15 – 4:25 p.m.
 - A. Part 180 (Health/Life Safety Code for Public Schools) (**pp. 4-11**)
- VI.*Rules for Adoption 4:25 – 4:45 p.m.
 - A. Part 1 (Public Schools Evaluation, Recognition and Supervision) (**pp. 12-53**)
 - B. Part 151 (School Construction) (**pp. 54-75**)
 - C. Part 252 (Driver Education) (**pp. 76-82**)
- VII. Committee Agenda Planning/Additional Items
- VIII. Committee Wrap-up – as needed (*Superintendent Koch*)
- IX. 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

Thursday, December 17, 2009

8:30 a.m.

State Board of Education Office
100 North First Street
Springfield, Illinois

Committee Members Present

Andrea Brown
David Fields
Vinni Hall
Joyce Karon
Lanita Koster
Chris Ward

Absent

Jesse Ruiz

Others

Chris Koch
Don Evans
Beth Hanselman
Connie Wise

Vice Chairman Chris Ward called the meeting to order at 8:35 a.m. He noted that all but Chairman Jesse Ruiz were present. There was no need for Board member participation by other means.

1. **APPROVAL OF MINUTES**

Board member Joyce Karon moved the approval of the minutes of the Committee's meeting of October 29, 2009, and Board member David Fields seconded the motion. It was adopted unanimously, and the minutes were approved as presented.

2. **PUBLIC PARTICIPATION**

There was no public participation.

3. **RULES FOR INITIAL REVIEW**

State Superintendent Chris Koch indicated that there were two rulemakings for the Board's initial review, and that staff were available to answer Board members' questions.

- **Part 35 (Mentoring Program for New Principals):** The proposed amendments result from the enactment of P.A. 96-373, effective August 13, 2009, which allows principals in their second year of employment to participate in the mentoring program if sufficient funds are available for the program. The proposed amendments set forth the cost factor that will be used to determine whether a second year of mentoring will be provided. All principals in their first year of employment are required to participate in mentoring program each year when the appropriation is sufficient to implement a program. Second-year principals are given the option of participating in a second year of mentoring.

Board member Andrea Brown used the discussion about the proposed amendments to remind the Board that several initiatives relative to principals, including National Board certification for principals and changes in principal preparation programs, are going forward. She asked that mechanisms for measuring program performance use an evidence-based approach. Superintendent Koch also noted that these initiatives are part of the state's Race to the Top application, which, in part, addresses teacher and principal performance.

- **Part 145 (Temporary Relocation Expenses):** The proposed amendments make numerous changes to the temporary relocation program that respond to various circumstances that school districts have encountered over the last several years. In particular, the proposal would require districts to take into consideration additional resources – whether financial or in-kind – when determining both the amount of money that will be needed for the relocation and identifying the expenditures that the district will incur.

The proposed amendments also make changes in response to two public acts. P.A. 96-102 adds mine subsidence to the list of incidents that could trigger relocation and make a district eligible for a loan or grant under the program; this necessitated a change in Section 145.10. P.A. 93-690 added Section 17-2.2d to the School Code to enable certain school districts to levy a tax for relocation without benefit of a referendum. Although only one school district was eligible to take advantage of the law at the time of its enactment in 2004, several more districts now qualify under the statutory criteria and a reference is needed in the rules to the use of proceeds received from that tax.

4. COMMITTEE AGENDA PLANNING/ADDITIONAL ITEMS

Rules Coordinator Shelley Helton reported that three sets of rules will be brought to the Board for adoption in January, each of which was considered at the October meeting (Part 1 (Public Schools Evaluation, Recognition and Supervision); Part 151 (School Construction); and Part 252 (Driver Education). In addition, Part 180 (School Construction) will be presented for initial review.

5. ADJOURNMENT

Dr. Fields moved that the meeting be adjourned. Board member Lanita Koster seconded the motion, and the meeting adjourned at 8:40 a.m.

ILLINOIS STATE BOARD OF EDUCATION MEETING
January 13-14, 2010

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education 
Linda Riley Mitchell, Chief Financial Officer 
Darren Reisberg, Deputy Superintendent and General Counsel 

Agenda Topic: Action Item: Proposed Amendments for Initial Review: Part 180
(Health/Life Safety Code for Public Schools)

Materials: Recommended Amendments

Staff Contact(s): Debbie Vespa

Purpose of Agenda Item

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

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

This agenda item links to Strategic Plan Goal 3, safe and healthy learning environments, as the rules set forth procedures for school districts' use of fire prevention and safety funds for emergency projects.

Expected Outcome(s) of Agenda Item

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

Background Information

Section 180.530 of rules governing Health/Life Safety Code for Public Schools sets forth the process for accessing fire prevention and safety funds authorized under Section 17-2.11 of the School Code for use in emergency situations. The rules define emergency for this purpose and require that school districts seek authorization for the use of the funds for the emergency from its regional office of education, as well as the State Superintendent of Education.

P.A. 96-252, effective August 11, 2009, amended Section 17-2.11 of the School Code to codify in statute the definition of an "emergency" that has been used in the rules. The law also sets forth two separate procedures for school districts' use of fire prevention and safety funds for emergency purposes, allowing those districts with repairs under the \$50,000 threshold set forth in Section 10-20.21 of the School Code to proceed without prior authorization. Although the district would be allowed to begin the work, it still must meet the requirements of Section 17-2.11 of the School Code regarding authorization of the work by the district's regional office of education and State Superintendent, as well as any applicable contracting provisions set forth in Section 10-20.21 of the School Code.

The law also directs the agency to prescribe by rule the process to be used by districts when the cost of the work exceeds \$50,000 and provide that emergency situations "be expedited and given priority consideration". As noted above, the process is set forth in Section 180.530, so no

further rulemaking is needed in this regard. To ensure timely consideration of districts' requests for authorization for emergency work, deadlines for both regional offices of education and the agency are proposed in Section 180.530(b)(3) and (4).

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

Policy Implications. See Background above.

Budget Implications. See Background above.

Legislative Action. None.

Communication. See below.

Pros and Cons of Various Actions

Part 180 currently has procedures that school districts must follow in order to access fire prevention and safety funds for emergency projects. The proposed amendments make clear that the procedures only pertain to those emergency projects whose costs exceed \$50,000 and that authorization for emergency projects exceeding \$50,000 in costs, while subject to these procedures, must be expedited and given priority consideration over non-emergency projects by the State Board of Education.

Failure of the agency to promulgate these proposed amendments will have no effect on the process now in place for seeking authorization to use fire prevention and safety funds for emergency work but could cause confusion for districts when reconciling the new requirements of Section 17-2.11 with the current rules.

Superintendent's Recommendation

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

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

Health/Life Safety Code for Public Schools (23 Illinois Administrative Code 180),

including publication of the proposed amendments in the Illinois Register.

Next Steps

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

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER d: CONSTRUCTION AND BUILDING MAINTENANCE

PART 180
HEALTH/LIFE SAFETY CODE FOR PUBLIC SCHOOLS

SUBPART A: GENERAL PROVISIONS

Section	
180.10	Purpose and Scope
180.20	Severability
180.30	Definitions
180.40	Responsibilities of Local School Board
180.50	Responsibilities of Regional Superintendent
180.60	Applicability
180.70	Variances and Waivers
180.80	Vehicular Facilities

SUBPART B: REQUIRED QUALIFICATIONS

Section	
180.100	Approval Procedure
180.110	Specific Requirements for Plan Reviewers
180.120	Specific Requirements for Inspectors

SUBPART C: CONSTRUCTION AND LIKE ACTIVITIES

Section	
180.200	Application for Building Permit
180.210	Issuance of Building Permit
180.220	Inspections During and Upon Completion of Construction
180.225	Application for Certificate of Occupancy
180.230	Certificate of Occupancy
180.240	Demolition or Movement of Buildings or Other Structures
180.250	Sprinkler Systems
180.260	Sprinkler System Requirements and Applicability (Repealed)
180.270	Standards for Sprinkler Systems (Repealed)
180.280	Standards for Sprinkler System Plans and Specifications (Repealed)

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SUBPART D: INSPECTIONS

Section

- 180.300 Annual Building and Fire Safety Inspections
- 180.310 Decennial Inspections
- 180.320 Safety Survey Report
- 180.330 Safety Reference Plans
- 180.340 Local Board Action and Approval of Safety Survey Reports

SUBPART E: ADDRESSING VIOLATIONS

Section

- 180.400 Violations
- 180.410 Unsafe Conditions
- 180.420 Temporary Closing and Condemnation

SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

Section

- 180.500 Request for Authorization
- 180.510 Initiation of Work (Repealed)
- 180.520 Accounting for Fire Prevention and Safety Funds (Repealed)
- 180.530 Emergencies
- 180.540 Cost Estimates

AUTHORITY: Implementing and authorized by Sections 2-3.12, 2-3.25, 2-3.137, and 17-2.11 of the School Code [105 ILCS 5/2-3.12, 2-3.25, 2-3.137, and 17-2.11].

SOURCE: Adopted at 19 Ill. Reg. 5004, effective March 24, 1995; amended at 22 Ill. Reg. 12514, effective July 6, 1998; amended at 29 Ill. Reg. 15904, effective October 3, 2005; amended at 31 Ill. Reg. 14296, effective September 25, 2007; amended at 32 Ill. Reg. 13351, effective July 25, 2008; amended at 33 Ill. Reg. 15265, effective October 20, 2009; amended at 34 Ill. Reg. _____, effective _____.

SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

Section 180.500 Request for Authorization

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NOTICE OF PROPOSED AMENDMENTS

- a) A school board desiring to use fire prevention and safety funds shall submit to the regional superintendent, using a format prescribed by the State Board of Education, a Request for Authorization ("request"). The request shall consist of a Statement of Facts and Assurances and a Summary of Financing Requirements and shall be accompanied by the following documents, prepared and certified by a licensed design professional:
 - 1) a Schedule of Violations, including a brief description of each violation and the recommended correction; and
 - 2) a Schedule of Recommended Work Items and Estimated Costs.
- b) Fire prevention and safety financing shall only be approved if:
 - 1) the district has levied at its maximum authorized rate for its operations and maintenance fund for the most recent year for which tax rates are available; and
 - 2) the district does not have sufficient unrestricted funds in its operations and maintenance fund (Section 17-2 of the School Code [105 ILCS 5/17-2]), its school facility occupation tax fund (Section ~~10-20.43~~ ~~10-20.40~~ of the School Code [105 ILCS 5/~~10-20.43~~ ~~10-20.40~~], as added by P.A. 95-675), and/or its fire prevention and safety fund (Section 17-2.11 of the School Code [105 ILCS 5/17-2.11]) to pay for the necessary work.
- c) If the regional superintendent finds that the request is complete and approvable, he or she shall so certify and forward the request with such certification to the State Superintendent of Education. If the regional superintendent disapproves the request, he or she shall so certify and return the request with such certification to the local board. *The regional superintendent shall approve or disapprove each request within three months after its submission by a local board.*
- d) A board of education whose request is not acted upon within three months may submit the request to the State Superintendent for review.
- e) Except under emergency circumstances as provided for in Section 180.530 of this Part, *a regional superintendent shall not grant approval to use fire prevention and safety funds for any work which has already been initiated, without the prior express authorization of the State Superintendent.* (Section 17-2.11 of the School Code [105 ILCS 5/17-2.11])

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- f) If the State Superintendent finds that a request is complete and approvable, he or she shall so certify and return the approved request with such certification to the regional superintendent.
- g) Upon receipt of an approved request from the State Superintendent, the regional superintendent shall issue an order to implement the request and forward the request and the order to the originating school board.

(Source: Amended at 34 Ill Reg. _____, effective _____)

Section 180.530 Emergencies

For purposes of this Section, an emergency is a situation that presents an imminent and continuing threat to the health and safety of students or other occupants of a facility, requires complete or partial evacuation of a building or part of a building, or consumes one or more of the 5 emergency days built into the adopted calendar of the school or schools or would otherwise be expected to cause such school or schools to fall short of the minimum school calendar requirements. [105 ILCS 5/17-2.11]

- a) If the estimated cost of the emergency is less than the amount stated in Section 10-20.21(a)(xi) of the School Code [105 ILCS 5/10-20.21(a)(xi)], then the school district may begin the work before receiving authorization from the State Board of Education in accordance with the procedures set forth in Section 17-2.11 of the School Code and Section 180.500 of this Part. An emergency is a situation which presents an imminent and continuing threat to the health and safety of students or other occupants of a facility; requires complete or partial evacuation of a building or part of a building; or consumes one or more of the 5 emergency days built into the adopted calendar of the school or schools or would otherwise be expected to cause such school or schools to fall short of the minimum school calendar requirements.
- b) If it is determined that fire prevention and safety financing will be required to address an emergency whose projected cost exceeds the amount specified in Section 10-20.21(a)(xi) of the School Code, then the district superintendent or other authorized person shall notify the regional superintendent and the State Superintendent of Education or designee of the nature of the emergency and the steps to be taken. The regional superintendent and the State Superintendent or designee shall give preliminary authorization to proceed and provide any special instructions that may be pertinent. Formal confirmation of this authorization is

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required and shall be pursued as outlined in subsections (1) through (4) of this subsection (b) below.

- 1) The board of education, either at a regular meeting or at a special meeting called for that purpose, shall adopt a resolution declaring:
 - A) The existence of an emergency;
 - B) Whether or not funds needed to address the emergency are available;
 - C) Whether the work must be bid or the board desires to exempt itself from the bidding requirements on the basis of the emergency determined in accordance to Section 10-20.21(a)(xiv) of the School Code [105 ILCS 5/10-20.21(a)(xiv)];
 - D) What interim measures are contemplated to sustain operations;
 - E) The number of members of the board and the numbers voting in favor of and against the motion to adopt the resolution.
- 2) Two copies of the board's resolution shall be dated and signed by the president and secretary of the board and the district superintendent and submitted in person, by fax, or by mail as soon as possible to the regional superintendent and State Board.
- 3) No later than 30 calendar days after ~~Upon~~ receipt of the resolution, the ~~regional superintendent~~ State Superintendent or designee shall review the facts, call for any additional information if necessary, and, when satisfied that the situation constitutes an emergency, notify the State Superintendent or designee of his or her approval of the request ~~prepare a Certificate of Authorization for Emergency Procedures.~~
- 4) No later than 10 business days after receiving notification of approval from the regional superintendent, the State Superintendent or designee shall prepare a Certificate of Authorization for Emergency Procedures. The Certificate of Authorization for Emergency Procedures shall authorize the district to initiate work to be financed with fire prevention and safety funds or funds loaned to the Fire Prevention and Safety Fund prior to the

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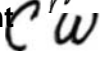

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formal approval of such work through the normal process. However, said Certificate may be granted only on the conditions that:

- A) Proper application for use of fire prevention and safety funds (see Section ~~180.500~~ 180.530) will be initiated and prosecuted in a timely manner by the district;
- B) The work undertaken shall in all respects conform to the requirements of this Part and such other standards as may be applicable to the situation; and
- C) Final approval of the use of fire prevention and safety funds will be predicated on the finding that the facts enunciated in the board resolution are or were substantially true.

ILLINOIS STATE BOARD OF EDUCATION MEETING
January 13-14, 2010

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education 
Linda Tomlinson, Assistant Superintendent
Linda Riley Mitchell, Chief Financial Officer 
Connie Wise, Assistant Superintendent 
Darren Reisberg, General Counsel 

Agenda Topic: Action Item: Amendments for Adoption – Part 1 (Public Schools Evaluation, Recognition and Supervision)

Materials: Recommended Rules

Staff Contacts: Patrick Murphy, Tim Imler, and Joyce Zurkowski, Division Administrators

Purpose of Agenda Item

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

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

This item of rulemaking consists of unrelated updates and clarifications, primarily stemming from recently enacted legislation, and none relates directly to the State Board's goals.

Expected Outcome of Agenda Item

The Board will be asked to adopt amendments to Part 1.

Background Information

These amendments encompass numerous aspects of these rules, each of which is summarized under "Policy Implications" below.

The proposed rules were published November 20, 2009, in the Illinois Register to elicit public comment. None was received, and the version being presented for adoption at this time is identical to that originally proposed.

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

Policy Implications: Each of the proposed changes is summarized below by topic in the order in which they appear in the rulemaking.

- **Accountability (Subpart A):** Due to direction from the U.S. Department of Education (USDE), the agency will be returning state test scores to districts sooner than it has in the past, particularly on the Prairie State Achievement Examination (PSAE), which is administered in April of each year. In order to do this, it is proposed that the time allowed for districts to make corrections to its data be reduced from 10 days to five days. As an alternative to shortening the correction window, agency staff also considered moving the PSAE test administration date to earlier in the spring, but rejected that option since it would reduce the amount of instructional time students would receive before taking the test. Under

the proposed changes, districts still will be allowed to make changes to their demographic data throughout the year.

The racial categories listed in Section 1.60(a)(2) are being amended to conform to the categories used by USDE for reporting purposes. These categories will be used starting with the 2010-11 school year. The change in agency rules is necessary since the State's accountability system mirrors the federal system under the No Child Left Behind Act of 2001.

Clarifications proposed in Section 1.60(c) match a change in Section 1.30 that the Board adopted in September in that they specify that students with the "most" significant cognitive disabilities take the alternate assessment.

- School Fee Waivers (Section 1.245): P.A. 96-360, effective September 1, 2009, amends Sections 10-20.13 and 34-21.6 (specific to Chicago) to allow school districts to verify a family's eligibility for waivers of school fees separate from the verification process used for free meals received under the federal National School Lunch program. This independent verification can occur, provided that a school district employs a separate process for a student to apply for fee waivers and a student's eligibility for free meals under the federal program is not jeopardized by the results of a fee waiver verification.

According to state law, students are eligible to have their fees waived if they qualify for free meals under the National School Lunch program. This has meant that any student receiving approval for free meals also received a waiver of school fees. A change in federal regulations several years ago, however, limited a district's ability to verify applications initially approved to 3 percent (except for cause) rather than 100 percent. This, by extension, meant that a district could not independently verify eligibility for fee waivers since eligibility was dependent upon the meal determination.

Under the proposed amendments, when a school district using a separate application process for fee waivers makes a determination that a student no longer is eligible to receive a waiver due to a change in the family's income or circumstances, it must prorate the amount of fees charged to the student based on the length of time remaining in the school year. How that proration is to be calculated must be set forth in the district's fee waiver policy.

- General State Aid (Section 1.420(f)): Three public acts allow school districts to collect general state aid (GSA) under certain circumstances for which reimbursement was not allowed in the past. Language is proposed in the rules to set forth the process to be used to claim GSA reimbursement for those circumstances, each of which is briefly described below.
 - Section 18-12 of the School Code allows school districts to claim GSA when one or more school buildings, but not all of the district's buildings, are closed prior to instruction being provided due to a condition beyond the control of the district. Up to two full days of attendance may be claimed. (P.A. 95-811, effective August 13, 2008)
 - Section 18-12.5 of the School Code allows school districts to claim GSA when one or more school buildings, but not all of the district's buildings, are closed for a full or partial day due to a health emergency, provided that the buildings were scheduled to be in operation on those days. There is no limit on the number of days that may be claimed. (P.A. 96-689, effective August 25, 2009)
 - Section 10-29 of the School Code allows school districts to claim GSA for students' participation in remote learning programs conducted outside of the school building

and/or school day, subject to the provisions of Section 18-8.05 of the School Code. The proposed rules require school districts to maintain documentation of the students' participation and to make such documentation available to agency staff upon request.

- **Curricular Mandates:** References are being added for new curricular mandates in Section 1.420, as listed below.
 - P.A. 96-629, effective January 1, 2010, adds to Section 27-21 of the School Code the study of the deportation of Mexican-Americans during the Depression (subsection (r)).
 - P.A. 96-99, effective July 1, 2009, adds Section 2-3.5 to the School Code, which requires students in grade 7 and any high school student enrolled in a U.S. history or a U.S. history/U.S. government course to view the Congressional Medal of Honor film, provided that there is no charge to school districts for the film (subsection (t)).
 - P.A. 96-191, effective January 1, 2010, adds Section 27-23.8 to the School Code, which requires that instruction regarding disability history and awareness be provided (subsection (t)).

The proposal also removes references to the Sex Education Act (1.420(n)) and "Motor Vehicle Code" (1.440(a)), both of which were repealed by P.A. 96-734, effective August 25, 2009.

- **Supervisor and Administrative Staff (Section 1.705):** A change is being made to a cross-reference to Part 228 (Transitional Bilingual Education) to match a proposed amendment to those rules that will be brought back before the Board in March.

Budget Implications: None.

Legislative Action: None needed.

Communication: Please see "Next Steps" below.

Pros and Cons of Various Actions

Promulgation of this group of changes will improve the expression of several requirements, as outlined above, and respond to recent statutory changes. Not making the changes in several sections pertaining to accountability, waivers of school fees and general state aid would result in agency policy not being set forth in rule, as required by the Illinois Administrative Procedure Act. Also, the changes made in response to recently enacted statutes will update the rules and allow those regulated by them to more fully understand the requirements that apply.

Superintendent's Recommendation

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

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

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

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

Next Steps

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

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

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

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Powers and Duties (Repealed)
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students
- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
- 1.245 Waiver of School Fees
- 1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
- 1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)

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- 1.270 Book and Material Selection (Repealed)
- 1.280 Discipline
- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
- 1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

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

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

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

SUBPART E: SUPPORT SERVICES

Section

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

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section

- 1.610 Personnel Required to be Qualified

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- 1.620 Accreditation of Staff (Repealed)
- 1.630 Noncertificated Personnel
- 1.640 Requirements for Different Certificates (Repealed)
- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.705 Requirements for Supervisory and Administrative Staff
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004
- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
- 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
- 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
- 1.740 Standards for Reading through June 30, 2004
- 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
- 1.750 Standards for Media Services through June 30, 2004
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for Pupil Personnel Services
- 1.762 Supervision of Speech-Language Pathology Assistants
- 1.770 Standards for Special Education Personnel
- 1.780 Standards for Teachers in Bilingual Education Programs
- 1.781 Requirements for Bilingual Education Teachers in Grades K-12
- 1.782 Requirements for Teachers of English as a Second Language in Grades K-12
- 1.790 Substitute Teacher

- 1.APPENDIX A Professional Staff Certification
- 1.APPENDIX B Certification Quick Reference Chart (Repealed)
- 1.APPENDIX C Glossary of Terms (Repealed)
- 1.APPENDIX D State Goals for Learning
- 1.APPENDIX E Evaluation Criteria - Student Performance and School Improvement Determination (Repealed)
- 1.APPENDIX F Criteria for Determination - Student Performance and School Improvement (Repealed)
- 1.APPENDIX G Criteria for Determination - State Assessment (Repealed)

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AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, 27-23.8, and 2-3.6].

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

SUBPART A: RECOGNITION REQUIREMENTS

Section 1.30 State Assessment

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

a) Development and Participation

- 1) Assessment instruments and procedures shall meet generally accepted standards of validity and reliability as stated in "Standards for Educational and Psychological Testing" (1999), published by the American Educational Research Association, 1230 17th St., N.W., Washington, D.C. 20036. (No later amendments to or editions of these standards are incorporated.)
- 2) Districts shall participate in special studies, tryouts, and/or pilot testing of these assessment procedures and instruments when one or more schools in the district are selected to do so by the State Superintendent.
- 3) A school shall generally be selected for participation in these special studies, tryouts, and/or pilot testing no more than once every four years, except that participation may be required twice every four years in the case of the Illinois Alternate Assessment.
- 4) *All pupils enrolled in a public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, a charter school operating in compliance with the Charter Schools Law [105 ILCS 5/Art. 27A], a school operated by a regional office of education under Section 13A-3 of the School Code [105 ILCS 5/13A-3], or a public school administered by a local public agency or the Department of Human Services shall be required to participate in the State assessment, whether by taking the regular assessment, with or without accommodations, or by participating in an alternate form of the assessment (Sections 2-3.25a and 2-3.64 of the School Code).*
 - A) Students who are served in any locked facility that has a State-assigned RCDTS (region/county/district/type/school) code, students who attend public university laboratory schools under Section 18-8.05(K) of the School Code, and students beyond the age of compulsory attendance (other than students with IEPs) whose programs do not culminate in the issuance of regular high

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school diplomas are not required to participate in the State assessment.

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

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

b) Assessment Procedures

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

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

3) Districts shall promptly report to the State Superintendent all complaints received by the district of testing irregularities. A district shall fully investigate the validity of any such complaint and shall report to the State Superintendent the results of its investigation.

c) Accommodations

Students who have been identified at the local level as having limited proficiency in English as provided in 23 Ill. Adm. Code 228.15, including students not enrolled in programs of bilingual education, may participate in an accommodated State assessment, subject to the limitations set forth in Section 2-3.64 of the

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School Code. A student with limited proficiency in English shall be afforded extra time for completion of the State assessment when, in the judgment of the student's teacher, extra time is necessary in order for the student's performance to reflect his or her level of achievement more accurately, provided that each test must be completed in one session. See also Section 1.60(b) of this Part.

d) Illinois Alternate Assessment

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

e) Review and Verification of Information

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

- 1) Within 10 days after the preliminary data for the Illinois Standards Achievement Test (ISAT) and the IAA ~~a particular assessment~~ are made available and within five days after preliminary data for the Prairie State Achievement Examination (PSAE) are made available, each district or charter school shall make any necessary corrections to its demographic and score data and then use a means prescribed by the State Board to indicate either:
 - A) that both its demographic and preliminary data are correct; or
 - B) that it is requesting rescoring of some or all portions of the assessment for specific students.
- 2) When districts request rescoring, staff of the State Board and/or its contractor shall have an additional period of 21 days within which to work with the affected district or charter school to make any resulting corrections.

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- 3) At the end of the 21-day period discussed in subsection (e)(2) of this Section, all districts' and charter schools' data shall stand as the basis for the applicable school report cards and determination of status. Any inaccuracies that are believed to persist at that time shall be subject to the appeal procedure set forth in Section 1.95 of this Part.
- f) Reports of State Assessment Results
- 1) Following verification of the data under subsection (e) of this Section, the State Board shall send each school and district a report containing final information from the results of each administration of the State assessment.
 - A) The scores of students who are served by cooperatives or joint agreements, in Alternative Learning Opportunities Programs established under Article 13B of the School Code, by regional offices of education under Section 13A-3 of the School Code, by local agencies, or in schools operated by the Department of Human Services, scores of students who are served in any other program or school not operated by a school district and who are scheduled to receive regular high school diplomas, all scores of students who are wards of the State, and all scores of students who have IEPs, shall be reported to the students' respective districts of residence and to the schools within those districts that they would otherwise attend.
 - B) The scores of students enrolled in charter schools shall be reported to the chief administrator of the charter school and to any school district serving as a chartering entity for the charter school.
 - 2) Each report shall include, as applicable to the receiving entity:
 - A) results for each student to whom the State assessment was administered (excluding any scores deemed by the State Board to be invalid due to testing irregularities); and
 - B) summary data for the school and/or district and the State, including but not limited to raw scores, scale scores, comparison scores, including national comparisons when available, and distributions

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of students' scores among the applicable proficiency classifications (see subsection (h) of this Section).

- g) Each school district and each charter school shall receive notification from the State Board of Education as to the status of each affected school and the district based on the attainment or non-attainment of adequate yearly progress as reflected in the final data. These determinations shall be subject to the appeal process set forth in Section 1.95 of this Part.

- h) Classification of Scores

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

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

- i) Scores Relevant to Adequate Yearly Progress

For purposes of determining whether a district or a school has made adequate yearly progress, scores achieved on a State assessment in reading or mathematics shall be “relevant scores”. For schools without grades higher than 2 (that is, for schools where no State assessment is administered), scores achieved by students in Grade 2 on the Terra Nova examination (CTB McGraw-Hill, 20 Ryan Ranch Road, Monterey CA 93940 (2001)) shall also be considered “relevant scores” for school years from 2002-03 through 2005-06. Beginning with the 2006-07 school year, the determination as to whether a school in this group has made adequate yearly progress shall be the determination applicable to the school where the largest number of students go on into the third grade.

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(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 1.60 Subgroups of Students; Inclusion of Relevant Scores

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

- a) Relevant scores shall be disaggregated by content area for any subgroup identified in this subsection (a) whose membership meets the minimum subgroup size. For purposes of this Section 1.60, "minimum subgroup size" shall mean 45 students across all the grades tested in the school or district, as applicable. Except as provided in subsection (b) of this Section, each student's scores shall be counted in each of the subgroups to which he or she belongs.
 - 1) Students with disabilities, i.e., students who have Individualized Education Programs (IEPs);
 - 2) For school years through 2009-10, racial/ethnic groups:
 - A) White,
 - B) Black,
 - C) Hispanic,
 - D) American Indian or Alaskan Native,
 - E) Asian/Pacific Islander,
 - F) Multiracial/ethnic;

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- 3) For school year 2010-11 and beyond, racial/ethnic groups:
- A) Hispanic or Latino of any race,
 - B) For students who are not Hispanic or Latino:
 - i) American Indian or Alaska Native,
 - ii) Asian,
 - iii) Black or African American,
 - iv) Native Hawaiian or Other Pacific Islander,
 - v) White,
 - vi) Two or more races;
- 4) Students who have been identified at the local level as having limited proficiency in English as provided in 23 Ill. Adm. Code 228.15; and/or
- ~~5)4)~~ Students who are eligible for free or reduced-price meals under the Child Nutrition Act of 1966 (42 USC 1771 et seq.) or the National School Lunch Act (42 USC 1751 et seq.).
- b) Special provisions shall apply to the treatment of scores achieved by students of limited English proficiency in certain circumstances.
- 1) An Illinois student who is in his or her first year of enrollment in school in the United States and who is identified as having limited proficiency in English may elect to participate in the State assessment in reading. Any such student who elects not to participate shall nevertheless be treated as having participated for purposes of calculating the participation rate.
 - 2) The score achieved by a student who elects to participate in the regular State assessment in reading under subsection (b)(1) of this Section shall be counted for purposes of calculating the participation rate but not for purposes of calculating performance.

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

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percent of the total population. The district shall also supply a narrative explaining the disproportionate representation of such students in its population. The State Superintendent of Education shall approve a district's request for an exception if the district superintendent provides assurances that the district meets all the requirements of 34 CFR 200.6 and if the information supplied by the district demonstrates that:

- A) families of students with the most significant cognitive disabilities have been attracted to live in the district by the availability of educational, health, or community services that respond to their needs; or
 - B) the district's student population is so small that the presence of even a small number of students with the most significant cognitive disabilities causes the district to exceed the 1 percent threshold (e.g., in a population of 50 students, one student represents 2 percent); or
 - C) other circumstances exist such that the overrepresentation of students with the most significant cognitive disabilities is outside the control of the district, i.e., the overrepresentation is not a result of inappropriate decision-making as to the form of the State assessment that should be used for particular students.
- 4) When scores that demonstrate proficiency and were achieved by students on the IAA make up more than 1 percent of a district's scores in either reading or mathematics, and the district has not received approval for an exception to the 1 percent maximum pursuant to subsection (c)(3) of this Section, the district shall be required to identify the "proficient" scores on the IAA that will be counted as not demonstrating proficiency for purposes of calculating adequate yearly progress (AYP). In making this determination, a district may choose to identify:
- A) scores of students who belong to the fewest subgroups;
 - B) scores of students who belong to the largest subgroups;
 - C) scores of students who belong to the smallest subgroups;

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- D) scores of students who belong to the subgroups whose performance is farthest above the target applicable to the year in question; or
 - E) scores of students who belong to the subgroups whose performance is farthest below the target applicable to the year in question.
- 5) The State Superintendent of Education shall notify each district that is affected by the requirement to identify excess “proficient” scores on the IAA. The deadline set by the State Superintendent shall allow at least five business days for districts’ responses. For any district that does not submit the requested information on this selection within the time allowed, the State Superintendent shall identify the scores that will be considered as not demonstrating proficiency for this purpose.
- d) Targets for scores demonstrating proficiency
- 1) In each subject and for each subgroup of students, the percentage of scores demonstrating proficiency that is required for AYP shall increase from the original baseline of 40 percent for the 2002-03 school year according to the following schedule:
 - A) For 2003-04, 40 percent;
 - B) For 2004-05 and for 2005-06, 47.5 percent;
 - C) For 2006-07, 55 percent;
 - D) For 2007-08, 62.5 percent;
 - E) For 2008-09, 70 percent;
 - F) For 2009-10, 77.5 percent;
 - G) For 2010-11, 85 percent;
 - H) For 2011-12 and for 2012-13, 92.5 percent;
 - I) For 2013-14, 100 percent.

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- 2) In order to avoid penalizing schools and districts for the decision bias that is associated with a minimum subgroup size, a 95 percent “confidence interval” shall be applied to subgroups’ data. (A confidence interval is a mathematical approach designed to compensate for the unreliability of data derived from consideration of small groups.)
- e) “Safe Harbor”

A school or a district in which one or more subgroups fail to achieve the required academic target for a particular year may nevertheless be considered as having made AYP for that year. Each subgroup in question must have attained the minimum subgroup size in the preceding year and, for each such subgroup, there must have been a decrease of at least ten percent in the proportion of scores that do not demonstrate proficiency in comparison to that subgroup’s scores for the preceding year. In addition, if the school is a high school, the relevant subgroup’s graduation rate must at least equal the target rate for that year, and, if the school is an elementary or a middle school, the relevant subgroup’s attendance rate must at least equal the target rate for that year (see Section 1.70 of this Part). This “safe harbor” method for calculating AYP shall apply only to subgroups within schools or districts; it shall not be used for the aggregate scores of a school or a district as a whole.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART B: SCHOOL GOVERNANCE

Section 1.245 Waiver of School Fees

This Section provides the rules required by Section 2-3.96 of the School Code under which each school district is required to adopt a written policy for the waiver of school fees as required by Sections 10-20.13 and 34-21.6 of the School Code [105 ILCS 5/10-20.13 and 34-21.6].

- a) For the purposes of this Section "school fees" or "fees" means any monetary charge collected by a public school or public school district from a student or the parents or guardian of a student as a prerequisite for the student's participation in any curricular or extracurricular program of the school or school district. A school or school district does not impose a "fee" when it requires that a student provide his or her own ordinary supplies or materials (e.g., pencil, paper,

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notebooks), which are necessary to participate in any curricular or extracurricular program.

- 1) "School fees" include, but are not limited to, the following:
 - A) All charges for required textbooks and instructional materials.
 - B) All charges and deposits collected by a school for use of school property (e.g., locks, towels, laboratory equipment).
 - C) Charges for field trips made during school hours, or made after school hours if the field trip is a required or customary part of a class or extracurricular activity (e.g., annually scheduled trips to museums, concerts, places of business and industry or field trips related to instruction in social studies, the fine arts, career/vocational education or the sciences).
 - D) Charges or deposits for uniforms or equipment related to varsity and intramural sports, or to fine arts programs.
 - E) Charges for supplies required for a particular class (e.g., shop or home economics materials, laboratory or art supplies).
 - F) Graduation fees (e.g., caps, gowns).
 - G) School records fees.
 - H) School health services fees.
 - I) Driver's education fees assessed pursuant to Section 27-24.2 ~~27-23~~ of the School Code [105 ILCS 5/27-24.2 ~~5/27-23~~].
- 2) "School fees" do not include:
 - A) Library fines and other charges made for the loss, misuse, or destruction of school property (e.g., musical instruments).
 - B) Charges for the purchase of class rings, yearbooks, pictures, diploma covers or similar items.

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- C) Charges for optional travel undertaken by a school club or group of students outside of school hours (e.g., a trip to Spain by the Spanish club or a senior class trip).
 - D) Charges for admission to school dances, athletic events or other social events.
 - E) Optional community service programs for which fees are charged (e.g., preschool, before- and after-school child care, recreation programs).
- b) School boards that do not charge school fees must adopt a policy so stating. Parents must be notified of this policy as provided in this Section.
 - c) School boards that charge school fees must adopt a policy and procedures containing at least the following elements:
 - 1) Eligibility Criteria
 - A) Eligibility criteria must include a waiver of fees for all students who qualify for free lunches or breakfasts under the School Breakfast and Lunch Program Act [105 ILCS 125]. Students must meet the income requirements of the program but need not participate in order to receive a waiver of school fees.
 - B) Eligibility criteria must also include a description of other extenuating circumstances under which the district will grant a waiver of school fees. Examples include students who are eligible to receive reduced-price lunch or breakfast; very significant loss of income due to severe illness or injury in the family or unusual expenses such as fire, flood, or storm damage; or similar emergency situations that the district determines to include in its policy.
 - 2) Notification of parents
 - A) The district's policy for the waiver of school fees shall be communicated in writing to the parents of all students enrolling in the district for the first time. A fee waiver application form also may be included with this notice when it is sent to parents. The

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notification must be in English or the home language of the parents if it is needed to ensure their understanding of the district's policy (if translation of the notice is not feasible, the use of interpreters is permitted, e.g., other students or neighbors). The notice shall at least describe:

- i) the district's policy, including the criteria and other circumstances under which the district will waive school fees;
 - ii) the fees subject to waiver under the district's policy;
 - iii) the procedure to be used by parents in applying for a waiver of school fees, including the availability of forms that may be used to request a fee waiver and the documents whose use is required by the school district in verifying income as permitted under subsection (d) of this Section; and
 - iv) the procedure to be used by parents in resolving disputes concerning the waiver of school fees.
- B) The district's policy also shall provide that the first bill or notice of each school year sent to parents who owe fees shall state:
- i) the district waives fees for persons unable to afford them in accordance with its policy; and
 - ii) the procedure for applying for a fee waiver, or the name, address and telephone number of the person to contact for information concerning a fee waiver.
- 3) Procedures for the resolution of disputes
- A) The district's policy must provide that if it denies a request for a fee waiver, then it shall mail a copy of its decision to the parents within 30 calendar days after receipt of the request. The decision shall state the reason for the denial and shall inform the parents of their right to appeal, including the process and timelines for that action. The denial notice shall also include a statement informing

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the parents that they may reapply for a waiver any time during the school year, if circumstances change.

- B) An appeal shall be decided within 30 calendar days after the receipt of the parents' request for an appeal. Parents shall have the right to meet with the person who will decide the appeal in order to explain why the fee waiver should be granted. The person who decides the appeal shall not be the person who initially denied the fee waiver or a subordinate of this person. If the appeal is denied, then the district shall mail a copy of its decision to the parents. The decision shall state the reason for the denial.
- C) No fee shall be collected from any parent who is seeking a fee waiver in accordance with the district's policy until the district has acted on the initial request or appeal (if any is made), and the parents have been notified of its decision.
- d) A school district may make reasonable requirements for verifying a family's income (e.g., payroll stubs, tax returns, evidence of receipt of food stamps or Temporary Assistance for Needy Families) in accordance with the restrictions set forth in Sections 10-20.13 and 34-21.6 of the School Code in order to determine eligibility for a school fee waiver; however, for students approved for free or reduced-price meals under the School Breakfast Program (42 USC 1771 et seq.) and/or the National School Lunch Program (42 USC 1751 et seq.), verification shall be conducted within the limitations set forth in 42 USC 1758. If a student receiving a waiver of school fees is found to be no longer eligible during the school year, then the district shall charge the student a prorated amount based upon the number of school days remaining in the school year. The process for proration shall be set forth in the district's fee waiver policy adopted in accordance with subsection (c) of this Section.
- e) If the fee waiver policy and/or procedures are substantively amended, then parents of students enrolled in the district must be notified in writing within 30 calendar days following the adoption of the amendments.
- f) School records that identify individual students as applicants for or recipients of fee waivers are subject to the Illinois School Student Records Act [105 ILCS 10]. Information from such records is confidential and may be disclosed only as provided in the Act.

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- g) *No discrimination or punishment of any kind, including the lowering of grades or exclusion from classes, may be exercised against a student whose parents or guardians are unable to purchase required textbooks or instructional materials or to pay required fees [105 ILCS 5/28-19.2(a)].*

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.
- b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit, including credit for courses completed by correspondence, on line, or from other external sources, that can be disseminated to other schools within the State.
- c) Every school district shall:
- 1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in our schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.
 - 2) Include in its instructional program concepts designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.
- d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.
- e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.

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- f) Sections 10-19, 18-8.05, ~~and 18-12,~~ and 18-12.5 of the School Code [105 ILCS 5/10-19, 18-8.05, ~~and 18-12,~~ and 18-12.5] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.
- 1) Section 18-8.05(F)(2)(c) of the School Code provides that, with the approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that, due to a condition beyond the control of the district, the district has been forced to use multiple sessions. The State Superintendent's approval will be granted when the district demonstrates that, due to a condition beyond the control of the district, its facilities are inadequate to house a program offering five clock-hours daily to all students.
- A) The district superintendent's request to the State Superintendent shall be accompanied by an assurance that the local school board has approved the plan for multiple sessions, including the date of the meeting at which this occurred, and evidence of the approval of the responsible regional superintendent.
- B) Each request shall include a description of the circumstances that resulted in the need for multiple sessions; information on the buildings and grades affected; the intended beginning and ending dates for the multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.
- C) Approval for multiple sessions shall be granted for the school year to which the request pertains. Each request for renewed approval shall conform to the requirements of subsections (f)(1)(A) and (B) of this Section.
- D) Students who are in attendance for at least 150 minutes of school work but fewer than 240 minutes may be counted for a half day of attendance. Students in attendance for fewer than 150 minutes of school work shall not be counted for purposes of calculating average daily attendance.

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- 2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for certain students so they may be included in a district's calculation of average daily attendance. Districts may count such students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.
- 3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.
 - A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
 - B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
 - C) All teachers hold certificates that are registered with the Regional Superintendent for their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject area(s) of instruction is held by all teachers.
- 4) Sections 18-12 and 18-12.5 of the School Code set forth requirements for a school district to claim General State Aid in certain circumstances when one or more, but not all, of the district's school buildings are closed either for a full or partial day. A school district shall certify the reasons for the closure in an electronic format specified by the State Superintendent within 30 days from the date of the incident. In addition, the certification submitted for reasons of a public health emergency under Section 18-12.5 of the School Code shall be accompanied by a signed statement from the local health department to the State Superintendent that includes:
 - A) the name of the building that is being recommended for closure;
 - B) the specific public health emergency that warrants the closure; and

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C) the anticipated building closure dates recommended by the health department.

5) Attendance for General State Aid Purposes

A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance. Students in attendance for fewer than two hours of school work shall not be counted for purposes of calculating average daily attendance.

B) For purposes of determining average daily attendance on the district's General State Aid claim, students enrolled full time in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance. Students in attendance for fewer than two and one-half hours of school work shall not be counted for purposes of calculating average daily attendance.

C) For purposes of determining average daily attendance for General State Aid received under Sections 18-12 and 18-12.5 of the School Code, "immediately preceding school day" shall include school days in the previous school year in instances in which the building closure occurs before three or more days of instruction have been provided in the school year for which attendance is being counted.

D) For the purposes of determining average daily attendance for General State Aid under Section 10-29 of the School Code [105 ILCS 5/10-29], a school district operating a remote educational program shall document, and make available to the State Superintendent of Education or his or her designee upon request, a written or online record of instructional time for each student enrolled in the program that provides sufficient evidence of the

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student's active participation in the program (e.g., log in and log off process, electronic monitoring, adult supervision, two-way interaction between teacher and student, video cam).

- g) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code (see Section 10-19 of the School Code).
- h) Local boards of education shall establish and maintain kindergartens for the instruction of children (see Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).
 - 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.
 - 2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, those students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.
 - A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.
 - B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.
 - C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.
- i) Career Education

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- 1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.
 - 2) Every district shall initiate a Career Awareness and Exploration Program that should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.
- j) Co-Curricular Activities
- 1) Programs for extra classroom activities shall provide opportunities for all students.
 - 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.
- k) Consumer Education and Protection
- 1) A program in consumer education shall include at least the topics required by Section 27-12.1 of the School Code [105 ILCS 5/27-12.1].
 - 2) The superintendent of each unit or high school district shall maintain evidence showing that each student has received adequate instruction in consumer education or has demonstrated proficiency by passing the Consumer Education Proficiency Test as required by law (see Section 27-12.1 of the School Code [105 ILCS 5/27-12.1]) prior to the completion of the 12th grade. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.
 - 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 and shall include installment purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.
 - 4) Teachers instructing in consumer education courses shall hold certification valid for the grade levels taught and have completed at least three semester hours in consumer education courses.

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l) Conservation of Natural Resources

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

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

n) Health Education

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

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

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

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

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

2) Nothing in this Section shall be construed as requiring or preventing the establishment of classes or courses in comprehensive sex education or family life education as authorized by Sections 27-9.1 and 27-9.2 of the

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School Code [105 ILCS 5/27-9.1 and 27-9.2] ~~or by the Sex Education Act [105 ILCS 130].~~

o) Library Media Programs

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

1) General

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

2) Financial Resources

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

3) Facilities

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

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the district shall maintain records demonstrating that all students' regular schedules include time for this purpose.

4) Staff

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

A) In the event that no employee of the district holds any of the qualifications enumerated in Section 1.755 of this Part, the individual to whom direction of the program is assigned shall be required to participate annually in professional development consisting of:

- i) undergraduate or graduate coursework in library science offered by a regionally accredited institution of higher education; or
- ii) one or more workshops, seminars, conferences, institutes, symposia, or other similar training events that are offered by the Illinois State Library, a regional library system, or another professional librarians' organization; or
- iii) one or more "library academies" if these are made available by or at the direction of the State Superintendent of Education.

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- B) A district that is otherwise unable to fulfill the requirements of this subsection (o)(4) shall ensure that the overall direction of the library media program (e.g., selection and organization of materials, provision of instruction in information and technology literacy, structuring the work of library paraprofessionals) is accomplished with the advice of an individual who is qualified pursuant to Section 1.755 of this Part.
- p) Physical Education
- 1) Appropriate activity related to physical education shall be required of all students each day unless otherwise permitted by Section 27-6 of the School Code [105 ILCS 5/27-6]. The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.
 - 2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.
 - 3) If a district determines that it is difficult to implement a program of physical education that involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.
 - 4) *The physical education and training course offered in grades 5 through 10 may include health education* (Section 27-5 of the School Code [105 ILCS 5/27-5]).
 - 5) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act [225 ILCS 60], prevents their participation in the courses provided for normal children* (Section 27-6 of the School Code).
 - 6) Pursuant to Section 27-6 of the School Code, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 shall be excused from participation in physical education. Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of

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1987 and shall establish a policy defining the types of parental excuses it will deem “appropriate” for this purpose, which shall include, but need not be limited to, reliance upon religious prohibitions. A board shall, however, have no authority to honor parental excuses based upon students’ participation in athletic training, activities, or competitions conducted outside the auspices of the school district. For each type of excuse that will be considered “appropriate”, the school board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.

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

q) Pupil Personnel Services

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

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

r) Social Sciences and History

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

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- 1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in our world (see Section 27-21 of the School Code [105 ILCS 5/27-21]);
 - 2) *include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State* (Section 27-21 of the School Code);
 - 3) *include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system* (Section 27-21 of the School Code);
 - 4) *include the study of that period in world history known as the Holocaust* (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);
 - 5) *include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles* (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]); ~~and~~
 - 6) *include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment* (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]); ~~and~~;
 - 7) *include the study of the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression* (Section 27-21 of the School Code).
- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. Such eye protective devices shall meet the nationally accepted standards set forth in "Practice for Occupational and Educational Eye and Face Protection", ANSI Z87.1-2003, issued by the American National Standards Institute, Inc., 1819 L Street, NW, Suite 600, Washington, D.C. 20036. No later additions or amendments to these standards are incorporated by this Part.

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

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 1.440 Additional Criteria for High Schools

The School Code establishes differing requirements for the coursework that high schools must offer, the courses students must take, and the courses students must pass in order to graduate.

- a) Course Offerings. Each district shall provide a comprehensive curriculum that includes at least the following offerings. The time allotment, unless specified by the School Code or applicable rules, is the option of the local school district.
- 1) Language Arts
 - 2) Science
 - 3) Mathematics
 - 4) History of the United States
 - 5) Foreign Language
 - 6) Music
 - 7) Art
 - 8) Career and Technical Education--Orientation and Preparation
 - 9) Health Education
 - 10) Physical Education
 - 11) Consumer Education
 - 12) Conservation of Natural Resources

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- 13) Driver and Safety Education (see the Driver Education Act [105 ILCS 5/27-24 through 27-24.8 Section 27-23 of the School Code [105 ILCS 5/27-23] and 23 Ill. Adm. Code 252)
- b) Required Participation
- 1) Each student shall be required to take one semester or the equivalent, i.e., at least 18 weeks, of health education during the secondary school experience.
 - 2) Each student shall be required to take physical education daily, except as provided in Section 27-6 of the School Code and Section 1.445 of this Part.
 - 3) Each student shall be required to take consumer education for 50 minutes per day for a period of nine weeks in any of grades 9-12, unless he or she has demonstrated proficiency pursuant to the provisions of Section 27-12.1 of the School Code [105 ILCS 5/27-12.1] and Section 1.462 of this Part.
 - 4) Each student shall be required to take a course covering *American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag for not less than one hour per week, or the equivalent.* (Sections 27-3 and 27-4 of the School Code)
- c) Specific Requirements for Graduation. A “unit” is the credit accrued for a year’s study or its equivalent. A student may be permitted to retake a course that he or she has already successfully completed (for example, to earn a better grade). However, credit may not be awarded more than once for completion of the same course, and the same course may not be counted more than once toward fulfillment of the State requirements for graduation.
- 1) Each student shall be required to have accrued at least 16 units in grades 9-12 if graduating from a four-year school or 12 units in grades 10-12 if graduating from a three-year high school. In either case, one unit shall be in American History or American History and Government. (Section 27-22 of the School Code) *No student shall receive certification of*

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graduation without passing an examination on the subjects discussed in subsection (b)(4) of this Section.

- 2) Pursuant to Section 27-22 of the School Code, all students, except students with disabilities whose course of study is determined by an individualized education program, must successfully complete certain courses, depending upon the school year in which they enter the 9th grade and subject to the exceptions provided in Section 1.445 of this Part, as a prerequisite to receiving a high school diploma.
- 3) Credits earned by students prior to entry into Grade 9 as authorized by Section 27-22.10 of the School Code [105 ILCS 5/27-22.10] may be used to fulfill any of the requirements of subsection (c)(2) of this Section.
- d) School districts shall have on file in the local district office a description of all course offerings that may comply with the requirements of the law. A course will be accepted as meeting the relevant requirement for graduation if its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.
 - 1) The course description for a “writing-intensive” course will be accepted for purposes of Section 27-22 of the School Code if:
 - A) a goal of the course is to use the writing that students do relative to the subject matter being presented as a vehicle for improving their writing skills;
 - B) writing assignments will be an integral part of the course’s content across the time span covered by the course;
 - C) the written products students are required to prepare in order to receive credit for the course and the feedback students receive are such that:
 - i) students’ writing proficiency is evaluated against expectations that are appropriate to early or late high school and encompass all of the standards applicable to State Goals 3 and 5 (see the State Goals for Learning and the Illinois Learning Standards in Appendix D to this Part); and

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- ii) students receive information from the evaluation of their written products that will permit them to improve their writing skills in terms of correct usage; well-organized composition; communication of ideas for a variety of purposes; and locating, organizing, evaluating, and using information.
- 2) The writing-intensive study provided in at least one writing-intensive course must be designed to address and integrate the elements of the writing process and to refine or apply research skills.
- e) It is the responsibility of the school district's administration to provide parents and guardians timely and periodic information concerning graduation requirements for all students, particularly in cases where a student's eligibility for graduation may be in question.
- f) Additional requirements for graduation may be adopted by local boards of education. Boards of education may accept courses completed in a community college toward graduation.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART G: STAFF QUALIFICATIONS

Section 1.705 Requirements for Supervisory and Administrative Staff

- a) Each district superintendent shall hold an administrative certificate with a Superintendent's endorsement.
- b) Each assistant superintendent, principal, or assistant principal shall hold an administrative certificate with a General Administrative or Superintendent's endorsement, except that a head teacher serving in place of a principal as permitted by Section 10-21.4a of the School Code [105 ILCS 5/10-21.4a] shall hold a teaching certificate endorsed for supervision.
- c) Each general administrator (e.g., director, assistant director, coordinator, administrative assistant, or general supervisor) in general education shall hold an administrative certificate with a General Supervisory, General Administrative, or Superintendent's endorsement.

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- d) Each head of a general education department or supervisor for a specific subject shall hold either:
 - 1) an administrative certificate with a General Supervisory, General Administrative, or Superintendent's endorsement; or
 - 2) a teaching certificate endorsed for supervision in the area supervised.
- e) Each supervisory dean shall hold an administrative certificate with a General Supervisory, General Administrative, Director of Special Education's, or Superintendent's endorsement.
- f) Each dean of students shall hold:
 - 1) an administrative certificate with a General Supervisory, General Administrative, Director of Special Education's, or Superintendent's endorsement; or
 - 2) a teaching certificate (endorsed for supervision if the holder suspends students pursuant to Section 10-22.6 of the School Code); or
 - 3) a school service personnel certificate endorsed for any field other than school nursing (and for supervision if the holder disciplines or suspends students).
- g) Each special education director or assistant director shall meet the requirements of 23 Ill. Adm. Code 226.800(h)(2) and hold an administrative certificate endorsed for "Director of Special Education".
- h) Each special education supervisor shall meet the requirements of 23 Ill. Adm. Code 226.800(h)(2) and hold either:
 - 1) an administrative certificate with a General Supervisory, General Administrative, Director of Special Education's, or Superintendent's endorsement and teaching qualifications in each area supervised; or
 - 2) a teaching certificate endorsed for each area supervised and for supervision.
- i) Each supervisor of more than one school service personnel area shall hold either:

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- 1) an administrative certificate and a General Administrative or Superintendent's endorsement; or
 - 2) a school service personnel certificate endorsed for supervision in each field supervised.
- j) Each supervisor of one school service personnel area shall hold:
- 1) an administrative certificate with a General Supervisory, General Administrative, Director of Special Education's, or Superintendent's endorsement; or
 - 2) a school service personnel certificate endorsed for the field supervised and for supervision; or
 - 3) a teaching certificate endorsed for speech-language pathology and for supervision (if applicable).
- k) Each director of an area vocational center and each director or supervisor of more than one field in career and technical education (including regional system directors) shall hold an administrative certificate with a General Administrative or Superintendent's endorsement and have teaching qualifications in one of the five occupational areas and 2,000 hours of work experience outside the field of education.
- l) Each supervisor of one field in career and technical education shall hold either:
- 1) an administrative certificate with a General Supervisory, General Administrative, or Superintendent's endorsement and teaching qualifications in one field of career and technical education, including 2,000 hours of work experience in the specific field outside of education; or
 - 2) teaching qualifications in the specific field supervised, including 2,000 hours of work experience in the specific field outside of education, and a supervisory endorsement.
- m) Each administrator in a bilingual education program shall meet the applicable requirements of 23 Ill. Adm. Code 228.35(d) ~~228.30(e)~~.

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- n) Each chief school business official shall hold an administrative certificate and a Chief School Business Official's endorsement.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

ILLINOIS STATE BOARD OF EDUCATION MEETING
January 13-14, 2010

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education 
Linda Riley Mitchell, Chief Financial Officer 
Darren Reisberg, Deputy Superintendent and General Counsel 

Agenda Topic: Action Item: Amendments for Adoption – Part 151 (School Construction Program)

Materials: Recommended Amendments

Staff Contact(s): Debbie Vespa

Purpose of Agenda Item

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

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

This agenda item links to Strategic Plan Goal 3, safe and healthy learning environments, as the rules set forth standards for the receipt of grants that will allow school districts to improve their facilities and make them more energy efficient.

Expected Outcome(s) of Agenda Item

The Board will be asked to adopt amendments to Part 151.

Background Information

P.A. 96-37, effective August 25, 2009, adds Section 5-200 to the School Construction Law to establish a grant program for energy efficiency purposes. Under the law, School Energy Efficiency grants are limited to \$250,000 per grant each fiscal year, although a school district may receive more than one grant a year. Of the amount appropriated for the grant program, 20 percent must be awarded to City of Chicago School District 299. In order to receive a grant, a school district must provide a local match in an amount equal to the amount of the grant received. This match can be from local funds or eligible federal or other funds.

As of this time, no money has been appropriated for the grant program; however, it is anticipated that funding could become available before the end of the school year. For this reason, it is proposed that new Subpart C be added to Part 151 (School Construction Program) to set forth the process for requesting grant funds, eligibility requirements for energy efficiency projects, restrictions on the use of the funds, and the manner in which districts will account for the grant funds received. Moving forward with the rulemaking now will enable requirements to be in place, should grant money become available, by March or April, when school districts typically begin their bidding process for summer projects.

The statutory requirements for the School Energy Efficiency Project Grants are nearly identical to those for the School Maintenance Project Grants; therefore the applicable requirements from Subpart B are being repeated in Subpart C. These requirements are familiar to school districts and other eligible applicants. In particular, energy efficiency grant applications will be funded in the same manner as school maintenance grants in years in which the appropriation is insufficient to fund all approvable applications (see Section 151.230). Agency staff also will be

shifting to an electronic application process, and that change is reflected in the proposal for both school maintenance and energy efficiency project grants.

In defining allowable energy efficiency projects in Section 151.210, agency staff consulted Section 19B-1.1 of the School Code, which addresses School Energy Conservation and Saving Measures. A list of the types of projects that could be conducted under the energy efficient program is included as an example for applicants, but is not meant to be exhaustive.

Other changes in Part 151 result from the enactment of P. A. 96-731, effective August 25, 2009. This law limits eligibility for school construction and school maintenance grants to only school districts, Type 40 area vocational centers, and cooperative high schools. Corresponding changes have been made in Sections 151.20 and 151.100. (Type 40 area vocational centers are career centers that are designated by the agency and are jointly owned and operated by member school districts. Currently, there are 13 such centers in operation.)

The proposed amendments were published November 13, 2009, in the Illinois Register to elicit public comment; two submissions were received. A summary and analysis of that public comment, along with any recommendations for changes in the proposal as a result, is attached.

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

Policy Implications. See Background above.

Budget Implications. See Background above.

Legislative Action. None.

Communication. See below.

Pros and Cons of Various Actions

While agency staff do not typically promulgate rules for grant programs that have not been funded, they believed that it is advantageous to move forward with the rules for the School Energy Efficiency Project Grants since money may be available before the end of the fiscal year. In this way, requirements will be in place, allowing school districts to submit applications and know whether they will receive funding before the start of the summer construction period. It also makes sense to include the grant provisions at this time, since other sections of the rules are undergoing revisions.

Superintendent's Recommendation

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

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

School Construction Program (23 Illinois Administrative Code 151),

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

Next Steps

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

Summary and Analysis of Public Comment
23 Ill. Adm. Code 151 (School Construction Program)

Comment

One commenter asked that the agency not restrict the type of funds that can be used for the local match for an energy efficiency project grant. Section 151.210 requires that grant recipients contribute “a match from local funds and/or eligible federal or other funds”. The commenter specifically mentioned the funding his district has received from the Illinois Department of Commerce and Economic Opportunity (DCEO).

Analysis

While a match is required in order to receive an energy efficiency grant, the source of the match is not restricted by the proposed rules. It is the responsibility of individual grantees to determine if funding received from other sources may be used to meet the matching requirement for an energy efficiency project grant.

The expectation of funds other than funds from a local source of revenue being used to meet the matching requirement is acknowledged in the wording of the proposed rule, as stated above. It is incumbent upon the district submitting the comment to determine whether the grant it received from DCEO can be used as a match for another state grant program.

Recommendation

No change is recommended in response to this comment.

Comment

One commenter encouraged the agency not to add in the application for energy efficiency projects “design, review and reporting criteria that will require extensive professional services and associated costs during the application stage”.

By contrast, a group of commenters representing the design and energy communities suggested the use or adaptation of two forms for application and reporting purposes that were developed by the U.S. Department of Energy and the U.S. Environmental Protection Agency for its Energy Star Program. The group asked that the proposed rules require that applicants more precisely address the cost savings expected from the projects by submitting the type of information contained on the form titled, “Statement of Energy Design Intent”. The group also asked that grantees quantify the efficiency gained and submit that as part of final expenditure reports by completing a form similar to the “Statement of Energy Performance” both prior to and after project implementation. The forms request information relative to energy performance rating, site energy use and energy intensity, emissions, and total energy cost.

Finally, to reinforce the desire to get more concrete information regarding the energy efficiency resulting from the projects, the group proposed changes to Sections 151.220(c)(5)(A) and 151.240(c) so that each more directly addresses savings from the increased energy efficiency of the improvements.

Analysis

As the first comment suggests, staff were cognizant during the drafting of these amendments of the need to implement the grant program in such a way as to minimize the costs that school districts potentially could incur during the application process. At the same time, sufficient detail should be in grant application so that agency staff can be assured that the funded projects meet the definition of an “energy efficiency project” set forth in Section 151.210. Once the rules are in effect, the only elements that the agency will include in a grant application will be those set forth in Section 151.220(c) unless the rules are amended later to include other requirements.

The law does not require the agency to calculate the energy savings that will result from the grants nor to rate applications in the order of the estimated savings to be realized from the improvements proposed. Instead, the agency will fund any application that is “timely, complete and accurate” (see Section 151.230(a)). In the event that a given year’s appropriation is insufficient to fund all applications meeting these standards, an applicant’s financial need, calculated using criteria set forth in Section 151.230(b), will be the determining factor in making grant awards. Therefore, the agency’s collection of more detailed information than that now proposed serves no useful purpose and could prove to be burdensome for some school districts to collect and quantify. It is not the agency’s intention to discourage from applying for grants any school district that may lack adequate staff resources or access to licensed design professionals with sophisticated tools for calculating energy efficiency.

The forms proposed by the commenters represent valid ways in which to determine current energy efficiency and predict savings that may be realized by the improvements proposed. But these represent just one acceptable methodology that can be used, and applicants should be provided with the flexibility to use a method that is familiar to the licensed design professional who will be certifying the application. Links to the forms recommended, as well as other assistance for completing the application, can be provided via the agency’s website, as well.

As for the changes proposed in Section 151.220(c)(5)(A), staff agree that school districts at the time of application should be able to provide an estimate of the likely savings that will result from the proposed project. It is also likely that this estimated amount may change once the project is completed due to unforeseen circumstances, such as the availability of an improvement that has a higher efficiency rating than the one initially proposed. For this reason, the expenditure report required under Section 151.240(c) should include a final determination of the energy efficiency expected to be gained by the project.

Recommendation

It is recommended that the following changes be made in the proposal:

Section 151.220(c)(5) Such assurances as the State Board of Education may require, to include at least the following:

- A) certification by a licensed design professional of the reasonableness of the estimated costs and energy efficiency measures, and, ~~if available at the time application is made,~~ an estimate of the annual energy savings that will be realized;

Section 151.240(c) Upon completion of the project, a final expenditure report, subject to audit, shall be submitted to the regional office of education and

State Superintendent or designee within 30 days after final project closeout. The licensed design professional shall certify the final expenditure report. The final expenditure report shall describe the use of the grant funds and quantify the energy efficiency gained by the project.

Comment

A group of commenters asked that the building “envelope” be included in the definition of what qualifies for insulation improvements allowed under the energy efficiency project. The building “envelope” separates the interior and the exterior environments of a building and includes foundation, roof, walls, windows and doors. The proposed rule currently includes the building structure and systems within the building as potential recipients of insulation improvements.

Analysis

The proposed amendment, as written, was not intended to exclude the building envelope from consideration. In fact, had the agency received a grant application addressing any of the elements considered to constitute the building envelope, it would not have rejected the proposal. Staff agree, however, that the rule would be clearer if it included a specific mention of the building envelope.

Recommendation

It is recommended that Section 151.20 be revised as follows:

"Energy efficiency project" means any improvement, repair, alteration, or betterment of any building or facility owned or operated by an eligible applicant as set forth in Section 151.220 of this Part, or any equipment, fixture, or furnishing to be added to or used in any building or facility, subject to the building code authorized in Section 2-3.12 of the School Code [105 ILCS 5/2-3.12] (see 23 Ill. Adm. Code 180), that is designed to reduce energy consumption and may include, without limitation, one or more of the following:

Insulation of the building envelope, structure or systems within the building;

Comment

A comment was received regarding a local board of education’s authorization to seek an energy efficiency project grant, requesting that the rules require a board to adopt a resolution endorsing such action.

Analysis

The proposed rules at Section 151.220(c)(5)(B) require an application for an energy efficiency project to include an assurance that the local board of education authorized the project “during a duly convened meeting”. This action could occur with a voice vote or other affirmative action, such as the adoption of a resolution, that can be observed by the public and noted in the minutes of the meeting. While adoption of a resolution specific to the proposed energy efficiency project seems to add greater accountability of the board’s actions, it is contrary to the action currently required for school maintenance projects set forth in Subpart B of the rules. At the same time, the proposed rules do not prevent a board wishing to take action via a resolution from doing so.

Recommendation

No change is recommended in response to this public comment.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER c: FINANCE

PART 151
SCHOOL CONSTRUCTION PROGRAM

SUBPART A: SCHOOL CONSTRUCTION PROJECT GRANTS

Section

- 151.10 Purpose
- 151.20 Eligible Applicants
- 151.30 Application for School Construction Project Grant Entitlement
- 151.35 Application for School Construction Project Grant Entitlement - Districts With A Population Exceeding 500,000
- 151.40 Award of Construction Project Grant Entitlement
- 151.50 Priority Ranking of Construction Grant Entitlements
- 151.55 Needed Capacity for Unit Districts
- 151.60 Grant Index
- 151.70 Debt Service Grants (Repealed)

SUBPART B: SCHOOL MAINTENANCE PROJECT GRANTS

Section

- 151.100 Purpose; Eligible Applicants
- 151.110 Definitions
- 151.120 Application for School Maintenance Project Grants
- 151.130 Award of School Maintenance Project Grants - Applicants With a Population of 500,000 or Fewer
- 151.135 Award of School Maintenance Project Grants - School Districts With a Population Exceeding 500,000
- 151.140 Terms of the Grant

SUBPART C: SCHOOL ENERGY EFFICIENCY PROJECT GRANTS

Section

- 151.200 Purpose; Eligible Applicants

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- 151.210 Definitions
151.220 Application for School Energy Efficiency Project Grants
151.230 Award of School Energy Efficiency Project Grants - Applicants with a Population of 500,000 or Fewer
151.235 Award of School Energy Efficiency Project Grants - School Districts with a Population Exceeding 500,000
151.240 Terms of the Grant

AUTHORITY: Implementing the School Construction Law [105 ILCS 230] and authorized by Section 5-55 of that Law.

SOURCE: Emergency rules adopted at 22 Ill. Reg. 2616, effective January 16, 1998, for a maximum of 150 days; emergency rules modified in response to JCAR objection at 22 Ill. Reg. 4500; emergency rules expired June 15, 1998; emergency rules adopted at 22 Ill. Reg. 6238, effective March 24, 1998, for a maximum of 150 days; emergency rules modified in response to JCAR objection at 22 Ill. Reg. 7703; emergency expired June 15, 1998; new Part adopted at 22 Ill. Reg. 12538, effective July 6, 1998; emergency amendment at 23 Ill. Reg. 11336, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 497, effective January 3, 2000; amended at 24 Ill. Reg. 5661, effective March 17, 2000; amended at 26 Ill. Reg. 886, effective January 15, 2002; amended at 32 Ill. Reg. 7410, effective April 22, 2008; amended at 33 Ill. Reg. 7919, effective June 1, 2009; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: SCHOOL CONSTRUCTION PROJECT GRANTS

Section 151.20 Eligible Applicants

School districts, cooperative high schools and Type 40 area vocational centers that meet the requirements of the School Construction Law and this Subpart are eligible to apply for school construction project grant entitlements. A district's, high school's or center's eligibility for a school construction project grant under the minimum enrollment requirements of Section 5-25(a) of the School Construction Law shall be determined using the district's, high school's or center's enrollment in prekindergarten through grade 12 as of the last school day in September of the most recent school year. For purposes of this Subpart A, the term "district" shall be understood to include each of these eligible entities.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 151.50 Priority Ranking of Construction Grant Entitlements

Priority ranking of construction grant entitlements shall be done if the appropriation for any fiscal year is insufficient to fund grants for all approved grant entitlements. In this case, districts holding construction grant entitlements shall be eligible for construction grants to be awarded by the Capital Development Board in order of the priority ranking described in this Section.

- a) Districts holding grant entitlements shall be eligible for grant awards in the order of:
 - 1) the six levels of priority described in Section 5-30 of the School Construction Law; and
 - 2) the district's ranking within its level of priority, determined according to subsections (b) through (d) of this Section.
- b) A district's ranking within a level of priority shall be determined by multiplying the district's needed capacity as determined under subsection (c) of this Section by the ratio of the district's needed capacity to the district's enrollment as of the last school day in September of the most recent school year. The resulting figure shall constitute the district's ranking, with the largest figure having the highest ranking.
- c) Needed Capacity
 - 1) For each priority other than priority five, the district's needed capacity shall be calculated by subtracting its currently available capacity as determined under subsection (d) of this Section from its current enrollment or its projected enrollment, whichever is greater.
 - A) Projected enrollment shall be calculated by multiplying the district's current enrollment by the ratio of the district's current enrollment to the district's enrollment two years before.
 - B) For purposes of calculating needed capacity, projected enrollment shall not include any increase in enrollment attributable to a change in the district's boundaries.

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- 2) For priority five, the district’s needed capacity shall be the number of qualified individuals with disabilities who require a school construction project.

- d) Determination of Available Capacity
 - 1) The enrollment capacity of each room or space currently subject to occupancy by students for instructional purposes in a district-owned, permanent building, or in a building leased by the district if the lease is at least ten years from expiration, shall be determined by dividing the net floor area (in square feet) of ~~the~~ such room or space by the appropriate loading factor, as follows:

Type of Room or Space	Loading Factor
Prekindergarten Classroom	40
Kindergarten Classroom	40
Elementary General Classroom	35
Elementary Art Classroom	40
Elementary Music Classroom	30
Elementary Computer Classroom	35
Middle School General Classroom	35
Middle School Art Classroom	40
Middle School Family and Consumer Sciences Classroom	50
Middle School Music Classroom	25
Middle School Computer Classroom	40
Middle School Science Laboratory	40
Middle School Science Laboratory/Classroom	50
Middle School Industrial Technology Laboratory/Shop Not Classified Elsewhere	40
High School General Classroom	30
High School Art Classroom	35
High School Music Classroom	25
High School Computer Classroom	40
High School Family and Consumer Sciences Classroom	60
High School Science Laboratory	35
High School Industrial Technology Laboratory/Shop	75
High School Laboratory Not Classified Elsewhere	35

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Special Education Classroom 50

- 2) Buildings and additions with a functional age over one hundred years old shall be assigned an enrollment capacity of zero. The functional age of a building and each of its additions shall be individually determined by multiplying its actual age by one of the following condition factors, to be determined using the Building Condition Evaluation Form supplied by the State Board of Education:

Condition of Building or Addition	Condition Factor
Excellent	0.2
Satisfactory	0.4
Substandard	1.0
Poor	1.5
Very Poor	2.0

- 3) As used in this subsection (d), “permanent building” means a building mounted on a slab or a permanent foundation. A permanent foundation is a closed-perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line which may include but not be limited to cellars, basements, or crawlspaces but does not include the sole use of piers.

- 4) Available capacity shall be calculated by multiplying enrollment capacity as determined in subsections (d)(1) through (d)(3) of this Section by the following utilization factors:

A) elementary schools	0.9
B) middle or junior high schools	0.85
C) high schools	0.8

- e) A new order of priority ranking shall be established among the applicants for each fiscal year. If a district is not awarded a construction grant in a fiscal year for

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which it has received an entitlement, the district must update its application to establish its priority ranking for the following fiscal year.

- f) Type 40 area vocational centers shall be placed last on the priority listing of eligible entities for the applicable fiscal year. [105 ILCS 230/5-25]

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART B: SCHOOL MAINTENANCE PROJECT GRANTS

Section 151.100 Purpose; Eligible Applicants

- a) This Subpart implements the School Construction Law [105 ILCS 230], which requires that the State Board of Education issue grants for school maintenance projects.
- b) Any school district, cooperative high school or Type 40 area vocational center ~~charter school, public university laboratory school approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)], or area vocational center~~ may apply for a grant. An eligible applicant may apply for and receive more than one grant during a fiscal year. For purposes of this Subpart B, the term “district” shall be understood to include each of these eligible entities.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 151.110 Definitions

As used in this Subpart:

“Emergency project” means a project made necessary by a disaster described in Section 5-30(1) of the School Construction Law. Conditions caused by age or lack of timely maintenance shall not constitute an emergency. Costs of an emergency project that are covered by insurance may not be claimed as part of an emergency project.

“Grant” means a school maintenance project grant.

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“Health/life safety project” means a project that is necessary to correct a violation of the Health/Life Safety Code for Public Schools (23 Ill. Adm. Code 180) or to provide handicapped accessibility or school security.

“Ongoing operational costs” means ordinary maintenance expenses incurred in the course of the applicant's operations, including expenses for employee salaries and benefits, materials, and supplies.

“Other project” means a project other than an emergency project, health/life safety project, State program priority project or permanent improvement project.

“Permanent improvement project” means a project designed to upgrade or install building systems (e.g., air conditioning, electrical or plumbing systems) or involving other improvements to a building or structure so that the building or structure is better adapted to the applicant's educational programs.

“School maintenance project” or “project” means *a project, other than a school construction project as defined in Section 5-5 of the School Construction Law or a school energy efficiency project as defined in Section 5-200 of the School Construction Law [105 ILCS 230/5-5 and 5-200], intended to provide for the maintenance or upkeep of buildings or structures for educational purposes, but does not include ongoing operational costs [105 ILCS 230/5-5]. A project may involve different types of work on a single building or structure, or may involve a single type of work (e.g., new roofing or windows) on several buildings or structures. ~~Work on a project must have started on or after May 1, prior to the fiscal year for which a grant is sought.~~ There is no limit to the cost of a project; however, grant awards shall not exceed \$50,000 per project, and applicants shall provide a match from local funds equal to the grant amount requested.*

“State program priority project” means a project that is necessary for energy conservation or that adapts a building or structure to better serve students in a specific program for which the applicant receives funding under the School Code (e.g., preschool education ~~prekindergarten at risk~~, school technology).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 151.120 Application for School Maintenance Project Grants

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- a) An eligible applicant may apply for a grant by submitting an application electronically in a format prescribed ~~on a form provided~~ by the State Superintendent Board of Education. A separate application shall be submitted for each project for which the applicant seeks a grant award.
- b) ~~Up to \$1 million shall be reserved each fiscal year for emergency projects. If funds, other than funds reserved for emergency projects, remain after the award of grants from the announced application cycle, a second application period will be held. If funds reserved for emergency grants remain at the end of the fiscal year, these funds shall be distributed for other approved projects from the latest application cycle.~~
- e) ~~An application for a grant for an emergency project shall be submitted directly to the State Board of Education by the deadline stipulated on the application. A copy shall also be sent to the regional superintendent of education. Emergency applications shall be submitted to the following address:~~

~~Illinois State Board of Education
School Maintenance Project Program
100 North First Street
Springfield, Illinois 62777-0001~~

- ~~a)d) All other applications~~ Except as provided under subsection (e) of this Section, an application shall be submitted electronically to the regional office of education at least two weeks prior to the application deadline announced by the State Superintendent Board of Education for the fiscal year for which the grant is sought. The regional superintendent shall review and electronically forward the application applications to the State Superintendent Board of Education at the address stipulated in subsection (e) of this Section by the application deadline.
- e) ~~An application that is incomplete shall be returned and shall not be processed until it is complete. An application must be complete by the applicable submission deadline in order to be considered. All information contained in the application shall be subject to verification and correction by the State Board of Education by such means as on-site inspection and review of documents.~~
- ~~b)f) Each application shall include the following information.~~

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- 1) The names, addresses, and descriptions of the facilities included in the project.
- 2) A narrative description of the nature and scope of the project, including the starting and completion dates for the project.
- 3) The total cost of the project, amount and source of local matching funds (using the revenue and account codes set forth at 23 Ill. Adm. Code 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing)), and the requested grant amount.
- 4) The priority category of the project (see Section 151.130(b)(2) of this Part).
 - A) For an emergency project, the applicant shall indicate the date and nature of the emergency and the extent of building damage.
 - B) For a health/life safety project necessary to correct a code violation, the applicant shall identify the health/life safety work by amendment number.
- 5) For applicants that are seeking more than one grant in a fiscal year, the order in which the applicant wants its projects funded.
- 6) Such assurances as the State Superintendent Board of Education may require, to include at least the following:
 - A) that the local board of education, in the case of school districts, or other school governing authority authorized the school maintenance project during a duly convened meeting, and
 - B) that the local board of education, in the case of school districts, or other school governing authority reserved local funds in an amount equal to the school maintenance project grant requested to meet the local match requirement.

~~c)g)~~ Submission of the electronic application shall be evidence of authorization by the school board or other governing board ~~Each application shall bear an original~~

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~~signature of the president of the local board of education or other school governing authority.~~

- d) An applicant submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information. An application must be complete by the applicable submission deadline in order to be considered. All information contained in the application shall be subject to verification and correction by the State Superintendent by such means as on-site inspection and review of documents.
- e) An application for a grant for an emergency project shall be submitted electronically directly to the State Superintendent by the deadline stipulated on the application. A copy shall also be submitted to the regional superintendent of education.
- f) Up to \$1 million shall be reserved each fiscal year for emergency projects. If funds, other than funds reserved for emergency projects, remain after the award of grants from the announced application cycle, then a second application period will be held. If funds reserved for emergency grants remain at the end of the fiscal year, then these funds shall be distributed for other approved projects from the latest application cycle.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART C: SCHOOL ENERGY EFFICIENCY PROJECT GRANTS

Section 151.200 Purpose; Eligible Applicants

- a) This Subpart implements Section 5-200 of the School Construction Law [105 ILCS 230/5-200], which requires that the State Board of Education issue grants for school energy efficiency projects.
- b) Any school district, charter school, public university laboratory school approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)], or area vocational center may apply for a grant. An eligible applicant may apply for and receive more than one grant during a fiscal year. Applicants not awarded funding in a fiscal year may reapply in a

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subsequent fiscal year, provided the proposed work has not been started or completed.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 151.210 Definitions

As used in this Subpart:

"Energy efficiency project" means any improvement, repair, alteration, or betterment of any building or facility owned or operated by an eligible applicant as set forth in Section 151.220 of this Part, or any equipment, fixture, or furnishing to be added to or used in any building or facility, subject to the building code authorized in Section 2-3.12 of the School Code [105 ILCS 5/2-3.12] (see 23 Ill. Adm. Code 180), that is designed to reduce energy consumption and may include, without limitation, one or more of the following:

Insulation of the building envelope, structure or systems within the building;

Storm windows or doors, caulking or weather stripping, multi-glazed windows or doors, heat absorbing or heat reflective glazed and coated window or door systems, additional glazing, reductions in glass area, or other window and door system modifications that reduce energy consumption;

Automated or computerized energy control systems;

Heating, ventilating, air conditioning, or HVAC system repairs or replacements (this does not include initial installations);

Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable building code for the lighting system after the proposed modifications are made;

Energy recovery systems;

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Energy conservation measures that provide long-term cost reductions;

Alternative energy systems, including but not limited to wind power or solar power systems; and

Other projects designed to reduce the consumption or use of energy.

An energy efficiency project may involve different types of work on a single building or structure, or may involve a single type of work (e.g., new roofing or windows) on several buildings or structures. There is no limit to the cost of a project; however, grant awards shall not exceed \$250,000 per project per fiscal year, and applicants shall provide a match from local funds and/or eligible federal or other funds equal to the grant amount requested (see Section 5-200(a) of the School Construction Law).

"Grant" means a school energy efficiency project grant.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 151.220 Application for School Energy Efficiency Project Grants

- a) An eligible applicant may apply for a grant by submitting an application electronically in a format prescribed by the State Superintendent. A separate application shall be submitted for each project for which the applicant seeks a grant award.
- b) An application shall first be submitted electronically to the regional office of education at least two weeks prior to the application deadline announced by the State Superintendent for the fiscal year for which the grant is sought. The regional superintendent shall review and electronically forward the application to the State Board of Education by the application deadline.
- c) Each application shall include the following information.
 - 1) The names, addresses, and descriptions of the facilities included in the project.

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- 2) A narrative description of the nature and scope of the project, including the starting and completion dates for the project.
- 3) The total cost of the project, amount and source of local matching funds (using the revenue and account codes set forth at 23 Ill. Adm. Code 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing)) and the requested grant amount.
- 4) For applicants that are seeking more than one grant in a fiscal year, the order in which the applicant wants its projects funded.
- 5) Such assurances as the State Board of Education may require, to include at least the following:
 - A) certification by a licensed design professional of the reasonableness of the estimated costs and energy efficiency measures and an estimate of the annual energy savings that will be realized;
 - B) that the local board of education, in the case of school districts, or other school governing authority authorized the school energy efficiency project during a duly convened meeting; and
 - C) that the local board of education, in the case of school districts, or other school governing authority reserved local funds in an amount equal to the school energy efficiency project grant requested to meet the local match requirement.
- d) Submission of the electronic application shall be evidence of authorization by the school board or other governing board.
- e) An applicant submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information. An application must be complete by the submission deadline in order to be considered. All information contained in the application shall be subject to verification and correction by the State Superintendent by such means as on-site inspection and review of documents.

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(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 151.230 Award of School Energy Efficiency Project Grants – Applicants with a Population of 500,000 or Fewer

Grant awards to applicants with a population of 500,000 or fewer residents shall be made as provided in this Section.

- a) An applicant that submits a timely, complete and accurate application that is in compliance with the School Construction Law and this Subpart and that indicates that the applicant has a qualifying project shall be awarded a grant for the approved project provided that the appropriation is sufficient to fund the grant.
- b) If the appropriation for any fiscal year is insufficient to fund all approved projects, then grants shall be awarded in the following order until the appropriation is exhausted.
 - 1) Grants shall be awarded in rounds, with each applicant being allowed one approved project per round.
 - 2) Within each round, grants shall be awarded in order of the applicant's need index, proceeding from greatest to least.
- c) For a school district applicant, the need index shall be determined by dividing the equalized assessed valuation per pupil in average daily attendance of the school district at the 90th percentile of wealth for districts of that type (i.e., elementary, high school, or unit) by the equalized assessed valuation per pupil in average daily attendance of the applicant.
 - 1) For an applicant that does not possess property taxing authority, its equalized assessed valuation per pupil in average daily attendance shall be that of the school district in which the greatest number of the applicant's students reside.
 - 2) For purposes of calculating the need index, the equalized assessed valuation and average daily attendance shall be taken from the general state aid claims filed in the fiscal year for which a grant is made. The

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average daily attendance to be used shall be the district's best three months average daily attendance.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 151.235 Award of School Energy Efficiency Project Grants – School Districts with a Population Exceeding 500,000

A school district with a population exceeding 500,000 residents that submits timely, complete and accurate application in compliance with the School Construction Law and this Subpart shall be awarded a grant in the amount provided by Section 5-200(c) of the School Construction Law.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 151.240 Terms of the Grant

- a) Grants shall be subject to the Illinois Grant Funds Recovery Act [30 ILCS 705]. Any grant funds not expended or legally obligated within two years after disbursement by the State shall be returned to the State Board of Education within 45 days.
- b) Grant funds may only be used for the project described in the approved application and shall be accounted for in compliance with applicable accounting rules set forth at 23 Ill. Adm. Code 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing). The applicant must provide local matching funds in an amount equal to the grant. If actual project expenditures are less than expected so that the amount of the grant is greater than 50 percent of the total project expenditures, then the applicant shall refund the amount of the grant that is in excess of 50 percent of actual project expenditures.
- c) Upon completion of the project, a final expenditure report, subject to audit, shall be submitted to the regional office of education and State Superintendent or designee within 30 days after final project closeout. The licensed design professional shall certify the final expenditure report. The final expenditure report shall describe the use of the grant funds and quantify the energy efficiency gained by the project.

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- d) The applicant shall comply with the School Construction Law, this Subpart and all other applicable laws and regulations in completing a project.

(Source: Added at 34 Ill. Reg. _____, effective _____)

ILLINOIS STATE BOARD OF EDUCATION MEETING
January 13-14, 2010

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education 
Linda Riley Mitchell, Chief Financial Officer 
Darren Reisberg, General Counsel 

Agenda Topic: Action Item: Amendments for Adoption – Part 252 (Driver Education)

Materials: Recommended Amendments

Staff Contact(s): Tim Imler

Purpose of Agenda Item

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

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

This agenda item does not link to Strategic Plan as the changes are technical in nature.

Expected Outcome(s) of Agenda Item

The Board will be asked to adopt amendments to Part 252.

Background Information

P.A. 96-734, effective August 25, 2009, repeals Section 27-23 of the School Code ("Motor Vehicle Code") and places its relevant provisions into the Driver Education Act (Sections 27-24 through 27-24.8 of the School Code). As such, references to Section 27-23 must be removed from Part 252 and the references to the applicable provisions of the Driver Education Act added.

It should be noted that this rulemaking contains only those sections not being amended by the Driver Education proposal that the Board adopted in September. Outdated statutory citations in those adopted amendments were updated as part of the second notice changes requested by the Joint Committee on Administrative Rules.

The proposed amendments were published November 20, 2009, in the Illinois Register to elicit public comment. None was received, and the version being presented for adoption at this time is identical to that originally proposed.

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

Policy Implications. Please see "Background" above.

Budget Implications. None.

Legislative Action. None needed.

Communication. See below.

Pros and Cons of Various Actions

The proposed amendments will make the rules conform to state law.

Superintendent's Recommendation

I recommend that the following motion be adopted:

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

Driver Education (23 Illinois Administrative Code 252),

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

Next Steps

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER g: SPECIAL COURSES OF STUDY

PART 252
DRIVER EDUCATION

Section	
252.10	Definitions
252.20	Administration and Procedures
252.25	Eligibility of Students
252.30	The Terms of Reimbursement for Public School Participation in the Course
252.40	Driver Education Personnel Requirements
252.50	Commercial Schools (Transferred)

AUTHORITY: Implementing and authorized by the Driver Education Act [105 ILCS 5/27-24 through 27-24.8].

SOURCE: Adopted September 4, 1975; codified at 8 Ill. Reg. 1585; emergency amendment at 9 Ill. Reg. 15558, effective October 1, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 12922, effective July 22, 1986; Section 252.50 transferred to 92 Ill. Adm. Code 1060.240 (Secretary of State) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver License Law [625 ILCS 5/6-411] at 11 Ill. Reg. 1631; amended at 18 Ill. Reg. 16307, effective October 25, 1994; amended at 22 Ill. Reg. 7577, effective April 17, 1998; amended at 26 Ill. Reg. 10476, effective July 1, 2002; amended at 28 Ill. Reg. 15481, effective November 22, 2004; amended at 29 Ill. Reg. 15936, effective October 3, 2005; amended at 32 Ill. Reg. 10922, effective July 7, 2008; amended at 33 Ill. Reg. 15273, effective October 20, 2009; amended at 34 Ill. Reg. _____, effective _____.

Section 252.10 Definitions

“Behind-The-Wheel Instruction” is that part of the driver education course that consists of individual practice driving with a driver education instructor who meets the requirements of Section 252.40 of this Part and provides learning experiences for the student as an operator of a dual-control car in traffic on public highways.

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"Classroom Instruction" is that part of the driver education course consisting of learning experiences centered in the classroom.

"Declaration of Intent" is a student's application for enrollment in a driver education course.

"Driver Education Course", as used in this Part, is any driver education course approved by the State Superintendent as meeting at least the minimum requirements of ~~Section 27-23 of the School Code [105 ILCS 5/27-23]~~; the Driver Education Act [105 ILCS 5/27-24 through 27-24.8] and this Part and consists of all those learning experiences provided by a school or school district for the purpose of helping students learn to use motor vehicles safely and efficiently. Driver education courses must include classroom and behind-the-wheel instruction as a unified course (see Section 252.20(c)(1) of this Part).

"Dual-Control Car" is a motor vehicle that has special safety and instructional equipment in addition to the regular legally prescribed equipment, which shall consist of a second foot brake positioned for use by the instructor, an outside rearview mirror on the right side of the vehicle, and a sign identifying the vehicle as a driver education car (see 625 ILCS 5/6-410).

"~~Eligible Student~~ ~~student~~" is a student who meets the conditions of Section Sections 27-23 and 27-24.2 of the School Code [105 ILCS 5/27-23 ~~and~~ 27-24.2] for enrollment in a driver education course.

"Enrollment", for purposes of an approved driver education course, means the period of time beginning 30 days prior to the time a student begins classroom instruction through the conclusion of the driver education course.

"Observation Time" refers to that time during which a student is riding in the back seat of a dual-control car observing instructions of the teacher and procedures and techniques of the driver who is participating in behind-the-wheel instruction.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 252.25 Eligibility of Students

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- a) Pursuant to ~~Section Sections 27-23 and~~ 27-24.2 of the School Code, no student shall be permitted to enroll in a driver education course provided by a public school district or a nonpublic school unless he or she has either:
- 1) received a passing grade in at least eight courses (which may include courses completed in grade 8) during the previous two semesters or, in the case of block scheduling that reduces the number of courses taken per semester, in at least half the courses taken during the previous two semesters; or
 - 2) received a waiver of this requirement, pursuant to Section 27-24.2 of the School Code, from the superintendent of the public school district or the chief administrator of the nonpublic school in which the student is or will be enrolled full time during the semester for which enrollment in driver education is sought. A record of any waiver granted shall be entered into the affected student's temporary student record as defined in 23 Ill. Adm. Code 375.10, or its equivalent in the case of a nonpublic high school.
- b) Courses
- 1) For the purposes of this Section, a "course" means a sequence of instructional activities or unit of schoolwork for which a grade is given and listed in a student's academic transcript.
 - 2) For the purpose of determining eligibility under this Section, any coursework completed by a student during a summer term falling within the 12-month period immediately preceding the beginning of the semester for which enrollment in driver education is sought shall be counted towards the eight courses for which passing grades are needed.
- c) Verification of Eligibility
- 1) Each public school district or nonpublic school offering a driver education course shall be responsible for verifying the eligibility of all students seeking enrollment in such courses.
 - 2) Public school districts and nonpublic schools offering a driver education course shall establish procedures for verifying the eligibility of students

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enrolled there full time when eligibility is based upon the records created by, or transferred to, such schools. If the public school district or nonpublic school previously attended by a student fails to transfer records in time to permit the student's enrollment in driver education, then unofficial records or a signed statement from the parent or guardian of the student shall be used to certify eligibility.

- 3) When a student requests enrollment in a driver education course offered by an entity other than the school district or nonpublic school he or she attends, the school district or nonpublic school offering the course shall be responsible for requesting confirmation of the student's eligibility pursuant to this Section.
 - A) Confirmation may be obtained either in writing or via electronic means addressed to the official records custodian designated by the school pursuant to Section 4(a) of the Illinois School Student Records Act [105 ILCS 10/4(a)].
 - B) The response shall indicate only whether or not the student is eligible and shall not indicate what grades a student received or whether the student received a waiver.
 - C) Failure of a school district or nonpublic school to respond to a request for eligibility verification within 15 calendar days shall be construed as a positive response and the student in question shall be considered eligible for driver education. The requesting school district or nonpublic school shall inform the sending district or nonpublic school, in writing, of the attempts made to verify eligibility and the lack of response. This notification shall indicate that, in the absence of a response, the student is considered to be eligible provided that a signed statement by the student's parent or guardian is on file. A copy of the notification shall be placed in the student's temporary record.
 - D) A student enrolled in a home school who wishes to enroll in a driver education course offered by a public school district or nonpublic school shall present, and each such entity shall accept as

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verification of the student's eligibility, a signed statement stipulating:

- i) that the student is enrolled in a home school;
- ii) that he or she is eligible pursuant to subsection (a) of this Section; and
- iii) that the signature presented is that of the individual who administers the school attended by the student.

(Source: Amended at 34 Ill. Reg. _____, effective _____)