

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Robert W. Gettleman	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	92 C 2309 3409	DATE	Sept. 11, 2002
CASE TITLE	Corey H. v Board of Education of the City of Chicago, et al		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

- (1) Filed motion of [use listing in "Motion" box above.]
- (2) Brief in support of motion due _____.
- (3) Answer brief to motion due _____. Reply to answer brief due _____.
- (4) Ruling/Hearing on _____ set for _____ at _____.
- (5) Status hearing held.
- (6) Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) Trial[set for/re-set for] on _____ at _____.
- (8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
 - FRCP4(m) General Rule 21 FRCP41(a)(1) FRCP41(a)(2).

(10) [Other docket entry]

The Ill. State Board of Education is ordered to take immediate steps necessary to promulgate and implement its 7/1/02 amendment to section 25.805 of the Ill. Administrative Rules on Certification.

(11) [For further detail see order attached to the original minute order.]

<input checked="" type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	courtroom deputy's initials _____	Date/time received in central Clerk's Office _____	number of notices	Document Number 277
			SEP 13 2002 date docketed	
			EJM docketing deputy initials	
			date mailed notice	
			mailing deputy initials	

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

COREY H., LATRICIA H., ANDREW B.,)
and JASON E., by their parents)
and next friends, SHIRLEY P.,)
BEVERLY H., SHARON B., and STEVEN E.,)
on their own behalf and on behalf)
of a class of similarly situated)
persons,)
Plaintiffs,)

vs.

THE BOARD OF EDUCATION OF THE)
CITY OF CHICAGO, PAUL G. VALLAS,)
Chief Executive Officer of the Chicago Public)
Schools, THE ILLINOIS STATE BOARD OF)
EDUCATION, and GLENN W. McGEE,)
Illinois Superintendent of Education,)
Defendants.)

No. 92 C 3409

Judge Robert Gettleman

DOCKETED
SEP 13 2002

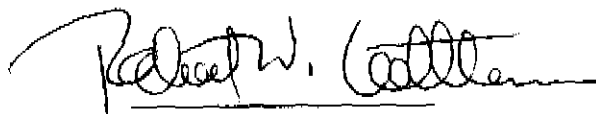
ORDER

The Illinois State Board of Education ("ISBE") is hereby ordered to take immediate steps necessary to promulgate and implement its July 1, 2002 Amendment to Section 25.805 of the Illinois Administrative Rules on Certification, attached hereto as Exhibit A.

The July 1, 2002 Amendment was developed by the ISBE in response to this Court's decision of February 19, 1998, Corey H. v. ISBE, et al., 994 F. Supp. 900 (N.D.Ill. 1998), requiring that the system for certifying teachers in Illinois be reformed in order to comply with the Least Restrictive Environment provision of the Individuals with Disabilities Education Act, 20 U.S.C. 1412(5)(B). The Amendment reviewed by

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this Court has evolved through public hearings held in the fall of 2001 and the process required by Paragraph 29(d) of the Settlement Agreement between the Plaintiffs and the ISBE. Pursuant to that 29(d) process, the Court on August 20, 2002 reviewed the Monitor's July 23, 2002 Decision approving the July 1, 2002 revision of the ISBE's December 5, 2001 final certification proposal amending Section 25.805 to which both the Chicago Board and the Plaintiffs had objected on January 9, 2002. According to a separate agreement of the parties, this Court's decisions regarding parties' disputes over the meaning and implementation of terms of the Settlement Agreement, including those regarding teacher certification, are to be final, binding, and nonappealable.


JUDGE


DATE

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

SUBPART A: DEFINITIONS

Section

25.10 Definition of Terms Used in This Part

SUBPART B: CERTIFICATES

Section

25.11 New Certificates (February 15, 2000)
25.15 Standards for Certain Certificates
25.20 Requirements for Initial Elementary Certificate
25.30 Requirements for Initial Secondary Certificate
25.35 Temporary Provisions for the Acquisition of Subsequent
Standard Certificates
25.40 Requirements for Initial Special K-12 Certificate
25.43 Standards for Certification of Special Education Teachers
25.45 Standards for the Standard Special Certificate--Speech
and Language Impaired
25.50 General Certificate (Repealed)
25.60 State Special Certificate, Grades 11-12, For Teaching
Elective Subjects (Repealed)
25.65 Alternative Certification
25.67 Alternative Route to Teacher Certification
25.70 State Provisional Vocational Certificate
25.75 Part-time Provisional Certificates
25.80 Requirements for Initial Early Childhood Certificate
25.85 Special Provisions for Endorsement in Foreign Language
for Individuals Currently Certified
25.86 Special Provisions for Endorsement in Foreign Language
for Individuals Prepared as Teachers But Not Currently
Certified
25.90 Transitional Bilingual Certificate and Examination
25.95 Majors, Minors, and Separate Fields for the Illinois High
School Certificate

Exhibit A

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25.99 Endorsing Teaching Certificates

SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL EDUCATORS
IN THE STATE OF ILLINOIS

Section

- 25.110 System of Approval: Levels of Approval (Repealed)
- 25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs
- 25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)
- 25.125 Fifth-Year Review of the Educational Unit
- 25.127 Fifth-Year Review of Individual Programs
- 25.130 Special Provisions for Institutions Subject to Conditions for Continuing Accreditation
- 25.135 Interim Provisions for Continuing Accreditation and Approval -- July 1, 2000, through Fall Visits of 2001
- 25.136 Interim Provisions for Continuing Accreditation -- Institutions Visited from Spring of 2002 through Spring of 2003
- 25.137 Interim Provisions for Continuing Accreditation and Approval -- July 1, 1999, through June 30, 2000 (Repealed)
- 25.140 Transitional Requirements for Unit Assessment Systems
- 25.145 Approval of New Programs Within Recognized Institutions
- 25.147 Approval of Programs for Foreign Language Beginning July 1, 2003
- 25.150 The Periodic Review Process (Repealed)
- 25.155 Initial Recognition Procedures
- 25.160 Notification of Recommendations; Decisions by State Board of Education
- 25.165 Discontinuation of Programs

SUBPART D: SCHOOL SERVICE PERSONNEL

Section

- 25.210 Requirements for the Certification of School Social Workers
- 25.220 Requirements for the Certification of Guidance Personnel
- 25.230 Requirements for the Certification of School Psychologists
- 25.240 Standard for School Nurse Endorsement

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SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE
AND SUPERVISORY POSITIONS

Section

- 25.310 Definitions (Repealed)
- 25.311 Administrative Certificate
- 25.313 Alternative Route to Administrative Certification
- 25.315 Renewal of Administrative Certificate
- 25.320 Application for Approval of Program (Repealed)
- 25.322 General Supervisory Endorsement
- 25.330 Standards and Guide for Approved Programs (Repealed)
- 25.333 General Administrative Endorsement
- 25.344 Chief School Business Official Endorsement
- 25.355 Superintendent

SUBPART F: GENERAL PROVISIONS

Section

- 25.400 Registration of Certificates; Fees
- 25.405 Military Service
- 25.410 Revoked Certificates
- 25.415 Credit in Junior College
- 25.420 Psychology Accepted as Professional Education
- 25.425 Individuals Prepared in Out-of-State Institutions
- 25.427 Three-Year Limitation
- 25.430 Institutional Approval
- 25.435 School Service Personnel Certificate--Waiver of Evaluations (Repealed)
- 25.437 Equivalency of General Education Requirements (Repealed)
- 25.440 Master of Arts NCATE
- 25.442 Illinois Teacher Corps Programs
- 25.445 College Credit for High School Mathematics and Language Courses
- 25.450 Lapsed Certificates
- 25.455 Substitute Certificates
- 25.460 Provisional Special and Provisional High School Certificates
- 25.465 Credit
- 25.470 Meaning of Experience on Administrative Certificates
- 25.475 Certificates and Permits No Longer Issued (Repealed)
- 25.480 Credit for Certification Purposes

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- 25.485 Provisional Recognition of Institutions (Repealed)
- 25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime
- 25.493 Part-Time Teaching Interns
- 25.495 Approval of Out-of-State Institutions and Programs
- 25.497 Supervisory Endorsements

SUBPART G: THE UTILIZATION OF TEACHER AIDES AND OTHER NONCERTIFIED PERSONNEL

Section

- 25.510 Teacher Aides
- 25.520 Other Noncertificated Personnel
- 25.530 Specialized Instruction by Noncertificated Personnel
- 25.540 Approved Teacher Aide Programs

SUBPART H: CLINICAL EXPERIENCES

Section

- 25.610 Definitions
- 25.620 Student Teaching
- 25.630 Pay for Student Teaching (Repealed)

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section

- 25.705 Purpose - Severability
- 25.710 Definitions
- 25.715 Test Validation
- 25.717 Test Equivalence
- 25.720 Applicability of Testing Requirement
- 25.725 Applicability of Scores
- 25.728 Use of Basic Skills Test at Time of Entry into Teacher Education
- 25.730 Registration
- 25.732 Late Registration
- 25.733 Emergency Registration
- 25.735 Frequency and Location of Examination
- 25.740 Accommodation of Persons with Special Needs
- 25.745 Special Test Dates
- 25.750 Conditions of Testing
- 25.755 Voiding of Scores

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25.760 Passing Score
25.765 Individual Test Score Reports
25.770 Re-scoring
25.775 Institution Test Score Reports
25.780 Fees

SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section
25.800 Professional Development Required
25.805 Requirements of the Plan
25.810 State Priorities
25.815 Submission and Review of the Plan
25.820 Review of Approved Plan
25.825 Progress Toward Completion
25.830 Application for Renewal of Certificate(s)
25.832 Validity and Renewal of Master Certificates
25.835 Review of and Recommendation Regarding Application for
Renewal
25.840 Action by State Teacher Certification Board; Appeals
25.845 Responsibilities of School Districts
25.848 General Responsibilities of LPDCs
25.850 General Responsibilities of Regional Superintendents
25.855 Approval of Illinois Providers
25.860 Out-of-State Providers
25.865 Awarding of Credit for Activities with Providers
25.870 Continuing Education Units (CEUs)
25.875 Continuing Professional Development Units (CPDUs)
25.880 "Valid and Exempt" Certificates; Proportionate Reduction;
Part-Time Teaching
25.885 Funding; Expenses

APPENDIX A Statistical Test Equating - Certification Testing
System
APPENDIX B Certificates Available Effective February 15, 2000
APPENDIX C Exchange of Certificates
APPENDIX D National Board and Master Certificates

AUTHORITY: Implementing Article 21 and Section 14C-8 and
authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21,
14C-8, and 2-3.6].

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SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; peremptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; peremptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; peremptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section 25.805 Requirements of the Plan

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- a) THE CONTINUING PROFESSIONAL DEVELOPMENT PLAN OF EACH AFFECTED CERTIFICATE-HOLDER SHALL INCLUDE AT LEAST THREE INDIVIDUAL IMPROVEMENT GOALS REFLECTING THE PURPOSES ENUMERATED IN SUBSECTION (b) OF THIS SECTION (Section 21-14(e)(2) of the School Code [105 ILCS 5/21-14(e)(2)]). Each goal shall include a brief statement of the knowledge and skill(s) to be enhanced, which shall reflect relevant professional teaching or content area standards set forth in this Part.
- b) Each continuing professional development plan shall include activities that:
 - 1) ADVANCE THE CERTIFICATE-HOLDER'S KNOWLEDGE AND SKILLS IN HIS OR HER AREA(S) OF CERTIFICATION, ENDORSEMENT, OR TEACHING ASSIGNMENT IN RELATIONSHIP TO THE RELEVANT STANDARDS set forth in this Part;
 - 2) DEVELOP THE CERTIFICATE-HOLDER'S KNOWLEDGE AND SKILLS IN ONE OR MORE AREAS IDENTIFIED BY THE STATE BOARD OF EDUCATION as "State priorities" (see Section 25.810 of this Part); and
 - 3) ADDRESS THE KNOWLEDGE, SKILLS, AND GOALS THAT ARE RELEVANT TO THE CERTIFICATE-HOLDER'S LOCAL SCHOOL IMPROVEMENT PLAN, IF THE INDIVIDUAL IS EMPLOYED IN A SCHOOL THAT IS REQUIRED TO HAVE SUCH A PLAN.
- c) A continuing professional development plan may also include activities that EXPAND THE CERTIFICATE-HOLDER'S KNOWLEDGE AND SKILLS IN AN ADDITIONAL TEACHING FIELD OR ADVANCE THE INDIVIDUAL TOWARD ACQUISITION OF AN ADDITIONAL TEACHING CERTIFICATE, ENDORSEMENT, OR DEGREE IN THE FIELD OF EDUCATION.
- d) COMPLETION OF ALL REQUIRED ACTIVITIES IN PURSUIT OF CERTIFICATION BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS (NBPTS) MAY BE USED TO FULFILL 100% OF THE REQUIREMENT FOR CONTINUING PROFESSIONAL DEVELOPMENT (Section 21-14(e)(3)(C) of the School Code [105 ILCS 5/21-14(e)(3)(C)]). The presence of an individual's name on the National Board's composite list of those who have

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completed the certification process (as distinct from having received certification) shall be considered evidence of completion.

- e) EIGHT SEMESTER HOURS OF COLLEGE COURSEWORK IN AN UNDERGRADUATE OR GRADUATE-LEVEL PROGRAM RELATED TO EDUCATION MAY BE USED TO FULFILL 100% OF THE REQUIREMENT FOR CONTINUING PROFESSIONAL DEVELOPMENT, PROVIDED THAT AT LEAST 2 SEMESTER HOURS ARE CHOSEN TO ADDRESS THE PURPOSE DESCRIBED IN SUBSECTION (b) (1) OF THIS SECTION (Section 21-14(e) (3) (A) of the School Code [105 ILCS 5/21-14(e) (3) (A)]).
- f) Twenty-four continuing education units ("CEUs"; see Sections 25.865 and 25.870 of this Part) may be used to fulfill 100% of the requirement for continuing professional development, provided that:
 - 1) at least half of such units are earned in activities relevant to the purposes described in subsections (b) (1) and (2) of this Section and, for an individual not serving as a special education teacher,
 - A) at least 20 percent of the units required are relevant to serving students with disabilities in the least restrictive environment (including such topics as multi-modality instruction, applied techniques for teaching academic content, making adaptations and modifications to the curriculum, managing student behavior, and team teaching), and an identified portion of at least one activity addresses adapting and modifying curriculum related to the Illinois Learning Standards (see Public Schools Evaluation, Recognition and Supervision, 23 Ill. Adm. Code 1, Appendix D) to meet the needs of students with disabilities, except that
 - B) subsection (f) (1) (A) of this Section shall apply to an individual whose plan for continuing professional development was

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approved by the responsible local professional development committee on or before January 1, 2002, in direct proportion to the number of semesters of validity remaining on his or her standard certificate on that date and the individual shall not be required to revise his or her plan, even if such a revision would otherwise be needed in order to encompass different activities;

- 2) an identified portion of at least one activity addresses the purpose specified in subsection (b) (3) of this Section, unless the certificate-holder is not employed in or assigned to a school that is required to have a school improvement plan; and
 - 3) any remaining units address the purpose specified in subsection (c) of this Section.
- g) Completion of 120 continuing professional development units ("CPDUs"; see Section 25.875 of this Part) may be used to fulfill 100% of the requirement, provided that:
- 1) at least half of such units are earned in activities relevant to the purposes described in subsections (b) (1) and (2) of this Section; and, for an individual not serving as a special education teacher,
 - A) at least 20 percent of the units required are relevant to serving students with disabilities in the least restrictive environment (including such topics as multi-modality instruction, applied techniques for teaching academic content, making adaptations and modifications to the curriculum, managing student behavior, and team teaching), and an identified portion of at least one activity addresses adapting and modifying curriculum related to the Illinois Learning Standards (see Public Schools Evaluation, Recognition and Supervision, 23

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Ill. Adm. Code 1, Appendix D) to meet the needs of students with disabilities, except that

- B) subsection (g) (1) (A) of this Section shall apply to an individual whose plan for continuing professional development was approved by the responsible local professional development committee on or before January 1, 2002, in direct proportion to the number of semesters of validity remaining on his or her standard certificate on that date and the individual shall not be required to revise his or her plan, even if such a revision would otherwise be needed in order to encompass different activities;
- 2) an identified portion of at least one activity addresses the purpose specified in subsection (b) (3) of this Section, unless the certificate-holder is not employed in or assigned to a school that is required to have a school improvement plan; and
 - 3) any remaining units address the purpose specified in subsection (c) of this Section.
- h) A certificate-holder may choose any combination of the types of activities described in subsections (e), (f), and (g) of this Section, provided that the total effort represents the equivalent of 120 CPDUs or 24 CEUs and the distribution of such units conforms to the requirements of subsection (g) of this Section. For purposes of calculating approvable combinations from different categories:
- 1) one semester hour of college credit shall be considered the equivalent of 15 CPDUs or three CEUs; and
 - 2) one CEU shall be considered the equivalent of 5 CPDUs.
- i) The provisions of subsections (e) through (h) of this

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Section shall be subject to the proportionate reductions specified in Section 21-14 of the School Code with respect to part-time teaching and periods when certificates have been maintained valid and exempt. (See Section 25.880 of this Part.)

- j) Each plan shall be submitted on a form supplied by the State Board of Education and shall:
- 1) identify the certificate-holder;
 - 2) list all certificates and endorsements held;
 - 3) indicate the period of validity;
 - 4) identify the certificate-holder's current position or assignment;
 - 5) identify the certificate-holder's improvement goals;
 - 6) list and briefly describe the certificate-holder's planned or potential activities or types of activities, relating each to the improvement goal(s) and purpose(s) it will fulfill; and
 - 7) provide a timeline that will ensure the completion of the plan during the certificate's period of validity.
- k) A given professional development activity may be attributed to all of the purposes enumerated in subsections (b) and (c) of this Section to which it relates. However, the units of credit awarded for a particular activity may be counted only once in calculating the total earned.

(Source: Amended at 26 Ill. Reg. _____, effective _____)