

1 HOUSE JOINT RESOLUTION

2 WHEREAS, On October 12, 2000, the State Board of
3 Education adopted an amendment by peremptory rulemaking for
4 rules entitled "Certification" (23 Ill. Adm. Code 25; 24 Ill.
5 Reg. 16109); and

6 WHEREAS, The peremptory amendment adopted by the State
7 Board of Education repeals a rule limiting special education
8 teachers with certificates endorsed for specific disabilities
9 to teaching only students with those disabilities; and

10 WHEREAS, This rulemaking is in response to a court order
11 issued on September 12, 2000 in Corey H., et al., v. Board of
12 Education of City of Chicago, et al., No. 92 C 3409 (9/12/00,
13 U.S. District Court for the Northern District of Illinois,
14 Eastern Division); among the dispositions by the
15 court-appointed monitor was a requirement that the State
16 Board of Education repeal, via peremptory rulemaking,
17 categorical certification language from 23 Ill. Adm. Code 25,
18 Appendix C; and

19 WHEREAS, The Joint Committee on Administrative Rules,
20 during its review of the peremptory rulemaking as directed by
21 the Illinois Administrative Procedure Act, determined that
22 the continued enforcement of this rulemaking would constitute
23 a serious threat to the public interest, safety, and welfare
24 and particularly the welfare of this State's special
25 education students; implementation of this rulemaking may
26 result in unqualified teachers being assigned to students for
27 whom the teacher has no training or preparation; and

28 WHEREAS, Based on this determination, the Joint Committee
29 on Administrative Rules suspended this rulemaking; and

30 WHEREAS, Because Section 5-125 of the Illinois
31 Administrative Procedure Act states that a suspension of an

1 agency's peremptory rulemaking is effective for a period of
2 at least 180 days, the suspension issued by the Joint
3 Committee on Administrative Rules, which commenced on
4 February 21, 2001, will terminate on August 19, 2001, unless
5 continued by the adoption of this joint resolution by both
6 houses of the General Assembly as provided in subsection (c)
7 of Section 5-125 of the Illinois Administrative Procedure
8 Act; and

9 WHEREAS, On October 27, 2000, the State Board of
10 Education adopted new rules through a second peremptory
11 rulemaking entitled "Standards for Certification in Special
12 Education" (23 Ill. Adm. Code 28; 24 Ill. Reg. 16738); and

13 WHEREAS, The peremptory rules adopted by the State Board
14 of Education create 2 categories of special education
15 teachers, Learning Behavior Specialist (LBS) I and II, and
16 create a common core of standards for all special education
17 teachers and specific content-area standards for LBS I (deaf
18 or hard-of-hearing, blind or visually impaired, or a
19 combination of both) and LBS II (speech-language
20 pathologists, early childhood special education teachers, and
21 learning behavior specialists); LBS II persons can be further
22 categorized as specialists, i.e., as a transition specialist,
23 technology specialist, bilingual special education
24 specialist, blind specialist, behavior intervention
25 specialist, curriculum adaptation specialist, or multiple
26 disabilities specialist; and

27 WHEREAS, The standards will affect both special education
28 teachers and the academic programs that prepare them;
29 beginning on July 31, 2002, special education teacher
30 preparation programs will be not approved by the State Board
31 of Education if they do not include these new common core
32 standards; beginning on January 1, 2003, any examination
33 required for special education certification must assess the

1 candidate's competence in relation to these standards; for
2 each category of special education (deaf, early childhood,
3 etc.), a teacher must understand the foundations of special
4 education, characteristics of the relevant category of
5 students, assessment procedures, instructional planning and
6 delivery, learning environments, collaborative relationships,
7 professional conduct and leadership, and reflection and
8 professional growth; and

9 WHEREAS, This second peremptory rulemaking is in response
10 to the court order in which the State Board of Education was
11 directed to adopt the peremptory rules for special education
12 teacher certification standards; and

13 WHEREAS, The Joint Committee on Administrative Rules,
14 during its review of the second peremptory rulemaking as
15 directed by the Illinois Administrative Procedure Act,
16 determined that the continued enforcement of this rulemaking
17 would constitute a serious threat to the public interest and
18 welfare and that the reasons for the suspension are as
19 follows:

20 (1) educational professionals have argued that the
21 teacher training scenario outlined in this rulemaking
22 will result in teachers who are not as qualified to teach
23 children with special needs as are teachers trained under
24 the previous standards;

25 (2) the rules place an unreasonable economic burden
26 on special education teachers, who will be required to
27 undergo additional training for the new certification, on
28 school districts, which will need to hire special
29 education teachers with appropriate credentials and to
30 supply supplemental services to assist the children with
31 disabilities in regular classroom instruction, on higher
32 education facilities, which will need to revamp their
33 teacher preparation programs to implement these new

1 special education common core standards, and on the State
2 Board of Education, which is charged with implementing
3 the new certification program standards; and

4 (3) the economic hardship being created by this
5 rulemaking could result in the availability of fewer
6 qualified teachers to serve special education students;
7 and

8 WHEREAS, Based on this determination, the Joint Committee
9 on Administrative Rules suspended the second peremptory
10 rulemaking; and

11 WHEREAS, Because Section 5-125 of the Illinois
12 Administrative Procedure Act states that a suspension of an
13 agency's peremptory rulemaking is effective for a period of
14 at least 180 days, the suspension issued by the Joint
15 Committee on Administrative Rules, which commenced on January
16 9, 2001, will terminate on July 7, 2001, unless continued by
17 the adoption of this joint resolution by both houses of the
18 General Assembly as provided in subsection (c) of Section
19 5-125 of the Illinois Administrative Procedure Act;
20 therefore, be it

21 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
22 NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
23 SENATE CONCURRING HEREIN, that the General Assembly hereby
24 continues the 2 suspensions issued by the Joint Committee on
25 Administrative Rules on January 9, 2001 and February 21,
26 2001, respectively, of the State Board of Education's 2
27 peremptory rulemakings titled "Standards for Certification in
28 Special Education" (23 Ill. Adm. Code 28; 24 Ill. Reg. 16738)
29 and "Certification" (23 Ill. Adm. Code 25; 24 Ill. Reg.
30 16109); and be it further

31 RESOLVED, That suitable copies of this resolution be
32 delivered to the Executive Director of the Joint Committee on

1 Administrative Rules and to the State Superintendent of
2 Education.