

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

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REP. FRANCES ANN HURLEY
REP. STEVEN REICK
REP. ANDRÉ THAPEDI

MINUTES

February 17, 2021

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Wednesday, February 17, 2021, at 11:00 a.m. in Room C-1 of the Stratton Building, Springfield IL. Co-Chair Wheeler called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee meetings. Other persons are encouraged to submit their comments to the JCAR office in writing.

ATTENDANCE ROLL CALL

X Senator Bill Cunningham	X Representative Tom Demmer
X Senator John F. Curran	X Representative Michael Halpin
X Senator Donald DeWitte	X Representative Frances Ann Hurley
Senator Kimberly A. Lightford	X Representative Steven Reick
X Senator Antonio Muñoz	X Representative André Thapedi
X Senator Sue Rezin	X Representative Keith Wheeler

APPROVAL OF THE MINUTES OF THE JANUARY 12, 2021 MEETING

Rep. Halpin moved, seconded by Sen. Curran, that the minutes of the January 12, 2021 meeting be approved. The motion passed unanimously (11-0-0).

REVIEW OF AGENCY RULEMAKING

Department of Financial and Professional Regulation – Illinois Roofing Industry Licensing Act (68 Ill. Adm. Code 1460; 44 Ill. Reg. 18546)

Sen. DeWitte moved, seconded by Rep. Thapedi, that JCAR recommend that the Department be more timely in implementing new statute. The underlying statute (P.A. 99-469) became effective on 8/26/15. The motion passed unanimously (11-0-0).

CONSIDERATION OF OTHER RULEMAKINGS AND ISSUES

Department of Financial and Professional Regulation – Illinois Professional Land Surveyor Act of 1989 (68 Ill. Adm. Code 1270; 44 Ill. Reg. 16065)

Co-Chair Wheeler announced that consideration of this rulemaking would be postponed until the March 16th meeting.

State Board of Education – Standards for All Teachers (23 Ill. Adm. 24; 44 Ill. Reg. 14574)

Amanda Elliott, Executive Director of Legislative Affairs, represented SBE.

Rep. Thapedi: Apparently there is misinformation about what this rule actually does, what its intent is, and what its statutory authority is. Could you please walk us through this rule?

Ms. Elliott: Back in 2017, SBE was invited to put together a team of individuals to meet with individuals from other states to discuss culturally responsive teaching practices. We established a leadership team to meet with the individuals from the other states and then after that put out an application for individuals who wanted to join a network to work on putting these rules together. So this work went on for several years. Last summer, we got the rules through our board meeting and they were reviewed without a vote by our board. The following month the board voted to put the rules out for public comment, and after the public comment period it returned to the board for review in December. We received some public comment and as we always do we took all the public comment we received seriously and made some changes before they went back to our board in December. The rules were then sent to JCAR, and we've been talking with many JCAR members about rules and have made additional changes which you should have in front of you today. So that's basically the process of how we got where we are. As far as the standards themselves, cultural responsiveness really means creating a learning environment in which students from all different backgrounds feel included and engaged. These standards will be implemented in educator preparation programs, which means that colleges and universities that have approved preparation programs that prepare teachers and school leaders will look for opportunities to introduce culturally responsive practices over the course of their preparation. Academic subjects like math, reading, and science are still the "what". Cultural responsiveness is part of the "how". We developed these standards because the Illinois student population is incredibly diverse. Our students come from different races, ethnicities, cultures and faiths and speak almost 200 different languages. This is a critical strategy in closing the achievement gap. When students feel understood and included, they are more likely to succeed. The standards are what excellent, experienced teachers in Illinois already do but had to learn on their own or through trial and error over years. We are proposing these standards to ensure that all educators are ready to teach diverse students on Day 1 in the classroom. As far as the statutory authority goes, Article 21B of the School Code gives ISBE statutory authority to adopt rules governing educator preparation programs. Also ISBE has its general rulemaking authority. We frequently adopt standards for K-12 schools; I look forward to talking to you about standards for K-12 schools. However, these standards apply to educator preparation programs, which I think is an important distinction. So I hope that answers your question. I'm happy to answer any others.

Rep. Thapedi: Is the purpose of these rules—and again I want to be very clear—that are before JCAR today – are these rules designed to increase the number of minority teachers?

Ms. Elliott: We would like to increase the number of minority teachers utilizing these standards but also the overall number of teachers. We think that as teachers are better prepared to enter the classroom they will be more likely to stay in the classroom. Education has a high turnover rate, especially since many educators do not feel prepared when they enter the classroom. So we believe

that these standards are just one piece of the puzzle to help teachers be prepared when they enter the classroom.

Rep. Thapedi: We are talking about teachers, and sometimes like most human beings, and I would include myself in that group, that we have internal biases. Are these rules designed to in any way affect potential internal biases that these teacher candidates or existing teachers have in terms of developing and actually executing their craft?

Ms. Elliott: It's meant for teachers to recognize those biases and understand how they might affect their teaching practices. We want them to make sure that they are accepting all students and making sure that all students feel welcome in their classrooms, and adjusting their teaching practices as necessary to make sure that teachers are observing and learning the material.

Rep. Thapedi: When do these standards go into effect?

Ms. Elliott: The standards will be effective in 2025, which gives us several years to continue to work with partners from higher education and educators and other individuals who are interested in the implementation of these standards across higher education.

Rep. Thapedi: So, for the next 4 years, what is the plan, assuming that these rules are passed or not objected to today?

Ms. Elliott: We will continue to convene the network of teachers and other experts to work on these rules, and also look to expand that group to make sure that we have covered all different perspectives on the group. So we will work to convene that group and develop resources, materials and information on how these will be implemented in university programs, and also in developing optional professional development for current in-service teachers.

Rep. Thapedi: I think that you said that you began this process in 2017, correct?

Ms. Elliott: Correct.

Rep. Thapedi: Who was the governor at the time?

Ms. Elliott: Bruce Rauner.

Rep. Thapedi: So this was an initiative of Bruce Rauner, or at least his administration, back in 2017, correct?

Ms. Elliott: His administration, yes.

Rep. Reick: Thank you for being here today. I really appreciate it. I've got the answers to the questions that I sent you earlier and I appreciate that. I want to expand on a few things if I may, please.

Ms. Elliott: Absolutely.

Rep. Reick: The School Code provides for the reward of school districts that succeed in closing the gaps that are identified here in terms of teacher availability and the makeup of the teacher pool,

rather than the punishment of school districts that fail. However, it appears that the rule contains criteria to enable the closure of group education gaps through adverse sanctions. How is it possible to sanction teachers and educators without also imposing a sanction on the school districts as their places of employment?

Ms. Elliott: I don't know that I agree that there are sanctions in place for individual teachers because of these rules.

Rep. Reick: Well, the plain language of the standards describes all teachers who do not comply with the standards as, in effect, incompetent by virtue of their unwillingness or inability to do some of the things that are required in the standards. So I do believe that what you're doing is you're taking teachers who may object to some of the things that are in this rule and thus are saying that their inability or unwillingness to abide by this are making them, in effect, incompetent and that translates over to the school district that hires them. It just seems that that's the progression of things.

Ms. Elliott: I don't know that I would agree. There are no sanctions in the rules. Again, these are for educator preparation programs and are not aimed at school districts. And it's about not the personally held beliefs of teachers that may be in the classroom but making sure that they are welcoming to all students regardless of their background and also able to adapt material as necessary to meet those needs. There are no sanctions in this. I know I've seen some news coverage that people will lose their jobs or their licenses. That is not at all the case.

Rep. Reick: Well, I'm reading from paragraph (a)(10) of Section 24.50, which says that a culturally responsive teacher shall assess how their biases and perceptions affect their teaching practices and how they access tools to mitigate their own behavior. That sounds to me like there's a preexisting assumption that these teachers go into their training with these biases that are in effect expected to mitigate those biases through an undefined means and then what we end up with are teachers who are unable to be licensed, presumably, because they haven't been able to mitigate their behavior, such as racism, sexism, homophobia, unearned privilege, and Eurocentrism. That tells me that what you're looking at is saying that unless you mitigate these types of behaviors which appear to be implied and implicit and assumed to be held by these people they will not gain licensure. How do you square that circle, please?

Ms. Elliott: This is not about the teachers' ideals or personally held beliefs. It's about the child. Effective teachers can separate their personally held ideals like racism, sexism, homophobia from the child himself—making sure that the child that they are teaching never knows that the teacher is racist or sexist or holds these ideas but making sure that they can still teach that student in front of them.

Rep. Reick: But I'm going to go back to saying that this is about licensing teachers and so let's leave the kid off to the side for a moment because the teacher isn't in the classroom yet. The teacher is in a training program where they are expected to mitigate their behavior based on preconceived notions of bias. This is to get them into the classroom, not to see what they do once they get there.

Ms. Elliott: The point of putting these in educator preparation programs is to make sure that these teaching candidates receive the tools they need to mitigate those biases while in college, not when they're in front of a classroom on their own testing out different tools. They're going to get these tools in their educator preparation programs so that students don't feel singled out more than others.

It's not just about students of color. It's about all students. I've been talking to a lot of educators about these standards. Let's say one of them has a background in urban education. If her career were to take her to a rural part of the state, she would have to employ these methods in learning her classroom and her community. So it's about making sure that you can recognize how you may need to adjust how you are interacting with your students to best serve those students.

Rep. Reick: I'm going to respectfully disagree with the intent that you just stated with what I'm reading in the actual rule itself. Moving on, the Administrative Code imposes career-long professional responsibilities upon teachers and educators. Implementation of these responsibilities will require monitoring of all the licensed personnel in school districts. The school code, on the other hand, explicitly directs the Illinois State Board of Education to establish limitations on the growth of school administrative costs. Furthermore, the Administrative Code contains provisions to provide funding to school districts for the cost of monitoring the professional responsibilities and mandates. How has ISBE provided for compliance with these requirements within the context of this rule? How are you preparing for the increased cost associated with additional compliance and monitoring by school districts?

Ms. Elliott: I think you're asking about teacher evaluations with respect to these standards.

Rep. Reick: Well, yeah, because teacher evaluations are a critical part of maintaining your license.

Ms. Elliott: These standards are not a part of teacher evaluations. Teacher evaluations are primarily based on the Illinois Professional Teaching Standards and these were not included in those standards. These are separate. So this is not part of teacher evaluations. Additionally, there is no required professional development to renew your license. So I don't know that I anticipate any increased cost from the agency as a result of these standards.

Rep. Reick: But the fact remains that if you impose additional standards upon teachers which they must comply with to maintain their licensure, then you are imposing additional costs upon school districts for the purpose of monitoring these things and reporting upon them and all that kind of stuff. I'd like to know what steps have been taken to establish limitations on these costs within the constraints imposed by Illinois statute.

Ms. Elliott: I don't believe that there would be any additional cost on school districts as a result of these rules.

Rep. Reick: More in-depth reporting requirements would indicate that there are going to be longer reports and more time spent doing it, but nonetheless. Does the rule apply only to teachers in training or also to in-service personnel?

Ms. Elliott: The rules are for educator preparation programs beginning in 2025. We also have plans to create optional professional development for in-service teachers. Again, that is optional professional development if teachers feel they would like to learn more about these standards.

Rep. Reick: But aren't teachers bound by the School Code to adhere to the same standards as teachers coming into the profession?

Ms. Elliott: These are standards for the universities to teach their new students beginning in 2025.

Rep. Reick: But if the students walk off the campus and into a classroom having not adhered to the standards that are being taught by the universities they're not going to get licensed, is that correct?

Ms. Elliott: The universities are giving them the tools to address the issues in the standards. We look forward to working to develop this information with universities about how they can make sure that teachers receive this education.

Rep. Reick: Final question: I think it was in the DLTR network tab on the ISBE website that the primary aim of what we're trying to accomplish here is to increase the number of minority teachers, especially in special ed and bilingual programs. I really fail to see how it is that these standards which are looking at a teacher's assessment of his or her own biases among other things plus the things that a teacher—you know, social activism was originally talked about in this rule, many things that dealt with certain forms of behavior that a teacher would advocate for as part of the classroom experience. Curating curriculum, things like that. I fail to see how these standards do anything but probably hamstring the ability of the teaching profession to gain new members or new participants. It seems to me that what you're doing is you're putting handcuffs through self-examination and certain things that don't really apply to the establishment or recruitment of new teachers. Instead, what it appears that these rules are doing is to look forward and outward to the behaviors of students, the perception of how those students learn, and I don't see how that conforms to the need or the stated goal which I believe at one time was the primary goal of this whole thing to develop more minority teachers in the classroom, which I will tell you I fully agree with that aim. But I don't think that this rule does what you are trying to accomplish. Can you comment on that, please?

Ms. Elliott: Yes. I would say first of all that these standards are one piece of the network's overall work. So this isn't the only item that's being worked on by the network. If you'd like me to set up a time for you to meet with members of the network, I'd be happy to do so. But as far as your point about how this will retain more teachers and particularly teachers of color, I touched on this earlier, but right now when teachers enter the classroom they may not be prepared to address the students in the classroom that they are facing. And they have to learn these skills on the job. So instead our goal is to have them receive the tools they need while they are students—while they are learning—so they are more prepared when they do enter the classroom and that they are not learning on the job. We see a high rate of turnover among initial teachers, and we are hopeful that this is one way that we can retain more teachers in the classroom. And again I'm happy to meet with you further about this and the other strategies that we are looking at to address this issue.

Rep. Reick: Well, with all due respect, I have to say that I disagree with you on that because I believe that what we're doing here is imposing new requirements upon people to look to their own—I can't get by the language in (a)(10), I'll be honest with you there. And with that I will hand the questioning off to the next speaker. Thank you.

Sen. Rezin: We spoke on the phone and I do appreciate our conversation explaining the background and how we got to where we're at now. Could you tell me who the task force consisted of, please?

Ms. Elliott: There were a number of individuals and obviously they are all listed on our website. There was a steering team that included educators, university professionals, and there was a legislator on the initial group that went to the conference, and then we developed the network,

which is the larger group of educators, experts, and university professionals that worked primarily on the rule and other strategies.

Sen. Rezin: However, there were only Democratic state representatives on the task force, correct? Were there any members from the Republican Party that participated in the task force?

Elliott: Not legislators.

Sen. Rezin: And again, I don't want to be political when I talk about this but in our conversation I did look at the list of members that were on the task force. It seemed that the majority of the task force consisted of members who do believe that teachers should be encouraging progressive viewpoints and that they should be encouraging activism by students. And our concern is—I understand what your intent is now for the task force—that the members of the task force were not fair and balanced. Is that correct? Do you feel that the task force was a very fair and balanced task force that contained members with many different viewpoints regarding this issue?

Ms. Elliott: We did not ask political affiliation when members joined the group, but I think there's always room for additional perspectives and we're looking to expand the group as we hopefully after today can move forward with implementation. If there are Republican legislators who would like to engage in this work, we would welcome you to join the work, and also if you have recommendations of individuals that are interested in this we are definitely looking to expand the group as we work toward implementation.

Sen. Rezin: I appreciate that, Amanda. Typically we're asked to sit on task forces all of the time. I mean, Springfield is known for creating task forces for everything. And it is incredibly unusual to have a task force whose mission is really to change some of our teaching standards and yet not have representatives from our party sit on the task force or advocates from different groups participating as well on the task force. I would hope from this point forward that we can encourage more of a diverse task force and members of the task force so we can—and I appreciate too that you did make some of the changes that we asked for. So I am recognizing that. But the reason that each member on JCAR received well over a thousand I would say almost two thousand e-mails and upwards of 500 phone calls is because in the first draft you are asking teachers to encourage progressive viewpoints and that's why we have so many people contacting our office with these concerns. I mean, these are typically the context that we would speak or the words that we would use when we are trying to put together rulemaking. So from this point forward I do hope that the task force is more balanced. Thank you.

Co-Chair Wheeler: I was asked a question just this morning and I want to put it on the record: will these standards affect teachers outside of the public school system? In other words, private schools, parochial schools, etc.?

Ms. Elliott: Private schools and parochial schools are not required to hire licensed teachers. So to the extent that they choose to hire licensed teachers after 2025, those teachers would have received this kind of instruction in their ed prep programs. But they are not required to hire licensed educators.

Co-Chair Wheeler: Thank you. First, I'll say thank you for the discussions that you and I have had repeatedly over the last few weeks here. And trying to better understand this rulemaking, trying to improve this rulemaking, and to that point and to Sen. Rezin's very valid point about balance being

part of what we want to achieve here I want to thank you for helping us land in a place that addresses what started so much of the discussion on this rulemaking. The requirement to embrace and encourage progressive viewpoints has now been changed to embrace and encourage a balance of viewpoints, which I think is a better policy for all of us to look to. For all the teachers that are involved, I've been reached out to by teachers on both sides of the political spectrum, and I think this addresses both of their perspectives more accurately. I want to say thank you for your work and your help on that.

Ms. Elliott: And thank you very much for all of your work too. I appreciate all of your time and input and am glad that we were able to reach the rule that we have today.

Rep. Reick moved, seconded by Sen. Rezin, that JCAR object to and prohibit the filing of this rulemaking because the Culturally Responsive Teaching and Learning Standards do not provide clear performance indicators or measurements that teacher preparation programs can use to determine whether a candidate's actions or the preparation program are congruent with the CRTLS. Section. 21B-5 of the School Code requires the State Board to set standards for teaching. Sec. 5-20 of the IAPA requires that standards implementing agency discretionary powers be stated as precisely and clearly as practicable. This rulemaking does not clearly state how teacher preparation programs are expected to implement the CRTLS, nor does it clearly state how these standards will affect new teacher applicants. JCAR finds this to be a threat to the public interest.

PROHIBITION ROLL CALL

N	Senator Bill Cunningham	Y	Representative Tom Demmer
Y	Senator John Curran	N	Representative Michael Halpin
Y	Senator Donald DeWitte	N	Representative Frances Ann Hurley
	Senator Kimberly A. Lightford	Y	Representative Steven Reick
N	Senator Antonio Muñoz	N	Representative André Thapedi
Y	Senator Sue Rezin	Y	Representative Keith Wheeler

The motion failed 6-5-0 (8 votes were necessary to pass).

AGENCY RESPONSES

Educational Labor Relations Board – General Procedures (Emergency) (80 Ill. Adm. Code 1100; 44 Ill. Reg. 15998) and General Procedures (80 Ill. Adm. Code 1100; 44 Ill. Reg. 17536)

No further action will be taken at this time. Staff will monitor.

Torture Inquiry and Relief Commission – Organization, Public Information, Procedures and Rulemaking (2 Ill. Adm. Code 3500; 44 Ill. Reg. 13427)

Due to the appropriateness of the Commission's response, no further action was taken.

CERTIFICATION OF NO OBJECTION

Rep. Demmer moved, seconded by Rep. Hurley, that the Committee inform the agencies to whose rulemakings the Committee has not voted an Objection or Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly

meeting and, based upon the Agreements for modification of the rulemaking made by the agency, no Objections will be issued. The motion passed unanimously (11-0-0).

ANNOUNCEMENT OF MARCH MEETING DATE

Co-Chair Wheeler announced that the next JCAR meeting is scheduled for Tuesday, March 16, 2021, at 11:00 a.m. in Room C-1 of the Stratton Building, Springfield IL.

Co-Chair Wheeler welcomed and thanked JCAR Executive Director Kim Schultz for her hard work on a very eventful first meeting. He also thanked Rep. Thapedi for his hard work on this Committee.

ADJOURNMENT

Co-Chair Cunningham moved, seconded by Sen. Muñoz, that the meeting stand adjourned. The motion passed unanimously (11-0-0).