**Section 260.55 Eligibility for Continued Funding**

Section 2-3.51 of the School Code provides that *districts not demonstrating performance progress using an approved assessment method shall not be eligible for funding in the third or subsequent years until such progress is established*. Each application for funding under the Reading Improvement Block Grant program *shall include a proposed assessment method or methods for measuring* *the reading growth of students who receive direct instruction as a result of the funding and the impact of staff development activities on student growth in reading*.

a) Each application shall list or describe the method or methods the applicant proposes to use to measure students' reading skills for purposes of this Part, provided that an applicant shall use no more than one method for each grade level in which students are served by initiatives supported by funding under this Part. *Such methods may include the* English language arts *portion of the assessments required under Section 2-3.64a-5 of* the School Code [105 ILCS 5/2-3.64a-5] (Section 2-3.51 of the School Code).

1) If a proposed assessment instrument is a standardized or commercially available criterion-referenced test, the applicant shall assure the State Superintendent that the instrument meets the generally accepted standards of validity and reliability set forth in "Standards for Educational and Psychological Testing" (2014) published by the American Educational Research Association, 1430 K St., N.W., Suite 1200, Washington, D.C. 20005. (No later amendments to or editions of these standards are incorporated.)

2) If a proposed assessment instrument is locally developed or chosen, the applicant shall:

A) indicate the acceptable standard of performance by students on that measure (e.g., acceptable grade-level equivalent, score, or percent correct);

B) describe the means by which the applicant's staff determined that the proposed measure is aligned with the Illinois Learning Standards in the area of English language arts; and

C) certify to the State Superintendent that the instrument measures what it is intended to measure and can be expected to yield consistent results, including a description of the methods by which the applicant's staff arrived at the conclusion that this is the case.

3) Results of the proposed methods must be expressed in quantifiable terms, such as the percentage of students meeting an established standard.

b) Each application shall assure the State Superintendent that the applicant will take any measures as may be necessary to prevent inappropriate disclosure of test questions or other materials that form part of the proposed assessment methods.

c) The State Superintendent of Education shall approve the method or methods proposed if the application complies with subsections (a) and (b).

d) No later than 60 days after the due date established for applications, the State Superintendent shall notify each applicant whether its proposed method of measuring students' reading skills is approved. Failure to apply in a timely manner may delay an applicant's receipt of this response. In the case of a disapproval, the applicant shall be notified of the reason for the disapproval and of any modifications that would bring its proposed method into compliance with the requirements of this Section.

e) Each applicant shall annually report to the State Superintendent of Education its reading results for the previous school year, expressed in terms of students' performance on the assessment measures approved pursuant to this Section. The due date for the performance report shall be June 15 for applicants not relying on scores from the State assessment in English language arts and 30 days after the district's receipt of State assessment scores for those relying on State assessment scores.

f) "Performance progress" must be demonstrated with regard to the students who received direct instruction and those whose reading instructors engaged in professional development as a result of this grant and, with respect to that group of students, means any of the following:

1) A higher percentage of students scored at or above the locally established standard on the approved measures of reading performance (e.g., achieved grade-level equivalents, criterion reference points, or local benchmarks) than in the preceding testing cycle.

2) The average score achieved by students on the approved measures rose in comparison to the average for the preceding testing cycle.

3) A higher percentage of students scored in the top two quartiles on the approved measures than in the preceding testing cycle, or a lower percentage of students scored in the bottom quartile.

4) An applicant with 90% or more of scores at or above the established standard maintained its performance in comparison to the preceding testing cycle.

g) The State Superintendent shall notify any applicant whose results on its approved measures of reading performance contradict its State assessment scores in English language arts for the students involved.

1) If a district's report under subsection (e) does not demonstrate performance progress, the State Superintendent shall cause the district's relevant State assessment scores to be reviewed. If these scores demonstrate that performance progress has been made, data from the State assessment will be accepted in lieu of data from the locally identified assessment measure as the basis for the district's continued eligibility for funds under this Part.

2) If a district's report under subsection (e) does show performance progress but its relevant State assessment scores do not bear this out, the State Superintendent shall notify the district to this effect. No later than 30 days after receipt of this notification, the applicant shall provide to the State Superintendent an analysis of this discrepancy and the applicant's rationale for concluding that it has nevertheless made performance progress.

h) An applicant may appeal either disapproval of its proposed assessment methods or a determination that it has failed to make performance progress. In the latter case, the applicant may appeal either on the grounds that it has made performance progress or on the grounds that the factors that led to the failure were beyond the applicant's control (e.g., the low number of students served creates a statistical problem with calculating progress). Prior to a formal appeal, however, the applicant may submit additional written information. If the information presented demonstrates that either of these conditions exists, the State Superintendent shall notify the district that it has made performance progress and no further follow-up is needed.

1) The superintendent or chief administrator of an eligible applicant may request a conference at which representatives of the applicant will have an opportunity to discuss the issues involved with representatives of the State Board of Education.

2) If a conference is held and the areas of concern are not resolved, the school board may submit an appeal by adopted board resolution. The appeal must identify the ways in which the proposed method meets the requirements of Section 2-3.51 of the School Code and this Section, the way in which the information submitted demonstrates that performance progress has been made, or the external factors that led to its inability to make performance progress, as applicable.

3) Consistent with the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475), the applicant will be given an opportunity to present information relevant to the issues appealed. The State Superintendent of Education will consider the appeal and make a recommendation to the State Board of Education; the State Board will issue a final written determination.

4) An applicant's eligibility for funding shall not be interrupted for failure to make performance progress if the State Superintendent determines that failure to make progress was beyond the applicant's control and that the applicant plans to take specific steps in the immediate future to enable it to resume making performance progress.

(Source: Amended at 40 Ill. Reg. 3091, effective January 27, 2016)