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October 9, 2015 Volume 39, Issue 41

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Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2015 until January 4, 2016.

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or preemptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2015

Issue#	Rules Due Date	Date of Issue
1	December 22, 2014	January 2, 2015
2	December 29, 2014	January 9, 2015
3	January 5, 2015	January 16, 2015
4	January 12, 2015	January 23, 2015
5	January 20, 2015	January 30, 2015
6	January 26, 2015	February 6, 2015
7	February 2, 2015	February 13, 2015
8	February 9, 2015	February 20, 2015
9	February 17, 2015	February 27, 2015
10	February 23, 2015	March 6, 2015
11	March 2, 2015	March 13, 2015
12	March 9, 2015	March 20, 2015
13	March 16, 2015	March 27, 2015
14	March 23, 2015	April 3, 2015
15	March 30, 2015	April 10, 2015
16	April 6, 2015	April 17, 2015
17	April 13, 2015	April 24, 2015
18	April 20, 2015	May 1, 2015
19	April 27, 2015	May 8, 2015

20	May 4, 2015	May 15, 2015
21	May 11, 2015	May 22, 2015
22	May 18, 2015	May 29, 2015
23	May 26, 2015	June 5, 2015
24	June 1, 2015	June 12, 2015
25	June 8, 2015	June 19, 2015
26	June 15, 2015	June 26, 2015
27	June 22, 2015	July 6, 2015
28	June 29, 2015	July 10, 2015
29	July 6, 2015	July 17, 2015
30	July 13, 2015	July 24, 2015
31	July 20, 2015	July 31, 2015
32	July 27, 2015	August 7, 2015
33	August 3, 2015	August 14, 2015
34	August 10, 2015	August 21, 2015
35	August 17, 2015	August 28, 2015
36	August 24, 2015	September 4, 2015
37	August 31, 2015	September 11, 2015
38	September 8, 2015	September 18, 2015
39	September 14, 2015	September 25, 2015
40	September 21, 2015	October 2, 2015
41	September 28, 2015	October 9, 2015
42	October 5, 2015	October 16, 2015
43	October 13, 2015	October 23, 2015
44	October 19, 2015	October 30, 2015
45	October 26, 2015	November 6, 2015
46	November 2, 2015	November 13, 2015
47	November 9, 2015	November 20, 2015
48	November 16, 2015	November 30, 2015
49	November 23, 2015	December 4, 2015
50	November 30, 2015	December 11, 2015
51	December 7, 2015	December 18, 2015
52	December 14, 2015	December 28, 2015

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Qualifying Infrastructure Plant Surcharge
- 2) Code Citation: 83 Ill. Adm. Code 656
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
656.20	Amendment
656.30	Amendment
656.40	Amendment
656.50	Amendment
656.60	Amendment
656.70	Amendment
656.80	Amendment
656.90	Amendment
656.100	New Section
- 4) Statutory Authority: Implementing Section 9-220.2 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-220.2 and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments would make a number of changes to the rules on qualifying infrastructure plant surcharges for water and sewer utilities. The proposed amendments would expand both the types of facilities that qualify for QIP treatment and the costs that may be recovered through a QIP surcharge rider, and would alter the annual cap on the amount of recovery under a QIP surcharge rider. The proposed amendments would also add a Section requiring the submission of an annual internal audit report to the Commission to help ensure the proper operation of the surcharge rider.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No

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NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register*, in Docket No. 15-0017 with:

Elizabeth Rolando, Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/782-7434
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This rulemaking will not affect any small municipalities or not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance:
Bookkeeping and filing procedures
 - C) Types of professional skills necessary for compliance: Managerial and accounting skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The Commission did not anticipate the need for this rulemaking at that time.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER e: WATER AND SEWER UTILITIESPART 656
QUALIFYING INFRASTRUCTURE PLANT SURCHARGE

Section

656.10	Applicability
656.20	Definitions
656.30	General Requirements
656.40	Qualifying Infrastructure Plant
656.50	Recoverable Qualifying Infrastructure Plant Costs
656.60	Determination of the Qualifying Infrastructure Plant Surcharge Percentage
656.70	Rider and Information Sheet Filings
656.80	Annual Reconciliation
656.90	Application for Qualifying Infrastructure Plant Surcharge Rider
656.100	Annual Internal Audit

AUTHORITY: Implementing Section 9-220.2 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-220.2 and 10-101].

SOURCE: Adopted at 25 Ill. Reg. 16258, effective December 19, 2001; amended at 40 Ill. Reg. _____, effective _____.

Section 656.20 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Information sheet" means a tariff sheet filed in accordance with this Part to initiate or modify a QIP surcharge percentage.

"Operation year" means the calendar year (or portion thereof) during which a QIP surcharge percentage is applied to customer bills.

"QIP base rate revenues" mean revenues recorded in the certain accounts and their sub-accounts described in 83 Ill. Adm. Code 605, the Uniform System of Accounts for Water Utilities, and 83 Ill. Adm. Code 650, the Uniform System of Accounts for Sewer Utilities. For water utilities, QIP base rate revenues shall

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include revenues recorded in accounts 460, 461, 462, 464, 465, 466 and 469 as described in 83 Ill. Adm. Code 605. For sewer utilities, QIP base rate revenues shall include revenues recorded in accounts 521, 522, 523, 524 and 530 as described in 83 Ill. Adm. Code 650. QIP base rate revenues, however, shall not include revenues resulting from the QIP surcharge or any revenues attributable to Purchased Water and Sewage Treatment Surcharges developed pursuant to 83 Ill. Adm. Code 655.

"QIP surcharge percentage" is the percentage determined in accordance with Section 656.60 ~~of this Part~~ for filing in an information sheet.

"QIP-related costs" or "QIP costs" mean costs that are recoverable through the QIP surcharge percentage as determined in accordance with Sections 656.50 and 656.60 ~~of this Part~~.

"Qualifying infrastructure plant surcharge" or "QIP surcharge" means the amount added to a customer bill when the QIP surcharge percentage is applied in accordance with Section 656.60(a) ~~of this Part~~.

"Qualifying infrastructure plant" means certain non-revenue producing eligible plant that is not reflected in the rate base used to establish the utility's base rates and is consistent with the terms of Section 656.40 ~~of this Part~~. Non-revenue producing plant is plant that is not constructed or installed for the purpose of serving a new customer.

"Rate zone" means the entire service area to which a particular base rate applies, but does not include areas that have different base rates even though ~~those such~~ areas may be served by the utility.

"Reconciliation year" means the calendar year period for which actual QIP costs and revenues associated with the QIP surcharge are to be reconciled.

"Test year" means the test year period used by the utility in its last rate case ~~for~~ the rate zone as defined in 83 Ill. Adm. Code ~~287285.150~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 656.30 General Requirements

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- a) The amount of increases billed under the QIP surcharge since the utility's most recent rate order for the rate zone shall be capped at 5% shall not exceed an annual average 2.5% of the QIP base rate revenues, but shall not exceed 3.5% in any given year for the rate zone billed to customers. The QIP surcharge shall not be applied to any add-on taxes, to any revenues attributable to the Purchased Water and Sewage Treatment Surcharges developed pursuant to 83 Ill. Adm. Code 655, or to any other revenues not recorded in a QIP base rate revenues account as described in Section 656.20 ~~of this Part~~.
- b) On the effective date of new base rates that provide for the recovery of the costs that had previously been recovered under the QIP surcharge rider, the NetQIP component of the QIP surcharge percentage for the applicable rate zone shall not include costs associated with qualifying infrastructure investment that were included in the rate base used to establish the utility's base rates. The utility may continue to charge or refund any reconciliation adjustment associated with the qualifying infrastructure investment that is included in the rate base used to establish the utility's base rates. ~~QIP surcharge percentage for the applicable rate zone shall be reset to zero.~~
- c) The utility shall provide notice of the QIP surcharge rider and subsequent filings and billing as follows:
- 1) The utility shall maintain and keep open for public inspection a copy of each filing of a QIP surcharge rider and subsequent information sheets and shall post public notice in each office of the utility in accordance with 83 Ill. Adm. Code 255.20(a).
 - 2) For the initial filing of a QIP surcharge rider, each utility, regardless of size, shall provide notice by newspaper publication in accordance with 83 Ill. Adm. Code 255.20(f)(1) and by mailing a notice of the filing to each of its customers.
 - 3) In connection with the initial billing of each change in a QIP surcharge percentage as specified in an information sheet (other than a change to a zero percentage), including information sheets resulting from the annual reconciliation and Commission-ordered adjustments, the utility shall provide an explanation of the QIP surcharge to be stated on, or included with, the initial billing of the new QIP surcharge percentage.

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- 4) Except as noted [in this subsection \(c\)](#) above, no other notice of the filing or billing of the QIP surcharge rider or an information sheet shall be required except as may be provided by law or by Order of the Commission.
- d) The QIP surcharge shall be presented as a separate line item on customer bills.
- e) The revenues resulting from each QIP surcharge rider shall be recorded in a separate revenue subaccount for each rate zone.
- f) [QIP shall also include a reconciliation of the projected QIP plant included in the rate base of the utility's last rate case filing for the rate zone and the actual cost of the QIP plant incurred as of the end of the projected test year in the utility's last rate case filing for the rate zone.](#)

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 656.40 Qualifying Infrastructure Plant

- a) To be classified as QIP, the plant additions must meet the following criteria:
- 1) The plant additions must be replacements of existing plant items from the accounts listed in [subsections \(b\) and \(c\)](#);
 - 2) [TheSuch](#) replacements must be non-revenue producing;
 - 3) [TheSuch](#) replacements are installed to replace facilities that are worn out or deteriorated or to replace facilities that are obsolete and at the end of their useful service lives due to a change in law or a change in the regulations of a governmental agency;
 - 4) [TheSuch](#) replacements are installed after the conclusion of the test year in the utility's latest rate case [for the rate zone](#); and
 - 5) [TheSuch](#) replacements were not included in the calculation of the rate base in the utility's last rate case [for the rate zone](#).
- b) [Qualifying Infrastructure Plant](#) ~~For water utilities, the plant additions~~ shall include [plant items or facilities, except for land, from the following accounts 304 through](#)

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~~336 (see, pursuant to 83 Ill. Adm. Code 605.1) for water utilities), Account 331, Transmission and Distribution Mains; 2) Account 333, Services; 3) Account 334, Meters and Meter Installations; and 4) Account 335, Hydrants. e) For sewer utilities, the plant additions shall include items from the following accounts 354 through 382 (see, pursuant to 83 Ill. Adm. Code 650 for sewer utilities). Qualifying plant shall not include land, intangibles or a tangible plant classified as a General and Administrative plant.:~~

- ~~1) Account 360, Collecting Sewers—Force;~~
- ~~2) Account 361, Collecting Sewers—Gravity (including costs associated with manholes); and~~
- ~~3) Account 363, Services to Customers.~~

- ~~c)~~ In addition to replacements, the following items may be classified as QIP: water main lining and related rehabilitation projects to eliminate water loss from water main breaks, as well as main extensions recorded in Account 331 for water utilities that are constructed to eliminate dead ends and the unreimbursed costs recorded in the appropriate accounts listed in subsections (b) and (e) that are associated with relocations of mains, services, hydrants, and sewers occasioned by street or highway construction.
- d) In addition to replacements, the following items may be classified as QIP: sewer collection main and manhole lining/grouting for sewer utilities that are rehabilitating collection systems to eliminate inflow and infiltration, as well as rehabilitation of sewer structures and receiving wells when rehabilitated as part of the scope of eliminating inflow and infiltration.
- e) QIP shall include only plant additions installed on or after January 1 of the year in which the utility files its initial QIP surcharge rider in accordance with Sections 656.70 and 656.90 ~~of this Part~~. However, QIP shall also include a reconciliation of the projected QIP plant included in the rate base of the utility's last rate case filing for the rate zone with the actual cost of the QIP plant incurred as of the end of the projected test year in the utility's last rate case filing for the rate zone.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 656.50 Recoverable Qualifying Infrastructure Plant Costs

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a) QIP costs shall include the pre-tax return on QIP and the net depreciation expense applicable to QIP.

- 1) The pre-tax return is calculated using the weighted cost of debt and weighted cost of equity determined in the utility's last rate case [for the rate zone](#). The weighted cost of equity is multiplied by the gross revenue conversion factor (GRCF). The product is then added to the weighted cost of debt to obtain the pre-tax return. The pre-tax return is calculated using the following formulas:

$$GRCF = \frac{1}{(1 - PPTRIT)(1 - SIT)(1 - FIT)}$$

$$PTR = ((WCCE + WCPE) \times GRCF) + WCLTD + WCSTD$$

Where:

- GRCF = Gross Revenue Conversion Factor.
 PPTRIT = Illinois Personal Property Tax Replacement Income Tax rate in effect at the time of the initial, annual or quarterly filing.
 SIT = Illinois State income tax rate in effect at the time of the initial, annual or quarterly filing.
 FIT = Federal income tax rate in effect at the time of the initial, annual or quarterly filing.
 PTR = Pre-tax return.
 WCCE = Weighted cost of common equity from the utility's last rate case [for the rate zone](#).
 WCPE = Weighted cost of preferred equity from the utility's last rate case [for the rate zone](#).
 WCLTD = Weighted cost of long term debt from the utility's last rate case [for the rate zone](#).
 WCSTD = Weighted cost of short term debt from the utility's last rate case [for the rate zone](#).

- 2) Net depreciation expense shall be calculated by applying the utility's approved depreciation rate to each category of QIP. The depreciation expense for QIP shall be reduced by the depreciation expense on the plant

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being replaced.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 656.60 Determination of the Qualifying Infrastructure Plant Surcharge Percentage

- a) The QIP surcharge percentage shall be expressed as a percentage carried to two decimal places. The QIP surcharge percentage shall be applied to the total amount billed to each customer located in the same rate zone based on the utility's otherwise applicable rates and charges. The QIP surcharge percentage shall not be applied to the exclusions listed in Section 656.30(a) ~~of this Part~~.
- b) In calculating the QIP surcharge percentage, the utility may choose either annual prospective operation or quarterly historical operation based on QIP investment data for a prior three-month period. Annual prospective operation may be selected only if the utility's immediately preceding rate case for the rate zone utilized a future test year as defined in 83 Ill. Adm. Code ~~287285~~ and the utility submits the information required by Section 656.70(d) ~~(76) of this Part~~.
 - 1) Annual Prospective Operation
Utilities choosing annual prospective operation shall determine the QIP surcharge percentage for the operation year using the following formula:

$$S\% = \frac{(\text{NetQIP} + \text{AdjNetQIP}) \times \text{PTR} + (\text{Net Dep} + \text{AdjNetDep}) + (\text{R} \times 1.33) + ((\text{O} + \text{INT}) \times \text{Om})}{\text{PAR}} \times 100\%$$

Where:

S% = QIP surcharge percentage.

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NetQIP	=	The average forecasted cost of the investment in QIP for the rate zone for the operation year less forecasted accumulated depreciation <u>and accumulated deferred income taxes (ADIT) in QIP for the rate zone for the operation year and less incremental changes in accumulated depreciation on QIP that is recovered in base rates since the utility's last rate case for the rate zone and the associated ADIT.</u> The average forecasted cost of QIP, net of depreciation <u>and any ADIT liabilities (net of deferred tax assets) resulting from the additional QIP, and net of any incremental change in accumulated depreciation on QIP that is recovered in base rates since the utility's last rate case for the rate zone and the associated ADIT,</u> shall be computed by using an average of 13 end-of-month balances of QIP, less and accumulated depreciation <u>and ADIT</u> for the period from December 31 of the year preceding the operation year through December 31 of the operation year.
<u>AdjNetQIP</u>	=	<u>The actual amount of netQIP as of the end of the QIP forecast period used in the utility's last rate case for the rate zone less the amount of NetQIP the Commission approved to be added to the utility's rate base as of the end of the QIP forecast period.</u>
PTR	=	Pre-tax return as described in Section 656.50(a)(1) of this Part.

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Net Dep	Net depreciation expenses related to the average investment in QIP for the rate zone for the operation year. Depreciation expenses shall be calculated by multiplying the average forecasted cost of the investment in QIP by plant account, net of retirements, by the approved depreciation rates for the respective accounts in which the specific items included in the average QIP investment are recorded. The average forecasted cost of the investment in QIP by plant account, net of retirements, shall be computed by using an average of 13 end-of-the-month balances of QIP by plant account and retirements for the period from December 31 of the year preceding the operation year through December 31 of the operation year.
<u>AdjNetDep</u>	<u>The actual amount of NetDep applicable to the QIP forecast period used in the utility's last rate case for the rate zone less the amount of NetDep that the Commission approved for the QIP forecast period used in the utility's last rate case for the rate zone.</u>
R	Utility-determined reconciliation component (R component) calculated for the reconciliation year under the reconciliation feature as described in Section 656.80(d) -of this Part . The reconciliation component shall be collected over nine months from April through December.
O	The Commission-ordered adjustment component (O component).
INT	The calculated interest attributable to the O component. This interest shall be calculated as described in Section 656.80(i) -of this Part .

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- Om The Commission-ordered O component multiplier. Om is a timing factor applied to the O component and the INT to allow for the collection of the O component and the INT over the remainder of the operation year. For example, if the O component and the INT were included in the QIP surcharge percentage on January 1, the Om would be 1.00. Similarly, if the O component and the INT were included in the QIP surcharge percentage on April 1, the Om would be 1.33.
- PAR The ~~projected project of~~ total water or sewer QIP base rate revenues, as applicable, for the rate zone for the period from January 1 through December 31. The projected revenue shall not include the exclusions listed in Section 656.30(a)-~~of this Part~~.

Following the final order in each rate case, and before the Effective Month that will initiate the inclusion of AdjNetQIP and AdjNetDep, the utility shall file a public document in the rate case that provides the calculation of AdjNetQIP and AdjNetDep, including each component used to determine AdjNetQIP and AdjNetDep.

- 2) Quarterly Historical Operation
Utilities choosing quarterly historical operation shall determine the QIP surcharge percentage for the quarter using the following formula:

$$S\% = \frac{(\text{NetQIP} + \text{AdjNetQIP}) \times \text{PTR} \times .25 + (\text{NetQDep} + \text{AdjNetDep}) + (\text{R} \times .33) + ((\text{O} + \text{INT}) \times \text{Om})}{\text{PQR}} \times 100\%$$

Where:

- S% = QIP surcharge percentage.
- NetQIP = Original cost of QIP less accumulated depreciation and any accumulated deferred income tax (ADIT) liabilities net of deferred tax assets resulting from the additional QIP for the rate zone and less incremental changes in accumulated depreciation on QIP that is recovered in base rates since the utility's

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		<u>last rate case for the rate zone and the associated ADIT. NetQIP shall be the level of investment in QIP existing at the end of the calendar month the month in which an investment sheet is filed, <u>net of depreciation and any ADIT liabilities (net of deferred tax assets) resulting from the additional QIP, and net of any incremental change in accumulated depreciation on QIP that is recovered in base rates since the utility's last rate case for the rate zone and associated ADIT.</u></u>
<u>AdjNetQIP</u>	<u>≡</u>	<u>The actual amount of NetQIP as of the end of the QIP forecast period used in the utility's last rate case for the rate zone less the amount of NetQIP the Commission approved to be added to the utility's rate base as of the end of the QIP forecast period.</u>
PTR	=	Pre-tax return as described in Section 656.50(a)(1) of this Part.
NetQDep	=	Net quarterly depreciation expense applicable to NetQIP less the quarterly depreciation applicable to the plant being retired.
<u>AdjNetDep</u>	<u>≡</u>	<u>The actual amount of NetDep applicable to the QIP forecast period used in the utility's last rate case for the rate zone less the amount of NetDep that the Commission approved for the QIP forecast period used in the utility's last rate case for the rate zone.</u>
R	=	Utility-determined reconciliation component calculated for the reconciliation year under the reconciliation feature as described in Section 656.80(d) of this Part. The reconciliation component shall be collected over nine months from April through December. No reconciliation component amount shall be included for the January through March quarter.
O	=	Commission-ordered adjustment component.
INT	=	The calculated interest attributable to the O component. This interest shall be calculated as described in Section 656.80(i) of this Part.
Om	=	The Commission-ordered O component multiplier. Om is a timing factor applied to the O component

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and the INT to allow for the collection of the O component and the INT over the remainder of the operation year. For example, if the O component and the INT were included in the QIP surcharge percentage on January 1, the Om would be 0.25. Similarly, if the O component and the INT were included in the QIP surcharge percentage on April 1, the Om would be .33.

PQR

~~ProjectedProject~~ quarterly water or sewer QIP base rate revenues, as applicable, for the rate zone during the calendar quarter when the QIP surcharge percentage shall be in effect. The projected quarterly revenue shall not include the exclusions listed in Section 656.30(a) ~~of this Part~~.

=

Following the final order in each rate case, and before the Effective Month that will initiate the inclusion of AdjNetQIP and AdjNetDep, the utility shall file a public document in the rate case that provides the calculation of AdjNetQIP and AdjNetDep, including each component used to determine AdjNetQIP and AdjNetDep.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 656.70 Rider and Information Sheet Filings

- a) A utility shall file a proposed QIP surcharge rider consistent with this Part pursuant to Section 9-201 of the Act. After a QIP surcharge rider is in effect, the QIP surcharge percentage shall be filed on an information sheet with supporting data no later than the 20th day of the month preceding the effective date of the QIP surcharge percentage. An information sheet with supporting data filed after that date, but prior to the effective date, shall be accepted only if it corrects an error or errors from a timely filed information sheet for the same effective date. Any other information sheet with supporting data shall be accepted only if submitted as a special permission request to become effective on less than 45 days notice under the provisions of Section 9-201(a) of the Act.
- b) For utilities electing annual prospective operation, a utility may file its initial information sheet with a QIP surcharge percentage for the initial operation year with an effective date of the first day of any month. The effective date of any

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subsequent information sheet with a QIP surcharge percentage is January 1 (and April 1 if the R component is modified). A utility may, at its option, file an information sheet modifying the QIP surcharge percentage, with an effective date of the first day of any month during the operation year, when necessary to recognize a material change in assumptions used in developing the QIP surcharge percentage (including, but not limited to, a change in depreciation rates). The utility shall also file an information sheet to implement a Commission-ordered O component.

- c) For utilities electing quarterly historical operation, a new QIP surcharge percentage may become effective on April 1, July 1, October 1, and January 1 (with a new R component becoming effective, if required, on April 1). A utility may elect not to file an information sheet showing an increased QIP surcharge percentage for any quarter provided that the QIP costs that would have been reflected for that quarter are in excess of the level reflected in developing the QIP surcharge percentage in effect for the quarter are disregarded in calculating the R component and O component for the affected reconciliation year.
- d) A utility electing annual prospective operation shall provide the following with the filing of each information sheet to become effective on January 1:
 - 1) A calculation of the QIP surcharge percentage, PTR, and GRCF for each rate zone for which a QIP surcharge rider is in effect;
 - 2) A schedule showing, for each rate zone for which a QIP surcharge rider is in effect, the amount of forecasted expenditures for QIP during the operation year by plant account;
 - 3) A description, for each rate zone for which a QIP surcharge rider is in effect, of the projects included in each plant account by type of project;
 - 4) A detailed description, for each rate zone for which a QIP surcharge rider is in effect, of individual QIP projects with a forecasted cost in excess of \$100,000;
 - 5) A detailed schedule showing the calculation of depreciation expense for each rate zone for which a QIP surcharge rider is in effect; ~~and~~
 - 6) A detailed schedule showing the calculation of accumulated deferred

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income taxes associated with QIP for each rate zone for which a QIP surcharge rider is in effect; and

- 76) A statement verified by an officer of the utility that, in the belief of management:
- A) The forecast used in developing the QIP surcharge percentage was prepared in accordance with the 2012 Prospective Guidelines for Presentation of Projected Financial Information Guide (November 1, 2012)~~(April 1, 1999)~~ established by the American Institute of Certified Public Accountants, Inc., 1211 Avenue of the Americas, New York NY 10036-8775; and
 - B) The accounting treatment applied to events and transactions in the forecast is the same as the accounting treatment to be applied in recording the events once they occur.
- e) A utility electing quarterly historical operation shall submit with each information sheet:
- 1) A calculation of the QIP surcharge percentage, PTR, and GRCF for each rate zone for which a QIP surcharge rider is in effect;
 - 2) A detailed schedule, for each rate zone for which a QIP surcharge rider is in effect, providing the following information for each completed QIP eligible project whose cost has been transferred to utility plant with the closing of the QIP eligible project's work order:
 - A) Plant account number and title;
 - B) Category of project;
 - C) Project name;
 - D) Description of project;
 - E) Work order number;
 - F) Dollar amount in the month of closing; and

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- G) Month and year of closing; ~~and~~
- 3) A detailed schedule showing the calculation of depreciation expense for each rate zone for which a QIP surcharge rider is in effect; ~~and-~~
- 4) A detailed schedule showing the calculation of accumulated deferred income taxes associated with QIP for each rate zone for which a QIP surcharge rider is in effect.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 656.80 Annual Reconciliation

- a) On or before March 15 of each year, a utility that had a QIP surcharge in effect for all or part of the immediately preceding calendar year shall submit to the Commission an annual reconciliation regarding the results for the previous reconciliation year. The annual reconciliation shall include testimony and schedules that support the accuracy and the prudence of the qualifying infrastructure investment for the reconciliation year, and shall be verified by an officer of the utility. The schedules included with the annual reconciliation shall reflect all carry forward adjustments from prior QIP surcharge reconciliation Orders, and the testimony shall address how adjustments ordered in prior QIP surcharge reconciliations are reflected in the current reconciliation. As required by this Section, the annual reconciliation shall include a calculation of the R component necessary to adjust revenue collected under the QIP surcharge rider in effect for the rate zone during the reconciliation year to an amount equivalent to the actual level of prudently-incurred QIP cost for the reconciliation year. In the event that the earnings report filed under this Section for the rate zone shows that the utility's actual rate of return has exceeded the level authorized in the utility's last water or sewer general rate proceeding for the rate zone, as applicable, then the R component shall include the credit required by subsections (c) and (d). Any adjustment made through the R component shall be in effect for nine months commencing on the April 1 immediately following submittal of the annual reconciliation.
- b) With the annual reconciliation, the utility shall file a petition seeking initiation of the annual reconciliation hearings required by Section 9-220.2 of the Act. After the hearing, the Commission shall determine the amount of the adjustment, if any,

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that should be made (through the O component) to the level of revenue collected by operation of the QIP surcharge rider during the reconciliation year, so that the amount of such revenue is equal to the actual level of prudently-incurred QIP cost for the reconciliation year (to the extent that such adjustment has not already been reflected through an adjustment made by the utility to the R component of the QIP surcharge percentage).

- c) In the annual reconciliation, the utility shall include, for each rate zone in which a QIP surcharge has been in effect, data showing operating income and rate base for the reconciliation year, ~~thesuch~~ data being developed in accordance with subsection (f)(4). If, for any such rate zone, the actual rate of return on rate base for the reconciliation year exceeds the overall rate of return allowed in the utility's last water or sewer general rate proceeding for the rate zone, revenues collected under the QIP surcharge rider shall be reflected as a credit through the R component of the QIP surcharge to the extent that such revenues contributed to the realization of a rate of return above the last approved level. A credit value for the R component will result in a reduction of the QIP surcharge percentage. To the extent, if any, that a required adjustment for a reconciliation year has not been already made by the utility (through the R component), the Commission shall require (through the O component) that such an adjustment be made after the annual reconciliation hearing.
- d) Utilities shall calculate the R component using the following formula:

$$R = ((\text{ActNetQIP} + \text{AdjNetQIP}) \times \text{PTR}) + (\text{ActNetDep} \pm \text{AdjNetDep}) - \text{QIPRev} + \text{Rpy} + \text{Opy} - \text{EEA}$$

Where:

R = Utility-determined reconciliation component.

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- ActNetQIP = The average actual cost of the investment in QIP for the rate zone for the reconciliation year less actual accumulated depreciation and any accumulated deferred income tax (ADIT) liabilities net of deferred tax assets resulting from the additional ~~of~~ QIP for the rate zone for the reconciliation year and less incremental changes in accumulated depreciation on QIP that is recovered in base rates since the utility's last rate case for the rate zone and associated ADIT. The average actual cost of QIP, net of depreciation and ADIT and net of any incremental change in accumulated depreciation on QIP that is recovered in base rates since the utility's last rate case for the rate zone and associated ADIT, shall be computed by using an average of 13 end-of-month balances of QIP ~~less~~ and accumulated depreciation and associated ADIT for the period from December 31 of the year preceding the reconciliation year through December 31 of the reconciliation year. (For utilities electing quarterly historical operation, the amount of the ActNetQIP shall be limited by the provisions of Section 656.70(c) ~~of this Part.~~)
- AdjNetQIP = AdjNetQIP as defined in Section 656.60. The effective date of the AdjNetQIP will be as disclosed in the document required following a rate case as described in Section 656.60.
- PTR = Pre-tax return as described in Section 656.50(a)(1) ~~of this Part.~~
- ActNetDep = Actual net depreciation expense related to the average investment in QIP for the rate zone for the reconciliation year. Depreciation expense shall be calculated by multiplying the actual investment in QIP by plant account, net of retirements, by the approved depreciation rates for the respective accounts in which the specific items included in the average QIP investment are recorded. (For utilities electing quarterly historical operation, the amount of the ActNetDep shall be limited by the provisions of Section 656.70(c) ~~of this Part.~~)

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AdjNetDep = AdjNetDep as defined in Section 656.60. The effective date of the AdjNetDep will be as disclosed in the document required following a rate case as described in Section 656.60.

QIPRev = Actual QIP revenues collected during the reconciliation year through the QIP surcharge.

Rpy = The R component from the previous reconciliation year.

Opy = The sum of the O component and the calculated interest attributable to the O component, or the sum of any O components and the calculated interest attributable to the O components included in the calculation of the QIP surcharge percentage during the reconciliation year.

EEA = Excess earnings amount calculated in accordance with subsections (a), (c) and (f)(4)~~of this Section~~. There will only be an EEA when the utility's actual rate of return for the reconciliation year exceeds the overall rate of return authorized by the Commission in the utility's last water or sewer rate proceeding for the rate zone.

- e) Any adjustment made by Order of the Commission under subsection (b) or (c) shall be included in the O component and be in effect for either 12 months or nine months, beginning on the next January 1 (if 12 months) or April 1 (if nine months) following the Order of the Commission, or such other period as the Commission may direct in the Order requiring that an adjustment be made.
- f) Each annual reconciliation shall include the following schedules:
- 1) A schedule showing, for each rate zone for which a QIP surcharge rider was in effect, the QIP costs for the reconciliation year;
 - 2) A schedule showing, for each rate zone for which a QIP surcharge rider was in effect, the revenues arising through the application of the QIP surcharge during the reconciliation year;
 - 3) A schedule showing, for each rate zone for which a QIP surcharge rider was in effect, the reconciliation component determined by the utility showing the amount to be recovered or refunded over a nine-month period

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commencing on April 1; and

- 4) Schedules showing the utility's calculation of actual operating income and 13-month average rate base for the reconciliation year by rate zone. This calculation of actual operating income and 13-month average rate base shall be adjusted for any applicable adjustments accepted by the Commission in the utility's last rate case [for the rate zone](#). In calculating the amount of federal and State income tax expense reflected in operating income, the utility shall reflect as deductible interest expense for tax purposes the product that results when the weighted embedded cost-of-debt reflected in the overall rate of return calculation used in the utility's last rate proceeding [for the rate zone](#) is multiplied by the rate base for the applicable rate zone as shown in the annual reconciliation. In the event that the actual rate of return for any rate zone exceeds the rate of return allowed in the utility's last water or sewer general rate proceeding [for the rate zone](#), a schedule showing the extent to which revenues provided by operation of the QIP surcharge contributed to the difference between the actual and last-authorized rate of return also shall be provided. The amount of the revenues provided by the QIP surcharge that contributed to the actual rate of return exceeding the overall rate of return authorized by the Commission in the utility's last water or sewer rate proceeding [for the rate zone](#) shall be included as a credit in the calculation of the R component.
- g) The first reconciliation year shall begin on the effective date of the first QIP surcharge information sheet and end on December 31 of the calendar year in which the first information sheet became effective. Each subsequent reconciliation year shall end on December 31.
- h) When the utility files its annual reconciliation, the utility shall provide copies of the following items to the Commission's Manager of the Water Department and to the Commission's Manager of the Accounting Department:
 - 1) Copies of all workpapers pertaining to the reconciliation;
 - 2) A detailed summary of all invoices supporting the costs for eligible QIP surcharge projects;
 - 3) Copies of the applicable general ledger or comparable material supporting

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the recovery of the QIP surcharge;

- 4) A detailed worksheet showing the calculation of any utility-determined reconciliation component (R component) amount based upon the annual reconciliation; and
 - 5) Information regarding the prudence of the utility's investment in QIP.
- i) Amounts either collected or refunded through the O component shall accrue interest at the rate established by the Commission under 83 Ill. Adm. Code ~~280.40(g)(1)~~~~280.70(e)(1)~~. Interest on the O component shall be applied from the end of the reconciliation year until the O component is refunded or charged to ratepayers through the QIP surcharge.
 - j) ~~If, for a rate zone, the annual reconciliation filed by a utility shows that the revenues collected by application of the QIP surcharge rider exceed actual QIP costs for three or more consecutive reconciliation years, the Commission may initiate hearings under Section 9-250 of the Act [220 ILCS 5/9-250] to determine whether the utility's QIP surcharge rider for the rate zone should be canceled.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 656.90 Application for Qualifying Infrastructure Plant Surcharge Rider

- a) A utility's filing seeking initial approval of a QIP surcharge rider for a rate zone shall be accompanied with the necessary testimony and exhibits justifying the rider.
- b) Required testimony and exhibits:
 - 1) A water utility shall prepare and provide a history of current replacement rates of qualifying plant, as well as history of failure, by location, for the qualified rate zone. The water utility shall provide 5 years of data by year for the following categories, based upon utility records to the extent that records of that data are available, or based upon estimates if records are not available:
 - A) Wells, including the age, type of construction and casing, depth, diameter, number and capacity;

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- B) Generators, including age, fuel type, size and number;
 - C) Pumping equipment, including the age, capacity, number and purpose;
 - D) Water treatment equipment, including the age, capacity and description;
 - E) Distribution reservoirs and standpipes, including the age, type, size, capacity and material;
 - FA) Transmission and distribution mains, including the age, footage, size and material;
 - GB) Services, including the age, number~~footage~~, and material;
 - HC) Meters and meter installations, including the age, size, and number; and
 - ID) Hydrants, including the age, number, and size~~manufacturer~~.
- 2) A sewer utility shall prepare and provide a history of current replacement rates of qualifying plant, as well as a history of failure, by location, for the qualified rate zone. The sewer utility shall provide 5 years of data by year for the following categories, based upon utility records to the extent that records of that data are available, or based upon estimates if records are not available:
- A) Generators, including age, fuel type, size and number;
 - BA) Collecting sewers – force, including the age, footage, size and material;
 - CB) Collecting sewers – gravity, including the age, footage, size and material~~number; and~~
 - DC) Services to customers, including the age, number~~footage~~, and material;

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- E) Lift stations, including the age, size and capacity;
- F) Manholes, including the age, size, material and number;
- G) Pumping equipment, including the age, capacity, number and purpose; and
- H) Treatment and disposal equipment, including the age, capacity and description.

- 3) All utilities shall provide the reason for each increase in the rate of replacement and include specific data to justify the replacement rate for each plant account.
- 4) All utilities shall provide their specific plans for future replacements. The utilities shall provide a schedule showing the replacement projects listed by priority. This schedule shall include an explanation and justification for the prioritization.
- 5) All utilities shall provide detailed computations of expected revenue effects of investment in QIP for the shorter of the time period covered by the plans submitted in response to subsection (b)(4) or five years.
- 6) All utilities proposing to use the annual prospective method shall provide explanations for any changes in the expected rates of investment in QIP for the forecasted period as compared to the historical period.
- 7) All utilities shall provide any other information and data that supports the approval of the proposed QIP surcharge rider.
- 8) All utilities shall provide bill comparisons showing the effect of the QIP surcharge for each class of customer at the average customer usage level, at five usage levels above the average customer usage level, and at five usage levels below the average customer usage level. The bill comparisons shall present the current bill, the proposed bill, the difference between the current bill and the proposed bill, and the percentage change between the current bill and the proposed bill. For the purposes of this subsection (b)(8), the bill comparison shall include only QIP base rate

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revenues, exclusive of revenue attributable to public/private fire protection service. All utilities shall also provide supporting schedules showing the billing units, charges, and revenues used in calculating the bill comparison.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 656.100 Annual Internal Audit

The utility shall submit annually to the Commission's Manager of the Accounting Department, no later than June 30 for the previous calendar year, an internal audit report that determines whether the QIP surcharge and information provided under the Annual Reconciliation in Section 656.80 have been calculated in accordance with this Part. The initial internal audit report shall be submitted no later than June 30 of the year following the effective date of the QIP surcharge rider. Internal audits conducted under this Part shall determine whether:

- a) Internal controls are effectively preventing the double recovery of costs through the QIP surcharge and other approved tariffs;
- b) Costs recovered through the QIP surcharge are recorded in the appropriate accounts;
- c) Costs recovered through the QIP surcharge are properly reflected in the calculation of the QIP surcharge percentage and the annual reconciliation;
- d) The QIP surcharge percentage and annual reconciliation properly reflect all applicable adjustments from prior QIP surcharge reconciliation Orders;
- e) The QIP surcharges are properly calculated; and
- f) The QIP surcharge percentage is being properly billed to customers.

(Source: Added at 40 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Public Accounting Act (Professional Conduct)
- 2) Code Citation: 68 Ill. Adm. Code 1430
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1430.300	Repealed
1430.500	Repealed
1430.800	Repealed
1430.1010	Repealed
1430.1020	Repealed
1430.1030	Repealed
1430.2010	Repealed
1430.2020	Repealed
1430.2030	Repealed
1430.2040	Repealed
1430.3010	Repealed
1430.3020	Repealed
1430.4010	Repealed
1430.5010	Repealed
1430.5030	Repealed
1430.5040	Repealed
1430.5050	Repealed
1430.6010	Repealed
1430.6020	Repealed
1430.6030	Repealed
1430.APPENDIX A	Repealed
1430.APPENDIX B	Repealed
- 4) Statutory Authority: Implementing Section 19 of the Illinois Public Accounting Act [225 ILCS 450/19] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) A Complete Description of the Subjects and Issues Involved: The professional conduct rules set forth in 68 Ill. Adm. Code 1430 are no longer current. The Department has chosen to amend 68 Ill. Adm. Code 1420 by adding 68 Ill. Adm. Code 1420.200 to incorporate the American Institute of Certified Public Accountants Code of Professional Conduct as the State's minimum standards for professional conduct. In light of this, 68 Ill. Adm. Code 1430 is repealed to ensure that the State of Illinois is adequately protected against unprofessional conduct with the accountancy profession.

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- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: Although the amendments to 68 Ill. Adm. Code 1420 were included on the July 2015 Regulatory Agenda, the Department did not initially consider including an incorporation by reference of the American Institute of Certified Public Accountants Code of Professional Conduct into Part 1420, which makes Part 1430 obsolete and necessitates this repealer.

The full text of the Proposed Repealer begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1430
PUBLIC ACCOUNTING ACT (PROFESSIONAL CONDUCT) (REPEALED)

SUBPART A: GENERAL INFORMATION

Section

1430.300	Preamble
1430.500	Definitions
1430.800	Applicability of Rules

SUBPART B: INDEPENDENCE, INTEGRITY AND OBJECTIVITY

1430.1010	Independence
1430.1020	Integrity and Objectivity
1430.1030	Provision of Non-Audit Services

SUBPART C: COMPETENCE AND TECHNICAL STANDARDS

1430.2010	Competence
1430.2020	Auditing Standards
1430.2030	Accounting Principles
1430.2040	Forecasts

SUBPART D: RESPONSIBILITIES TO CLIENTS

1430.3010	Confidential Client Information
1430.3020	Contingent Fees

SUBPART E: RESPONSIBILITIES TO COLLEAGUES

1430.4010	Relationships Between Accountants
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SUBPART F: OTHER RESPONSIBILITIES AND PRACTICES

1430.5010	Acts Discreditable
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- 1430.5030 Commissions and Referral Fees
- 1430.5040 Incompatible Occupations
- 1430.5050 Form of Organization and Name

SUBPART G: GENERAL PROVISIONS

- 1430.6010 Rules and Regulations
- 1430.6020 Suspension or Modification of Rules
- 1430.6030 Construction of Rules

- 1430.APPENDIX A Generally Accepted Auditing Standards
- 1430.APPENDIX B Resolution of Council Regarding Accounting Principles

AUTHORITY: Implementing Section 19 of the Illinois Public Accounting Act [225 ILCS 450/19] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules of Professional Conduct for the Illinois Public Accounting Act, effective September 2, 1976; codified at 5 Ill. Reg. 11061; transferred from Chapter I, 68 Ill. Adm. Code 430 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1430 (Department of Professional Regulation) pursuant to P.A. 85-225 effective January 1, 1988, at 12 Ill. Reg. 2973; amended at 17 Ill. Reg. 13487, effective July 30, 1993; amended at 29 Ill. Reg. 16433, effective October 13, 2005; repealed at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL INFORMATION

Section 1430.300 Preamble

These Rules are adopted and administered under the provisions of Section 19 of this Act and shall govern the conduct of all persons registered as public accountants under Section 8 of this Act.

Section 1430.500 Definitions

The following definitions of terminology are applicable wherever such terminology is used in this Part.

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Accounting Principles Board – a former body of the Institute designated by Council to establish generally accepted accounting principles to be used in the presentation of financial statements.

Accounting Research Bulletins – Pronouncements of generally accepted accounting principles by the Institute prior to the establishment of the Accounting Principles Board.

Act – The Illinois Public Accounting Act [225 ILCS 450].

Client – The person or entity that retains a registered public accountant or his firm, engaged in the practice of public accounting, for the performance of professional services.

Council – The Council (or successor body) of the Institute.

CPA – An individual who has received from the University of Illinois a certificate of his or her qualifications as an expert public accountant as provided in the Act.

Department – The Illinois Department of Financial and Professional Regulation.

Director – The Director of the Department of Financial and Professional Regulation-Division of Professional Regulation.

Division – The Department of Financial and Professional Regulation-Division of Professional Regulation.

Enterprise – A person or entity, whether organized for profit or not, for which a CPA or PA provides services.

FASB – Financial Accounting Standards Board of the Financial Accounting Foundation (and any successor body or organization).

Financial Statements

Statements, and footnotes related to those statements, that purport to show a financial position that relates to a point in time, or changes in financial position that relate to a period of time, and statements that use a cash or other incomplete basis of accounting. Balance sheets, statements of

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income, statements of retained earnings, statements of changes in financial position and statements of changes in owners' equity are financial statements.

Incidental financial data included in management advisory services reports to support recommendations to a client, and tax returns and supporting schedules, do not, for this purpose, constitute financial statements; and the statement, affidavit or signature of preparers required on tax returns neither constitutes an opinion on financial statements nor requires a disclaimer of such opinion.

Firm – A proprietorship, partnership or professional corporation or association engaged in the practice of public accounting, including individual partners or shareholders.

Institute – The American Institute of Certified Public Accountants (or successor organization).

Interpretations of Rules of Professional Conduct – Guidelines as to the scope and application of this Part.

Opinions of the Accounting Principles Board – Pronouncements of generally accepted accounting principles by the Accounting Principles Board.

PA – Individuals previously registered as public accountants under this Act.

Practice of Public Accounting – Holding out to be a CPA or PA and at the same time performing for a client one or more types of services rendered by public accountants.

Professional Services – One or more types of services performed in the practice of public accounting.

Registered Public Accountant – A registered public accountant under the Illinois Public Accounting Act.

Registration Committee – Committee of public accountants appointed by the Secretary of the Department pursuant to Section 14(b)(2) of the Act.

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Society – The Illinois CPA Society (or successor organization).

Section 1430.800 Applicability of Rules

- a) The Registration Committee derives its powers to promulgate this Part from Section 19 of the Act, and its exercise of that power is subject to the terms of the Act. Furthermore, under the provisions of Section 20 of the Act, the Division may refuse to register, refuse to issue a biennial registration card to, or may suspend or cancel the registration as a public accountant of any person, partnership or corporation upon proof of violation of this Part.
- b) Application of rules
 - 1) This Part applies to all services performed in the practice of public accounting, including tax and management advisory services, except:
 - A) where the wording of this Part indicates otherwise; and
 - B) that a registered public accountant who is practicing outside the United States will not be subject to discipline for departing from any of the rules of this Part so long as his or her conduct is in accord with the rules of the organized accounting profession in the country in which he or she is practicing and is not in violation of any provisions of the Act or of this Part.
 - 2) However, where a registered public accountant's name is associated with financial statements in such a manner as to imply that he or she is acting as an independent public accountant and under circumstances that would entitle the reader to assume that United States practices were followed, he or she must comply with the requirements of Sections 1430.2020 and 1430.2030.
- c) A registered public accountant may be held responsible for compliance with this Part by all persons associated with him or her in the practice of public accounting who are either under his or her supervision or are his or her partners or shareholders in the practice.
- d) A registered public accountant engaged in the practice of public accounting must observe all the requirements of this Part. A registered public accountant not

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engaged in the practice of public accounting must observe only Sections 1430.1020 and 1430.5010 since the rest of this Part relates solely to the practice of public accounting.

- e) A registered public accountant shall not permit others to carry out on his or her behalf, either with or without compensation, acts that, if carried out by the registered public accountant, would place him or her in violation of this Part.
- f) Interpretations of this Part may be adopted by approval of the Director, upon recommendation of the Registration Committee, in order to provide guidelines as to the scope and application of this Part. If such interpretations are adopted, they may be included in a separate document.

SUBPART B: INDEPENDENCE, INTEGRITY AND OBJECTIVITY

Section 1430.1010 Independence

- a) A registered public accountant or a firm of which he is a partner or shareholder shall not express an opinion on financial statements of an enterprise unless he and his firm are independent with respect to such enterprise. Independence will be considered to be impaired if, for example:
 - 1) During the period of his professional engagement, or at the time of expressing his opinion, he or his firm –
 - A) Had or was committed to acquire any direct or material indirect financial interest in the enterprise;
 - B) Had any joint closely held business investment with the enterprise or any officer, director or principal stockholder thereof which was material in relation to his or his firm's net worth, or
 - C) Had any loan to or from the enterprise or any officers, director or principal stockholder thereof. This latter proscription does not apply to the following loans from a financial institution when made under normal lending procedures, terms and requirements:

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- i) Loans obtained by a registered public accountant or his firm which are not material in relation to the net worth of such borrower.
 - ii) Home mortgages.
 - iii) Other secured loans, except loans guaranteed by a registered public accountant's firm which are otherwise unsecured.
- 2) During the period covered by the financial statements, during the period of the professional engagement or at the time of expressing an opinion, he or his firm –
- A) Was connected with the enterprise as a promoter, underwriter or voting trustee, a director or officer or in any capacity equivalent to that of a member of management or of an employee or
 - B) Was a trustee of any trust or executor or administrator of any estate if such trust or estate had a direct or material indirect financial interest in the enterprise or was a trustee for any pension or profit-sharing trust of the enterprise. In order that a registered public accountant may arrange an orderly transition of his relationship with clients, this requirement will not become effective until two years after the effective date of these Rules of Professional Conduct.
- b) The above examples are not intended to be all-inclusive.

Section 1430.1020 Integrity and Objectivity

A registered public accountant shall not knowingly misrepresent facts and, when engaged in the practice of public accounting, including the rendering of tax and management advisory services, shall not subordinate his judgment to others. In tax practice, a registered public accountant may resolve doubt in favor of his client as long as there is reasonable support for his position.

Section 1430.1030 Provision of Non-Audit Services

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- a) The following definitions of terminology are applicable wherever the terminology is used in this Section.
- 1) "Affiliate" means a business organization that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with a company.
 - 2) "Annual Revenues" means revenues as reflected on a company's audited financial statements for the applicable fiscal year.
 - 3) "Company" means a company, excluding a not-for-profit organization, that:
 - A) has its principal place of business located in the State of Illinois;
 - B) is not required to file periodic information, documents, and reports pursuant to the Securities Exchange Act of 1934; and
 - C) during its previous fiscal year, had annual revenues exceeding \$50,000,000 or employed more than 500 employees in the State of Illinois.
 - 4) "Permitted non-audit services" means non-audit services other than regulated non-audit services.
 - 5) "Regulated non-audit services" means those non-audit services enumerated in paragraphs (1) through (9) of subsection (g) of Section 10A of the Securities Exchange Act of 1934 (15 USC 78j-1(g)(1) through (9), as amended. In the implementation of this Section and in the enforcement of 225 ILCS 450/30.4, the following will guide the Department in its determination of the scope of such non-audit services and the extent to which non-audit services constitute regulated non-audit services:
 - A) the qualifications set forth in Sections 2(a)(2), 201 and 202 of the Sarbanes-Oxley Act of 2002 (15 USC 7201);
 - B) the regulations adopted by the Federal Securities and Exchange Commission and the Public Company Accounting Oversight Board to implement paragraphs (1) through (9) of subsection (g) of

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Section 10A of the Securities Exchange Act of 1934, as amended, and to implement Sections 2(a), 201 and 202 of the Sarbanes-Oxley Act of 2002 (15 USC 7201); and

- C) judicial and administrative interpretations of the statutes and regulations listed in subsections (a)(5)(A) and (B).
- b) Any licensed public accountant, licensed certified public accountant, or public accounting firm that practices public accounting in this State and provides regulated non-audit services to a company while contemporaneously providing audit services shall:
 - 1) present a written notice of the contemporaneous provision of audit services and regulated non-audit services to the company prior to the commencement of the contemporaneous provision of the regulated non-audit services; and
 - 2) receive a signed acknowledgement, from the president or chief executive officer of the company to which the contemporaneous audit services and regulated non-audit services are to be provided, that the company is aware of and agrees to the contemporaneous provision of the audit services and regulated non-audit services.
- c) The annual revenues and number of employees of a company's affiliates shall not be considered when determining whether Section 30.4 of the Act applies to that company. Section 30.4 of the Act shall not apply to a company that is a subsidiary of a business organization that is required to file periodic information, documents, and reports pursuant to the Securities Exchange Act of 1934.
- d) An acknowledgement signed pursuant to subsection (b)(2) shall allow the licensed public accountant, licensed certified public accountant, or public accounting firm to provide any regulated non-audit services contemporaneously with audit services for a one-year period from the date of the acknowledgement. An acknowledgement that is executed prior to November 1, 2005 shall be retroactive to July 2, 2004.
- e) A licensed public accountant, licensed certified public accountant, or public accounting firm may not provide regulated non-audit services to a company contemporaneously with audit services if the licensed public accountant, certified

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public accountant, or public accounting firm has engaged in criminal activity or willful or wanton negligence directly relating to the contemporaneous provision of auditing services and regulated non-audit services to that company.

- f) If, pursuant to subsection (e), a licensed public accountant, licensed certified public accountant, or public accounting firm is prohibited from providing regulated non-audit services to a company contemporaneously with audit services, the prohibition shall apply on a prospective basis only and shall not apply to regulated non-audit services provided prior to the conduct that resulted in the prohibition.
- g) Where the conduct of an individual accountant employed by a public accounting firm results in a prohibition under subsection (e), the public accounting firm is prohibited from providing regulated non-audit services to a company contemporaneously with audit services only if a firm would be liable under Illinois law for the wrongful conduct of the individual accountant.
- h) No notice and acknowledgement, as provided in subsection (b), is required prior to the provision of permitted non-audit services by a licensed public accountant, licensed certified public accountant, or public accounting firm to a company.
- i) A violation of this Section shall subject a licensed public accountant, licensed certified public accountant, or public accounting firm to the provisions of Section 20.01 of the Act.
- j) Nothing in this Section shall be construed to authorize or permit the provision of any services by a licensed public accountant, licensed certified public accountant, or public accounting firm that would result in a lack of independence under applicable ethics standards of the accounting profession.

SUBPART C: COMPETENCE AND TECHNICAL STANDARDS

Section 1430.2010 Competence

A registered public accountant shall not undertake any engagement which he or his firm cannot reasonably expect to complete with professional competence.

Section 1430.2020 Auditing Standards

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A registered public accountant shall not permit his name to be associated with financial statements in such a manner as to imply that he is acting as an independent public accountant unless he has complied with applicable generally accepted auditing standards (generally accepted auditing standards are listed in Appendix A of this Part) promulgated by the Institute. Statements on Auditing Standards (and any successor pronouncements) issued by the Auditing Standards Executive Committee (and any successor body) are, for purposes of this rule, considered to be interpretations of the generally accepted auditing standards and departures from such statements must be justified by those who do not follow them.

Section 1430.2030 Accounting Principles

A registered public accountant shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if such statements contain any departure from an accounting principle, and any interpretations thereof, promulgated by the body designated by Council (see Appendix B of this Part) to establish such principles which has a material effect on the statements taken as a whole, unless the registered public accountant can demonstrate that due to unusual circumstances the financial statements would otherwise have been misleading. In such cases, his report must describe the departure, the approximate effects thereof, if practicable, and the reasons why compliance with the principle would result in a misleading statement.

Section 1430.2040 Forecasts

A registered public accountant shall not permit his name to be used in conjunction with any forecast of future transactions in a manner which may lead to the belief that the registered public accountant vouches for the achievability of the forecast.

SUBPART D: RESPONSIBILITIES TO CLIENTS

Section 1430.3010 Confidential Client Information

- a) A registered public accountant shall not disclose any confidential client information without the specific consent of the client.
- b) This Section shall not be construed:
 - 1) to relieve a registered public accountant of his or her professional obligations under Sections 1430.2020 and 1430.2030 of this Part;

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- 2) to affect in any way his/her obligation to comply with a validly issued and enforceable subpoena or summons or to prohibit a registered public accountant's compliance with applicable laws and government regulations;
 - 3) to prohibit review of a registered public accountant's professional practice under Institute, Society or Registration Committee authorization; or
 - 4) to preclude a registered public accountant from initiating a complaint with, or responding to any inquiry made by, the Director, the Division, the Registration Committee, the ethics division or Trial Board of the Institute, or a duly constituted investigative or disciplinary body of the Society.
- c) However, members of the Institute or Society involved in a review or investigation under the provisions of subsections (b)(3) and (4) must be registered public accountants in Illinois or possess a similar qualification in another jurisdiction.
- d) Members of the ethics division and Trial Board of the Institute and the Professional Conduct Committee and Trial Board of the Society (and successor bodies or organizations), and professional practice reviewers under Institute and Society authorization, shall not use to their own advantage or disclose any member's confidential client information that comes to their attention in carrying out those activities. This prohibition shall not restrict members' exchange of information in connection with the investigative or disciplinary proceedings described in subsection (b)(4) or the professional practice reviews described in subsection (b)(3).

Section 1430.3020 Contingent Fees

"Contingent fee" means a fee established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of such service.

- a) A registered public accountant shall not:
 - 1) Perform for a contingent fee any professional services for, or receive such a fee from, a client for whom the registered public accountant or the registered public accountant's firm performs:

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- A) An audit or review of a financial statement;
 - B) A compilation of a financial statement when the registered public accountant expects, or reasonably might expect, that a third party will use the financial statement and the registered public accountant's compilation report does not disclose a lack of independence; or
 - C) An examination of prospective financial information; or
- 2) Prepare an original or amended tax return or claim for a tax refund for a contingent fee for any client.
- b) The prohibition in (a)(1) above applies during the period in which the registered public accountant or the registered public accountant's firm is engaged to perform any of the services listed in (a)(1)(A), (B) and (C) above and the period covered by any historical financial statements involved in any such listed services.
 - c) For the purposes of this Section only, fees are not regarded as being contingent if fixed by courts or other public authorities or, in tax matters, if determined based on the results of judicial proceedings or the findings of governmental agencies. A registered public accountant's fees may vary depending, for example, on the complexity of services rendered.

SUBPART E: RESPONSIBILITIES TO COLLEAGUES

Section 1430.4010 Relationships Between Accountants

A registered public accountant:

- a) Should respond to a request for a proposal to provide a person or entity with a professional service which is currently provided by another public accountant and may furnish such service to those who request it. However, if an audit client of another independent public accountant requests a registered public accountant to provide professional advice on accounting or auditing matters in connection with an expression of opinion on financial statements, the registered public accountant should consult with the other accountant to ascertain that the registered public accountant is aware of all the available relevant facts.

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- b) May, where such registered public accountant is required to express an opinion on combined or consolidated financial statements which include a subsidiary, branch or other component audited by another independent public accountant, insist on auditing any such component which in his judgment is necessary to warrant the expression of his opinion.
- c) May, in the case of a registered public accountant who receives an engagement for services by referral from another registered public accountant, accept the client's request to extend his service beyond the specific engagement after notifying the referring accountant.

SUBPART F: OTHER RESPONSIBILITIES AND PRACTICES

Section 1430.5010 Acts Discreditable

A registered public accountant shall not commit an act that, in the eyes of the public, is discreditable to the public accounting profession or to the public.

Section 1430.5030 Commissions and Referral Fees

- a) Prohibited Commissions – A registered public accountant shall not for a commission recommend or refer to a client any product or service, or for a commission recommend or refer any product or service to be supplied by a client, or receive a commission, when the registered public accountant or the registered public accountant's firm also performs for that client any of the following:
 - 1) An audit or review of a financial statement;
 - 2) A compilation of a financial statement when the member expects, or reasonably might expect, that a third party will use the financial statement and the registered public accountant's compilation report does not disclose a lack of independence; or
 - 3) An examination of prospective financial information.

This prohibition applies during the period in which the registered public accountant is engaged to perform any of the services listed above and the period covered by any historical financial statements involved in such listed services.

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- b) Disclosure of Permitted Commissions – A registered public accountant who is not prohibited by this Section from performing services for or receiving a commission and who is paid or expects to be paid a commission shall disclose that fact to any person or entity to whom the registered public accountant recommends or refers a product or service to which the commission relates.
- c) Referral Fees – Any registered public accountant who accepts a referral fee for recommending or referring any service of a CPA to any entity or who pays a referral fee to obtain a client shall disclose such acceptance or payment to the client.

Section 1430.5040 Incompatible Occupations

A registered public accountant who is engaged in the practice of public accounting shall not concurrently engage in any business or occupation which impairs the objectivity of his judgment in connection with the rendering of professional services.

Section 1430.5050 Form of Organization and Name

- a) A registered public accountant may practice public accounting only in a form of organization permitted by Illinois law or regulation.
- b) A registered public accountant shall not practice under a firm name that is misleading. Names of one or more past owners may be included in the firm name of a successor organization. Also, an owner surviving the death or withdrawal of all other owners may continue to practice under a name which includes the name of past owners for up to two years after becoming a sole practitioner.

SUBPART G: GENERAL PROVISIONS

Section 1430.6010 Rules and Regulations

Each registered public accountant shall comply with this Part as required by Section 26 of the Act and any violation by the registered public accountant of this Part shall constitute a violation of this Part.

Section 1430.6020 Suspension or Modification of Rules

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The Rules of Professional Conduct may be suspended or modified in whole or in part by the Registration Committee, provided that the Director shall approve such suspension or modification in the interest of justice. The Registration Committee with the approval of the Director reserves the right to waive compliance with any of the Rules of Professional Conduct whenever in the judgment, of such Committee and the Director, no party will be injured thereby.

Section 1430.6030 Construction of Rules

The Rules of Professional Conduct should not be construed to abrogate, modify, or limit any rights, privileges, or immunities granted or protected by the Constitution or laws of the United States or the Constitution or laws of the State of Illinois nor to deny any person life, liberty, or property without due process of law.

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Section 1430.APPENDIX A Generally Accepted Auditing Standards

- a) General Standards
 - 1) The examination is to be performed by a person or persons having adequate technical training and proficiency as an auditor.
 - 2) In all matters relating to the assignment, an independence in mental attitude is to be maintained by the auditor or auditors.
 - 3) Due professional care is to be exercised in the performance of the examination and the preparation of the report.
- b) Standards of Fieldwork
 - 1) The work is to be adequately planned and assistants, if any, are to be properly supervised.
 - 2) There is to be a proper study and evaluation of the existing internal control as a basis for reliance thereon and for the determination of the resultant extent of the tests to which auditing procedures are to be restricted.
 - 3) Sufficient competent evidential matter is to be obtained through inspection, observation, inquiries and confirmations to afford a reasonable basis for an opinion regarding the financial statements under examination.
- c) Standards of Reporting
 - 1) The report shall state whether the financial statements are presented in accordance with generally accepted principles of accounting.
 - 2) The report shall state whether such principles have been consistently observed in the current period in relation to the preceding period.
 - 3) Informative disclosures in the financial statements are to be regarded as reasonably adequate unless otherwise stated in the report.
 - 4) The report shall either contain an expression of opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an

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opinion cannot be expressed. When an overall opinion cannot be expressed, the reasons therefor should be stated. In all cases where an auditor's name is associated with financial statements, the report should contain a clear-cut indication of the character of the auditor's examination, if any, and the degree of responsibility he is taking.

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Section 1430.APPENDIX B Resolution of Council Regarding Accounting Principles

The following resolution of Council was approved at a meeting on May 7, 1973:

"WHEREAS in 1959 the Council designated the Accounting Principles Board to establish accounting principles and

WHEREAS the Council is advised that the Financial Accounting Standards Board has become operational, it is

RESOLVED, that as of the date hereof the Financial Accounting Standards Board, in respect of Statements of Financial Accounting Standards finally adopted by such Board in accordance with its Rules of Procedure and the bylaws of the Financial Accounting Foundation, be, and hereby is, designated by this Council as the body to establish accounting principles pursuant to Rule 203 of the Rules of Conduct of the American Institute of Certified Public Accountants; provided however, any Accounting Research Bulletins or Opinions of the Accounting Principles Board presently issued or approved for exposure by the Accounting Principles Board prior to April 1, 1973, and finally adopted by such Board on or before June 30, 1973, shall constitute statements of accounting principles promulgated by a body designated by Council as contemplated in Rule 203 of the Rules of Conduct unless and until such time as they are expressly superseded by action of the FASB."

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- 1) Heading of the Part: Access to Information
- 2) Code Citation: 2 Ill. Adm. Code 1326
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1326.110	Repealed
1326.120	Repealed
1326.210	Repealed
1326.220	Repealed
1326.310	Repealed
1326.320	Repealed
1326.410	Repealed
1326.420	Repealed
1326.510	Repealed
1326.520	Repealed
1326.530	Repealed
- 4) Statutory Authority: Implementing and authorized by the Department of Professional Regulation Law [20 ILCS 2105/2105-117, as amended by PA 99-227, effective August 3, 2015] and Section 3(h) of the Freedom of Information Act [5 ILCS 140/3(h)], and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]
- 5) Effective Date of Repealer: September 23, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the Adopted Repealer, including any material incorporated by reference, is on file in the principal office of the Division of Professional Regulation and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: Prior publication of an internal rule in the *Illinois Register* is not required, pursuant to the authority in Section 5-15 of the IAPA.
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between Proposal and Final Version: None

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- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Repealer: Due to the extensive statutory revisions to the Freedom of Information Act and the need to update, rewrite and reorganize the Division of Professional Regulations underlying regulatory standards, at this time the Division has now repealed the original Part 1326, while simultaneously adopting a replacement regulation under the same Part number. The Division's new rules also appear in this *Illinois Register* for adoption.
- 16) Information and questions regarding this Adopted Repealer shall be directed to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

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- 1) Heading of the Part: Freedom of Information Act Requests for Public Records
- 2) Code Citation: 2 Ill. Adm. Code 1326
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1326.110	New Section
1326.120	New Section
1326.210	New Section
1326.220	New Section
1326.310	New Section
1326.320	New Section
1326.410	New Section
1326.420	New Section
1326.430	New Section
1326.510	New Section
1326.520	New Section
1326.530	New Section
- 4) Statutory Authority: Implementing and authorized by the Department of Professional Regulation Law [20 ILCS 2105/2105-117, as amended by PA 99-227, effective August 3, 2015] and Section 3(h) of the Freedom of Information Act [5 ILCS 140/3(h)], and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]
- 5) Effective Date of Rules: September 23, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the Division of Professional Regulation and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: Prior publication of an internal rule in the *Illinois Register* is not required, pursuant to the authority in Section 5-15 of the IAPA.
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No

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- 11) Differences between Proposal and Final Version: Prior publication of an internal rule in the Illinois Register is not required, pursuant to the authority in Section 5-15 of the IAPA.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Not applicable
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This new rules states the policy of the Department of Financial and Professional Regulation's Division of Professional Regulation for making its records available for reasonable public inspection while, at the same time, protecting legitimate interests in confidentiality and not causing disruption to the operations of the Division. It establishes procedures for the public to make requests to inspect or obtain copies of Division records and for Division responses to these requests. These new rules identify common records maintained by the Division and denote which records are subject to disclosure, which records are subject to disclosure with redaction of confidential information, and which records are not subject to disclosure in accordance with the Freedom of Information Act, the Civil Administrative Code, various professional Acts administered by the Division, and case law.
- 16) Information and questions regarding these adopted rules shall be directed to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

The full text of the Adopted Rules begins on the next page:

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TITLE 2: GOVERNMENTAL ORGANIZATION

SUBTITLE D: CODE DEPARTMENTS

CHAPTER XXVI: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 1326

FREEDOM OF INFORMATION ACT REQUESTS FOR PUBLIC RECORDS

SUBPART A: INTRODUCTION

Section

- 1326.110 Summary and Purpose
- 1326.120 Definitions

SUBPART B: CLASSIFICATION OF RECORDS

Section

- 1326.210 Records that Will Be Disclosed
- 1326.220 Records that Will Be Withheld from Disclosure

SUBPART C: PROCEDURES FOR REQUESTING PUBLIC RECORDS
FROM THE DIVISION

Section

- 1326.310 Submittal of FOIA Requests for Records
- 1326.320 Information To Be Provided in Requests for Records

SUBPART D: DIVISION RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section

- 1326.410 Division Response
- 1326.420 Requests for Records that Require Electronic Retrieval
- 1326.430 Denials of Requests for Records

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTERS

Section

- 1326.510 Inspection of Records
- 1326.520 Copying of Records and Fees
- 1326.530 Waiver of Fees

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AUTHORITY: Implementing and authorized by the Department of Professional Regulation Law [20 ILCS 2105/2105-117], Section 3(h) of the Freedom of Information Act [5 ILCS 140/3(h)], and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 8 Ill. Reg. 12469, effective July 2, 1984; amended at 8 Ill. Reg. 15953, effective August 20, 1984; amended at 10 Ill. Reg. 20243, effective November 25, 1986; transferred from Chapter XIX, 2 Ill. Adm. Code 1151 (Department of Registration and Education) to Chapter XXVI, 2 Ill. Adm. Code 1326 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2913; former Part repealed at 39 Ill. Reg. 13367 and new Part adopted at 39 Ill. Reg. 13369, effective September 23, 2015.

SUBPART A: INTRODUCTION

Section 1326.110 Summary and Purpose

- a) This Part states the policy of the Department of Financial and Professional Regulation-Division of Professional Regulation (Division) for making its records available for reasonable public inspection while, at the same time, protecting legitimate interests in confidentiality and not causing disruption to the operations of the Division.
- b) This Part:
 - 1) Establishes the following classifications for records in the Division's possession:
 - A) Records that shall be disclosed; and
 - B) Records that shall be withheld from disclosure;
 - 2) Contains the procedures by which requesters may obtain records in the Division's possession;
 - 3) Contains the procedures for Division responses to requests for records; and
 - 4) Contains the procedures for providing public records to requesters.

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Section 1326.120 Definitions

Terms not defined in this Section shall have the same meaning as in the Freedom of Information Act [5 ILCS 140]. The following definitions are applicable for purposes of this Part:

"Department" means the Department of Financial and Professional Regulation.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation with the authority delegated by the Secretary.

"FOIA" means the Freedom of Information Act [5 ILCS 140].

"Freedom of Information Officer" or "FOI Officer" means an individual or individuals responsible for receiving and responding to requests for public records.

"Requester" is any person who has submitted to the Division a written request for public records.

SUBPART B: CLASSIFICATION OF RECORDS

Section 1326.210 Records that Will Be Disclosed

Upon a request meeting the requirements of this Part, the Division will disclose to the requester all nonexempt records requested, except for any portion that may be subject to redaction or nondisclosure. Records covered under this Section shall include, but are not limited to:

- a) Disciplinary Orders.
- b) Administrative Law Judge's Report and Recommendation and Board Findings of Fact, Conclusions of Law, and Recommendation to the Director at the conclusion of a formal administrative hearing, provided that a final disciplinary order has been entered. (See Section 7(1)(f) of FOIA.)
- c) License and registration applications and renewals, except for applications and renewals submitted under the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130/145]. The following information contained in the application or renewal, or in attachments to the application or renewal, will be redacted and/or withheld: home address; home telephone number; cell phone

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number; personal email address; Social Security number or other tax identification number; date of birth; fingerprints; signature; and educational transcripts, diplomas, degrees and examination scores. (This is not intended to be an exhaustive list of information the Division may redact). (See Section 7(1)(b) and (c) of FOIA.)

- d) Formal administrative hearing complaints filed by the Division against a licensee or registrant, or unlicensed person or entity.
- e) Petitions, answers, motions and responses filed by a petitioner or respondent in an administrative proceeding before the Division and any responses or related motions filed by the Division.
- f) Status or continuance orders entered in an administrative proceeding before the Division.

Section 1326.220 Records that Will Be Withheld from Disclosure

In response to a request submitted pursuant to FOIA, the Division will not disclose certain records as provided in this Section. Records covered under this Section include, but are not limited to:

- a) Complaints received by the Division against licensees or unlicensed persons or entities. (See Section 7(1)(a) of FOIA and 20 ILCS 2105/2105-117.)
- b) Mandatory reports received by the Division concerning a licensee. (See Section 7(1)(a) of FOIA and 20 ILCS 2105/2105-117.)
- c) Investigative files maintained by the Division. (See Section 7(1)(a) of FOIA and 20 ILCS 2105/2105-117.)
- d) Probation files and reports. (See Section 7(1)(a) of FOIA and 20 ILCS 2105/2105-117.)
- e) Medical or health related records that may be used as evidence in an administrative proceeding. (See Section 7(1)(b) and (c) of FOIA.)
- f) Physical or mental examinations ordered by the Division. (See Section 7(1)(b) and (c) of FOIA.)

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- g) Care, Counseling, and Treatment Agreements. (See Section 7(1)(b) and (c) of FOIA.)
- h) Nondisciplinary Orders. (See Section 7(1)(a) of FOIA and 20 ILCS 2105/2105-117.)
- i) Supervision Orders. (See Section 7(1)(a) of FOIA and 20 ILCS 2105/2105-117.)
- j) Internal case management documents. (See Section 7(1)(a) of FOIA and 20 ILCS 2105/2105-117.)
- k) Case closure memoranda. (See Section 7(1)(a) of FOIA and 20 ILCS 2105/2105-117.)
- l) Proposals created or received by the Division related to settlement conferences or negotiations. (See Section 7(1)(f) of FOIA.)

SUBPART C: PROCEDURES FOR REQUESTING PUBLIC RECORDS FROM THE DIVISION

Section 1326.310 Submittal of FOIA Requests for Records

- a) Any request for public records should be submitted or addressed in writing to the FOI Officer for the Division.
- b) Contact information for the Division FOI Officer can be found online at www.Illinois.gov/Pages/FOIAContacts.aspx.
- c) FOIA requests may be submitted by mail (U.S. or other postal carriers), e-mail or hand delivery. Requests should be mailed, emailed or hand delivered to:

Mail or Hand Delivery:	Illinois Dept. of Financial and Professional Regulation Division of Professional Regulation Attn: FOI Officer 100 West Randolph Street, 9 th Floor Chicago, Illinois 60601
	Or

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	Illinois Dept. of Financial and Professional Regulation Division of Professional Regulation Attn: FOI Officer 320 West Washington Street, 3 rd Floor Springfield, Illinois 62786
Email:	FPR.FOIA@Illinois.gov

- d) E-mailed requests should be sent to FPR.FOIA@Illinois.gov and contain the request in the body of the e-mail, or the request may be attached separately to the email as a PDF.

Section 1326.320 Information To Be Provided in Requests for Records

A request for public records should include:

- a) The requester's full name, mailing address and telephone number. An email address should also be included, if the request was made via email.
- b) As specific a description as possible of the records sought.
- c) If applicable, a statement as to the requested manner for the Division to use in providing the records sought; for example, inspection at Division headquarters or providing paper or electronic copies.
- d) A statement as to whether the request is for a commercial purpose.

SUBPART D: DIVISION RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section 1326.410 Division Response

The Division shall respond in writing to all FOIA requests received, either by granting the request in whole or in part or by denying the request.

Section 1326.420 Requests for Records that Require Electronic Retrieval

- a) A FOIA request for records that require electronic retrieval will be treated the same as any other FOIA request for records, with the same timeline and extensions as allowed for other records.

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- b) Electronic records can only be retrieved and provided in a format and medium that is currently utilized by the Division.

Section 1326.430 Denials of Requests for Records

- a) The Division will deny FOIA requests for records when:
 - 1) Compliance with the request would unduly burden the Division and the requester has not reduced or, given the nature of the request, is unable to reduce the request to manageable proportions;
 - 2) The records are exempt from disclosure pursuant to Section 7 or 7.5 of FOIA or any other applicable law or regulation;
 - 3) Compliance with the request would require the Division to create or prepare a record that it does not maintain (see *Chicago Tribune v. IDFPR*, 2014 Ill App (4th) 130427;
 - 4) The request fails to reasonably identify a public record (see *Chicago Tribune v. IDFPR*, 2014 Ill App (4th) 130427;
 - 5) The request seeks answers to questions posed by the requester (see *Chicago Tribune v. IDFPR*, 2014 Ill App (4th) 130427; or
 - 6) Compliance with the request would require the Division to compile data the Division does not ordinarily keep (see *Chicago Tribune v. IDFPR*, 2014 Ill App (4th) 130427.
- b) The denial of a request for records will be in writing.

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTERS

Section 1326.510 Inspection of Records

- a) The Division may make available records for personal inspection at either of the Division's offices, as noted in Section 1326.310(c). No original record shall be removed from State-controlled premises. The Division may provide records in duplicate forms, including, but not limited to, paper copies, data processing printouts and any type of recording medium used by the Division.

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- b) *When a person requests a copy of a record maintained in an electronic format, the Division shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the records in the specified electronic format, then the Division shall furnish it in the format in which it is maintained by the Division, or in paper format at the option of the requester. (Section 6(a) of FOIA)*
- c) A requester may inspect records by appointment only. The Division will schedule inspection appointments to take place between 9:00 a.m. and 4:00 p.m. Monday through Friday, exclusive of State holidays. If the requester must cancel the viewing appointment, the requester shall so inform the Division as soon as possible before the appointment.
- d) In order to maintain routine Division operations, the requester may be asked to leave the inspection area for a specified period of time.
- e) The requester will have access only to the designated inspection area.
- f) Requesters shall not be permitted to take briefcases, folders or similar materials into the room where the inspection takes place. A Division employee may be present during the inspection.
- g) The requester shall segregate and identify the documents to be copied during the course of the inspection.

Section 1326.520 Copying of Records and Fees

- a) In accordance with Section 6 of FOIA, *no fees shall be charged for the first 50 pages of black and white, letter or legal sized copies requested by a requester. A fee of \$.15 per page will be imposed for copies that exceed 50 pages.*
- b) If the requested records are provided on a recording medium, the requester will be charged for the Division's actual cost of purchasing the recording medium, whether disc, diskette, tape or other medium.
- c) *If a voluminous request is for electronic records and those records are not in a portable document format (PDF), the Division may charge up to \$20 for not more than 2 megabytes of data, up to \$40 for more than 2 but not more than 4*

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megabytes of data, and up to \$100 for more than 4 megabytes of data. If a voluminous request is for electronic records and those records are in PDF, the public body may charge up to \$20 for not more than 80 megabytes of data, up to \$40 for more than 80 megabytes but not more than 160 megabytes of data, and up to \$100 for more than 160 megabytes of data. If the responsive electronic records are in both PDF and not in PDF, the public body may separate the fees and charge the requester under both fee scales. (Section 6(a-5) of FOIA)

- d) Expense for delivery other than by First Class U.S. Mail must be borne by the requester.

Section 1326.530 Waiver of Fees

The Division will provide copies of public records without charge to any current federal, State and municipal agencies, State Constitutional officers, and members of the General Assembly.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.462 Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: September 25, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: September 26, 2014; 38 Ill. Reg. 19054
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? Yes

<u>Sections:</u> 140.412 140.80	<u>Proposed Actions:</u> Amendment Amendment	<u>Illinois Register Citation:</u> 39 Ill. Reg. 182; January 2, 2015 39 Ill. Reg. 7761; June 5, 2015
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- 15) Summary and Purpose of Rulemaking: The amendment allows Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs) to be reimbursed under an alternate payment methodology (APM) for non-surgical, transcervical, permanent female

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contraceptive devices. As adopted, reimbursement would be made on a fee-for-service basis in accordance with the agency's fee schedule. Reimbursement through this APM would be separate from any encounter payment the FQHC or RHC may receive for transcervical permanent contraceptive device.

- 16) Information and questions regarding this adopted rule shall be directed to:

Mollie Zito
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Persons Confined or Detained by the Criminal Justice System

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Suspension and Denial of Payment, Recovery of Money and Penalties
- 140.16 Termination, Suspension or Exclusion of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination, Suspension, Exclusion or Revocation on Persons

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- Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension, Exclusion or Barring
- 140.20 Submittal of Claims
- 140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited
- 140.27 Assignment of Vendor Payments
- 140.28 Record Requirements for Medical Providers
- 140.30 Audits
- 140.31 Emergency Services Audits
- 140.32 Prohibition on Participation, and Special Permission for Participation
- 140.33 Publication of List of Sanctioned Entities
- 140.35 False Reporting and Other Fraudulent Activities
- 140.40 Prior Approval for Medical Services or Items
- 140.41 Prior Approval in Cases of Emergency
- 140.42 Limitation on Prior Approval
- 140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
- 140.44 Withholding of Payments Due to Fraud or Misrepresentation
- 140.45 Withholding of Payments Upon Provider Audit, Quality of Care Review, Credible Allegation of Fraud or Failure to Cooperate
- 140.55 Electronic Data Interchange Service
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
- 140.72 Drug Manual (Recodified)
- 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

- Section
- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 140.86 Supportive Living Facility Funds

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
- 140.95 Hospital Services Trust Fund
- 140.96 General Requirements (Recodified)
- 140.97 Special Requirements (Recodified)
- 140.98 Covered Hospital Services (Recodified)
- 140.99 Hospital Services Not Covered (Recodified)
- 140.100 Limitation On Hospital Services (Recodified)
- 140.101 Transplants (Recodified)
- 140.102 Heart Transplants (Recodified)
- 140.103 Liver Transplants (Recodified)
- 140.104 Bone Marrow Transplants (Recodified)
- 140.110 Disproportionate Share Hospital Adjustments (Recodified)
- 140.116 Payment for Inpatient Services for GA (Recodified)
- 140.117 Hospital Outpatient and Clinic Services (Recodified)
- 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
- 140.203 Limits on Length of Stay by Diagnosis (Recodified)
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
- 140.350 Copayments (Recodified)
- 140.360 Payment Methodology (Recodified)
- 140.361 Non-Participating Hospitals (Recodified)
- 140.362 Pre July 1, 1989 Services (Recodified)
- 140.363 Post June 30, 1989 Services (Recodified)
- 140.364 Prepayment Review (Recodified)
- 140.365 Base Year Costs (Recodified)
- 140.366 Restructuring Adjustment (Recodified)
- 140.367 Inflation Adjustment (Recodified)
- 140.368 Volume Adjustment (Repealed)
- 140.369 Groupings (Recodified)
- 140.370 Rate Calculation (Recodified)
- 140.371 Payment (Recodified)
- 140.372 Review Procedure (Recodified)
- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

- Section
- 140.400 Payment to Practitioners
- 140.402 Copayments for Noninstitutional Medical Services
- 140.403 Telehealth Services
- 140.405 Non-Institutional Rate Reductions
- 140.410 Physicians' Services
- 140.411 Covered Services By Physicians
- 140.412 Services Not Covered By Physicians
- 140.413 Limitation on Physician Services
- 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers
- 140.416 Optometric Services and Materials
- 140.417 Limitations on Optometric Services
- 140.418 Department of Corrections Laboratory
- 140.420 Dental Services
- 140.421 Limitations on Dental Services
- 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists (Repealed)
- 140.425 Podiatry Services
- 140.426 Limitations on Podiatry Services
- 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry (Repealed)
- 140.428 Chiropractic Services
- 140.429 Limitations on Chiropractic Services (Repealed)
- 140.430 Independent Clinical Laboratory Services
- 140.431 Services Not Covered by Independent Clinical Laboratories
- 140.432 Limitations on Independent Clinical Laboratory Services
- 140.433 Payment for Clinical Laboratory Services
- 140.434 Record Requirements for Independent Clinical Laboratories
- 140.435 Advanced Practice Nurse Services

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140.441	Pharmacy Services Not Covered
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140.448	Returned Pharmacy Items
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140.450	Record Requirements for Pharmacies
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140.452	Mental Health Services
140.453	Definitions
140.454	Types of Mental Health Services
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140.466	Rural Health Clinics (Repealed)
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140.472	Types of Home Health Care Services
140.473	Prior Approval for Home Health Care Services
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140.479	Limitations, Medical Supplies
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140.487	Healthy Kids Program Timeliness Standards
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140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
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140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
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140.503	Cessation of Payment for Improper Level of Care
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140.511	Long Term Care Services Covered By Department Payment
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140.527	Quality Incentive Survey (Repealed)
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- 140.560 Components of the Base Rate Determination
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- 140.567 Level II Incentive Payments (Repealed)
- 140.568 Duration of Incentive Payments (Repealed)
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- 140.570 Capital Rate Component Determination
- 140.571 Capital Rate Calculation
- 140.572 Total Capital Rate
- 140.573 Other Capital Provisions
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- 140.580 Mandated Capital Improvements (Repealed)
- 140.581 Qualifying as Mandated Capital Improvement (Repealed)
- 140.582 Cost Adjustments
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- 140.590 Audit and Record Requirements
- 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
- 140.643 In-Home Care Program
- 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
- 140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
- 140.647 Description of Developmental Training (DT) Services
- 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
- 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
- 140.650 Certification of Developmental Training (DT) Programs
- 140.651 Decertification of Day Programs

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NOTICE OF ADOPTED AMENDMENT

140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

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LOCAL GOVERNMENTAL ENTITIES

Section	
140.850	Reimbursement of Administrative Expenditures
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140.860	County Owned or Operated Nursing Facilities
140.865	Sponsor Qualifications (Repealed)
140.870	Sponsor Responsibilities (Repealed)
140.875	Department Responsibilities (Repealed)
140.880	Provider Qualifications (Repealed)
140.885	Provider Responsibilities (Repealed)
140.890	Payment Methodology (Repealed)
140.895	Contract Monitoring (Repealed)
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140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
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140.908	Times and Staff Levels (Recodified)
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140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
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SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

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140.926	Client Eligibility (Repealed)
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SUBPART H: ILLINOIS COMPETITIVE ACCESS AND
REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
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140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
140.980	Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
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SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

Section

140.990	Primary Care Case Management Program
140.991	Primary Care Provider Participation Requirements
140.992	Populations Eligible to Participate in the Primary Care Case Management Program
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140.994	Panel Size and Affiliated Providers
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SUBPART J: ALTERNATE PAYEE PARTICIPATION

Section

140.1001	Registration Conditions for Alternate Payees
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SUBPART K: MANDATORY MCO ENROLLMENT

Section

140.1010	Mandatory Enrollment in MCOs
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SUBPART L: UNAUTHORIZED USE OF MEDICAL ASSISTANCE

Section

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140.1310	Recovery of Money
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140.1330	Enforcement
140.TABLE A	Criteria for Non-Emergency Ambulance Transportation
140.TABLE B	Geographic Areas
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140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	Rate Regions
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services (Repealed)

AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective

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November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and

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140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150

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days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill.

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Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency

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amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September

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20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill.

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Reg. 18323, effective November 12, 2008; preemptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; preemptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg.

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12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23, 2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013; amended at 38 Ill. Reg. 859, effective December 23, 2013; emergency amendment at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4330, effective January 29, 2014; amended at 38 Ill. Reg. 7156, effective March 13, 2014; amended at 38 Ill. Reg. 12141, effective May 30, 2014; amended at 38 Ill. Reg. 15081, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15673, effective July 7, 2014, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 18216, effective August 18, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18462, effective August 19, 2014; amended at 38 Ill. Reg. 23623, effective December 2, 2014; amended at 39 Ill. Reg. 4394, effective March 11, 2015; emergency amendment at 39 Ill. Reg. 10427, effective July 10, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 12825, effective September 4, 2015; amended at 39 Ill. Reg. 13380, effective September 25, 2015.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.462 Covered Services in Clinics

Payment shall be made to clinics for the following types of services when provided by, or under the direction of, a physician:

- a) Hospital-Based Organized Clinics. Covered services are those described in 89 Ill. Adm. Code 148.
- b) Encounter Rate Clinics
 - 1) With respect to those encounter rate clinics that qualify as Maternal and Child Health providers, as described in Section 140.924, covered services are those described in Section 140.922.
 - 2) With respect to all other encounter rate clinics, covered services are medical services that provide for the continuous health care needs of persons who elect to use this type of service, including dental services that will be billed as separate encounters for dates of service on or after January 1, 2011.
 - 3) Group psychotherapy services must meet the guidelines set forth in Section 140.413(a)(4)(C).

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- c) Rural Health Clinics
Those core services for which the clinic or center may bill an encounter as described in 42 CFR 440.90 (2000) are as follows:
- 1) Physician's Services, including covered services of nurse practitioners, nurse midwives and physician-supervised physician assistants. Group psychotherapy services must meet the guidelines set forth in Section 140.413(a)(4)(C).
 - 2) Group Psychotherapy Services – Payment may be made for up to two group sessions per week, with a maximum of one session per day. The following conditions must be met for group psychotherapy:
 - A) documentation maintained in the patient's medical record must indicate the person participating in the group session has been diagnosed with a mental illness as defined in the International Classification of Diseases 9th Revision, Clinical Modification (ICD-9-CM) or, upon implementation, International Classification of Diseases, 10th Revision, Clinical Modification (ICD-10-CM), or the Diagnostic and Statistical Manual of Mental Disorders (DSM IV). The allowable diagnosis code ranges will be specified in the Handbook for Practitioners Rendering Medical Services;
 - B) beginning February 1, 2013, the entire group of psychotherapy services must be directly performed by one of the following practitioners:
 - i) a physician licensed to practice medicine in all its branches who has completed an approved general psychiatry residency program or is providing the service as a resident or attending physician at an approved or accredited residency program;
 - ii) an Advanced Practice Nurse holding a current certification in Psychiatric and Mental Health Nursing as set forth in 68 Ill. Adm. Code 1305.Appendix A;
 - iii) Psychologist;

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- iv) Licensed Clinical Social Worker;
 - v) Licensed Clinical Professional Counselor; or
 - vi) Licensed Marriage and Family Therapist;
- C) the group size does not exceed 12 patients, regardless of payment source;
- D) the minimum duration of the group session is 45 minutes;
- E) the group session is documented in the patient's medical record by the rendering practitioner, including the session's primary focus, level of patient participation, and begin and end times of each session;
- F) the group treatment model, methods and subject content have been selected on evidence-based criteria for the target population of the group and follows recognized practice guidelines for psychiatric services;
- G) the group session is provided in accordance with a clear written description of goals, methods and referral criteria; and
- H) group psychotherapy is not covered for recipients who are residents in a facility licensed under the Nursing Home Care Act [210 ILCS 45] or the Specialized Mental Health Rehabilitation Act [210 ILCS 48].
- 3) Other services for which a separate encounter may be billed include dentist and behavioral health services as defined in Section 140.463(a).
- 4) Medically-necessary services and supplies furnished by or under the direction of a physician or dentist within the scope of licensed practice that have been included in the cost report but neither fee-for-service nor encounter billings may be billed. Some examples of these services include:

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- A) medical case management;
 - B) laboratory services;
 - C) occupational therapy;
 - D) patient transportation;
 - E) pharmacy services;
 - F) physical therapy;
 - G) podiatric services;
 - H) speech and hearing services;
 - I) x-ray services;
 - J) health education;
 - K) nutrition services;
 - L) optometric services.
- 5) A rural health clinic (RHC) that adds behavioral health services or dental services on or after October 1, 2001, must notify the Department in writing. These services are to be billed as an encounter with a procedure code that appropriately identifies the service provided.
- 6) Any service that is no longer provided on or after October 1, 2001, or any new service added on or after October 1, 2001, must be communicated to the Department in writing prior to billing for the services.
- 7) Effective January 1, 2001, the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act (BIPA) precludes fee-for-service billings for any RHC services with the exception of services identified in subsections (c)(8) and (c)(9).

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- 8) Effective July 1, 2012 through June 30, 2013, a physician or APN may submit fee-for-service billings for implantable contraceptive devices administered in an RHC. Reimbursement for the implantable contraceptive devices shall be made in accordance with the following:
- A) To the extent that the implantable device was purchased under the 340B Drug Pricing Program, the device must be billed at the RHC's actual acquisition cost;
 - B) The RHC must be listed as the payee on the claim;
 - C) Reimbursement shall be made at the RHC 's actual acquisition cost or the rate on the Department's practitioner fee schedule, whichever is applicable;
 - D) This reimbursement shall be separate from any encounter payment the RHC may receive for implanting the device.
- 9) Effective July 1, 2013, an RHC may submit fee-for-service billings for Long Acting Reversible Contraceptives (LARCs). ~~implantable contraceptive devices.~~ For dates of service October 1, 2014 and after, an RHC may submit fee-for-service billing for non-surgical transcervical permanent contraceptive devices. Reimbursement for the implantable contraceptive device shall be made in accordance with the following:
- A) To the extent that the LARCs or transcervical permanent contraceptive devices ~~were implantable device was~~ purchased under the 340B Drug Pricing Program, the device must be billed at the RHC's actual acquisition cost;
 - B) Reimbursement shall be made at the RHC 's actual acquisition cost or the rate on the Department's practitioner fee schedule, whichever is applicable;
 - C) This reimbursement shall be separate from any encounter payment the RHC may receive for implanting the device.
- 10) Tobacco cessation counseling services may be billed as an encounter if furnished by a provider as defined in Section 140.413(a)(15) within the

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designated coverage limitations.

- d) Federally Qualified Health Centers
Those core services for which the clinic or center may bill an encounter as described in 42 CFR 440.90 (2000) are as follows:
- 1) Physician's services, including covered services of nurse midwives, nurse practitioners and physician-supervised physician assistants. Group psychotherapy services must meet the guidelines set forth in Section 140.413(a)(4)(C).
 - 2) Group Psychotherapy Services – Payment may be made for up to two group sessions per week, with a maximum of one session per day. The following conditions must be met for group psychotherapy:
 - A) documentation maintained in the patient's medical record must indicate the person participating in the group session has been diagnosed with a mental illness as defined in the International Classification of Diseases 9th Revision, Clinical Modification (ICD-9-CM) or, upon implementation, International Classification of Diseases, 10th Revision, Clinical Modification (ICD-10-CM), or the Diagnostic and Statistical Manual of Mental Disorders (DSM IV). The allowable diagnosis code ranges will be specified in the Handbook for Practitioners Rendering Medical Services;
 - B) beginning February 1, 2013, the entire group of psychotherapy services must be directly performed by one of the following practitioners:
 - i) a physician licensed to practice medicine in all its branches who has completed an approved general psychiatry residency program or is providing the service as a resident or attending physician at an approved or accredited residency program;
 - ii) an Advanced Practice Nurse holding a current certification in Psychiatric and Mental Health Nursing as set forth in 68 Ill. Adm. Code 1305.Appendix A;

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- iii) Psychologist;
 - iv) Licensed Clinical Social Worker;
 - v) Licensed Clinical Professional Counselor; or
 - vi) Licensed Marriage and Family Therapist;
- C) the group size does not exceed 12 patients, regardless of payment source;
- D) the minimum duration of the group session is 45 minutes;
- E) the group session is documented in the patient's medical record by the rendering practitioner, including the session's primary focus, level of patient participation, and begin and end times of each session;
- F) the group treatment model, methods and subject content have been selected on evidence-based criteria for the target population of the group and follows recognized practice guidelines for psychiatric services;
- G) the group session is provided in accordance with a clear written description of goals, methods and referral criteria; and
- H) group psychotherapy is not covered for recipients who are residents in a facility licensed under the Nursing Home Care Act [210 ILCS 45] or the Specialized Mental Health Rehabilitation Act [210 ILCS 48].
- 3) Other services for which separate encounters may be billed include dentists and behavioral health services as defined in Section 140.463(a).
- 4) Medically-necessary services and supplies furnished by or under the direction of a physician or dentist within the scope of licensed practice have been included in the cost report but neither fee-for-service nor encounter billings may be billed. Some examples of these services include:

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- A) medical case management;
 - B) laboratory services;
 - C) occupational therapy;
 - D) patient transportation;
 - E) pharmacy services;
 - F) physical therapy;
 - G) podiatric services;
 - H) optometric services;
 - I) speech and hearing services;
 - J) x-ray services;
 - K) health education;
 - L) nutrition services.
- 5) A federally qualified health center (FQHC) that adds behavioral health services or dental services on or after October 1, 2001, must notify the Department in writing. These services are to be billed as an encounter with a procedure code that appropriately identifies the service.
- 6) Any service that is no longer provided on or after October 1, 2001, or any new service added on or after October 1, 2001, must be communicated to the Department in writing.
- 7) Effective January 1, 2001, the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act (BIPA) precludes fee-for-service billings for any FQHC services provided with the exception of services identified in subsections (d)(8) and (d)(9).

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- 8) Effective July 1, 2012 through June 30, 2013, a physician or APN may submit fee-for-service billings for implantable contraceptive devices administered in an FQHC. Reimbursement for the implantable contraceptive devices shall be made in accordance with the following:
- A) To the extent that the implantable device was purchased under the 340B Drug Pricing Program, the device must be billed at the FQHC's actual acquisition cost;
 - B) The FQHC must be listed as the payee on the claim;
 - C) Reimbursement shall be made at the FQHC's actual acquisition cost or the rate on the Department's practitioner fee schedule, whichever is applicable;
 - D) This reimbursement shall be separate from any encounter payment the FQHC may receive for implanting the device.
- 9) Effective July 1, 2013, an FQHC may submit fee-for-service billings for LARCs. For dates of service October 1, 2014 and after, an FQHC may submit fee-for-service billing for non-surgical transcervical permanent~~implantable~~ contraceptive devices. Reimbursement for the implantable contraceptive device shall be made in accordance with the following:
- A) To the extent that the LARCs or transcervical permanent devices~~were implantable device was~~ purchased under the 340B Drug Pricing Program, the device must be billed at the FQHC's actual acquisition cost;
 - B) Reimbursement shall be made at the FQHC's actual acquisition cost or the rate on the Department's practitioner fee schedule, whichever is applicable;
 - C) This reimbursement shall be separate from any encounter payment the FQHC may receive for implanting the device.
- 10) Tobacco cessation counseling services may be billed as an encounter if furnished by a provider as defined in Section 140.413(a)(15) within the

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designated coverage limitations.

- e) **School Based/Linked Health Clinics (Centers)**
Covered services are the following services, when delivered in a school based/linked health center setting as described in Section 140.461(f):
- 1) **Basic medical services:** well child or adolescent exams, consisting of a comprehensive health history, complete physical assessment, screening procedures and age appropriate anticipatory guidance; immunizations; EPSDT services; diagnosis and treatment of acute illness and injury; basic laboratory tests; prescriptions and dispensing of commonly used medications for identified health conditions, in accordance with Medical Practice and Pharmacy Practice Acts; and acute management and on-going monitoring of chronic conditions, such as asthma, diabetes and seizure disorders.
 - 2) **Reproductive health services:** gynecological exams; diagnosis and treatment of sexually transmitted diseases; family planning; prescribing and dispensing of birth control or referral for birth control services; pregnancy testing; treatment or referral for prenatal and postpartum care; and cancer screening.

(Source: Amended at 39 Ill. Reg. 13380, effective September 25, 2015)

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- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
1.20	Amendment
1.70	Amendment
1.97	New Section
1.100	Amendment
1.210	Amendment
1.240	Amendment
1.420	Amendment
1.440	Amendment
1.442	Amendment
1.540	New Section
1.660	Amendment
1.705	Amendment
1.790	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rules: September 24, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes; see Sections 1.420(s) and 1.442.
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: May 29, 2015; 39 Ill. Reg. 7413
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The authority note was updated from "2-3.157" to 2-3.159".

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Mention of "[105 ILCS 110]" was removed from Section 1.440(a)(9) and (10) since the full statutory citation for the Critical Health Problems and Comprehensive Health Education Act was provided in Section 1.420(n).

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
1.420	Amendment	39 Ill. Reg. 12262; September 4, 2015
1.422	New Section	39 Ill. Reg. 12262; September 4, 2015

- 15) Summary and Purpose of the Rulemaking: An explanation of certain of the adopted rulemakings is presented below in the order in which the provisions appear in the rulemaking.

Section 1.70(d) (Graduation Cohort): Under the federal Elementary and Secondary Education Act (ESEA), each state must include in its measure of annual yearly progress ("AYP") a graduation rate that represents the percentage of students who graduate from secondary schools with a regular diploma in the "standard number of years". In order to provide a "uniform and accurate measure" of the rate at which students graduate – both within a state and across the country – federal regulations require states to calculate their graduation rate using an "adjusted cohort", i.e., the number of students who enter grade 9 for the first time in a particular school year. Although requirements for determining the adjusted cohort graduation rate are set forth in ESEA guidance, the agency also must determine the date upon which a first-time, grade 9 cohort for a graduating class is established in order to comply with the federal mandate, which has been established as October 1.

New Section 1.97 (Survey of Learning Conditions): PA 98-648, effective July 1, 2014, amended Section 2-3.153 of the School Code [105 ILCS 5/2-3.153] to authorize the State Superintendent of Education to identify alternate instruments that school districts may choose to use to gauge learning conditions and school climate in lieu of using the 5Essentials Survey instrument. New Section 1.97 generally sets forth deadlines and conditions for complying with the statute, including discussion in subsection (g) about the alternate survey that districts may use at their "sole cost and expense" and

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identification in subsection (h) of the process that will be used (when State appropriations are insufficient for statewide administration) to identify the low-performing schools and "representative sample" of other school districts to participate in the survey's administration should insufficient funds be available.

Section 1.420(h)(3) (Kindergarten Individual Development Survey (KIDS)): In response to its request for federal Race to the Top—Early Learning Challenge funding, the State Board piloted and implemented on a limited basis the Kindergarten Individual Development Survey, or KIDS. Under rules adopted in 2012, full implementation of KIDS by districts with full- or half-day kindergarten programs was to begin in the 2015-16 school year.

Over the last year, however, school administrators, teachers and others have expressed concerns to Early Childhood staff about implementing KIDS in the fall. As a result of these discussions, a revised implementation schedule has been adopted that will allow for training to begin in fall 2015, a choice of full or limited implementation in the 2016-17 school year, and full implementation by all school districts in the 2017-18 school year.

New Section 1.540 (epinephrine auto-injectors): PA 98-795, effective August 1, 2014, amended Section 22-30 of the School Code [105 ILCS 5/22-30], in part, to authorize (but not require) the administration of an epinephrine auto-injector by school nurses (as that term is defined in Section 22-30) or trained personnel to "any person (who) the school nurse or trained personnel in good faith believes is having an anaphylactic reaction". In such cases, the epinephrine auto-injector is "undesignated", meaning it is not prescribed to a particular individual. The rules at Section 1.540 flesh out the process for the use of undesignated epinephrine auto-injectors by school nurses or trained personnel, and address parental notification, availability of a school nurse or trained personnel to administer the undesignated epinephrine auto-injector, training and reporting.

Other changes have been made in:

Sections 1.100 (waiver process) and 1.210 (school board member training) to recognize a new independent authority that may be appointed under Section 2-3.25f-5 of the School Code [105 ILCS 5/2-3.25f-5], per PA 98-1155, effective January 9, 2015;

Section 1.440 (requirements for high schools) to acknowledge the requirement contained in PA 98-885, effective August 15, 2014, that an Advanced Placement computer science course qualifies as a "mathematics-based, quantitative course for purposes of the fulfillment of State graduation requirements in mathematics", and, along with Section

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1.442 (biliteracy), note the recodification of the Seal of Biliteracy from Section 2-3.157, as was initially enacted, to Section 2-3.159 of the School Code [105 ILCS 5/2-3.159];

Section 1.660 to implement the provisions of PA 98-716, effective July 16, 2014, that aligns tuberculosis screening for certain employees to the rules of the Illinois Department of Public Health rather than requiring a screening be conducted 90 days before employment begins; and

Section 1.790 (substitute teachers) to clarify that a person who holds a valid and active educator license and a bachelor's degree – regardless of whether the issuance of the license requires completion of a bachelor's degree – may serve as a substitute teacher without having to also apply for and receive a substitute teaching license.

16) Information and questions regarding these adopted rules should be directed to:

Jeff Aranowski, Division Supervisor
Division of Public School Recognition
Illinois State Board of Education
100 West Randolph Street, Suite 14-300
Chicago IL 60601

312/814-2734

The full text of the Adopted Amendments begins on the next page:

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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 Licensure Information System (ELIS)
- 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
- [1.97 Survey of Learning Conditions](#)
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates
- 1.110 Appeal Process under Section 22-60 of the School Code

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code
- 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

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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)
- 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 Licensed Educators
- 1.330 Toxic 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
- 1.442 State Seal of Biliteracy
- 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 (Repealed)
- 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 Home and Hospital Instruction
- 1.530 Health Services

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1.540 [Undesignated Epinephrine Auto-injectors](#)~~[Pupil Personnel Services \(Repealed\)](#)~~

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section

- 1.610 Personnel Required to be Qualified
- 1.620 Accreditation of Staff (Repealed)
- 1.630 Paraprofessionals; Other Unlicensed 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 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 School Support 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 Prekindergarten, Kindergarten and any of Grades 1-12
- 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.783 Requirements for Administrators of Bilingual Education Programs
- 1.790 Substitute Teacher

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- 1.APPENDIX A Professional Staff Educator Licensure
- 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)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-30, 22-60, 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, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-30, 22-60, 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,

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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. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015.

SUBPART A: RECOGNITION REQUIREMENTS

Section 1.20 Operational Requirements

- a) Districts' and schools' recognition status is based upon compliance with the requirements imposed by law, including but not limited to the recognition standards established by the State Board of Education pursuant to Section 2-3.25 of the School Code and this Part, as modified or waived, if applicable, pursuant to Section 2-3.25g of the School Code and Section 1.100 of this Part or Section 22-60 of the School Code and Section 1.110 of this Part.
 - 1) No later than September 30 of each year, each school district shall apply for recognition of each school operated by the district. This application shall be submitted to the respective regional superintendent of schools through an electronic submission process established by the State Superintendent of Education, except that a district operated pursuant to Article 34 of the School Code [105 ILCS 5/Art. 34] shall submit its application directly to the State Superintendent. For the purposes of this Part, references to "regional superintendent of schools" shall be understood to include the chief administrator of the Intermediate Service Centers established in that portion of Cook County located outside of the City of Chicago. (See 105 ILCS 5/3-0.01.)
 - 2) No later than October 15 of each year, each regional superintendent of

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schools shall summarize, through an electronic process established by the State Superintendent of Education, the degree to which the schools in the districts for which he or she is responsible adhere to operational compliance requirements. The regional superintendent shall recommend the assignment of recognition status as applicable considering the compliance-related information supplied.

- 3) As part of this process, the regional superintendent of schools shall periodically visit the region's school districts as he or she may deem necessary to ascertain the degree to which the districts' schools comply with operational requirements.
- b) Based upon the information provided by the district and the regional superintendent, the State Superintendent shall assign a recognition status for each school and for each district as a whole, which will be posted on the Illinois State Board of Education's website at <http://www.isbe.net/recognition/default.htm>. In each case, the recognition status assigned shall be either "Fully Recognized", "On Probation", "Recognized Pending Further Review", or "Nonrecognized".
- 1) Each school or district that meets the requirements imposed by law, including the requirements established by the State Board pursuant to Section 2-3.25 of the School Code and this Part, shall be fully recognized.
 - 2) A school or district shall be placed on probation if it:
 - A) exhibits deficiencies that present a health hazard or a danger to students or staff;
 - B) fails to offer required coursework;
 - C) employs personnel who lack the required qualifications and who are not in the process of attaining ~~thesesueh~~ qualifications;
 - D) fails or refuses to serve students according to relevant legal and/or regulatory requirements; and/or
 - E) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.

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- 3) A school or district shall be recognized pending further review if it exhibits areas of noncompliance that:
 - A) are not serious enough to warrant probation as delineated in subsection (b)(2)-~~of this Section~~; and
 - B) may be corrected prior to the end of the school year following the school year in which they were identified.
- 4) A district shall be recognized pending further review whenever one or more of the district's schools are first removed from full recognition, whether recognized pending further review or placed on probation. The district shall subsequently be placed on probation if the instances of noncompliance cited for one or more schools have not been corrected within the time allowed under subsection (b)(3)(B)-~~of this Section~~.
- c) The recognition status of a district or a school may be changed by the State Board of Education at any time to reflect information confirmed during compliance monitoring or by any other means. Any change in status that may occur during the subsequent school year will be posted in accordance with subsection (b)-~~of this Section~~ no later than 30 days after the change in status is determined.
- d) The superintendent of a district that is recognized pending further review or in which one or more schools are recognized pending further review may, within 30 days after receipt of notification to this effect, request a conference at which representatives of the district will have an opportunity to discuss compliance issues with representatives of the State Board of Education.
- e) The State Superintendent shall schedule a conference with the superintendent of a district that is placed on probation, or in which one or more schools are placed on probation, at which representatives of the district will discuss compliance issues with representatives of the State Board of Education. Within 60 days following this conference, the school district shall submit to the regional superintendent of schools and the State Superintendent of Education a corrective plan that conforms to the requirements of subsection (f)-~~of this Section~~.
 - 1) If the plan is required to relate to areas of noncompliance at the district level, the plan shall be signed by the secretary of the local board of

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education as evidence that the board adopted a resolution authorizing its submission.

- 2) If the plan is required to relate to areas of noncompliance at one or more schools, the plan shall be signed by the district superintendent and each affected principal.
- f) The State Superintendent of Education shall respond to the submission of a plan within 15 days after receiving it and may consult with the regional superintendent of schools to determine the appropriateness of the actions proposed by the district to correct the cited deficiencies. The State Superintendent shall approve a plan if it:
- 1) specifies steps to be taken by the district that are directly related to the area or areas of noncompliance cited;
 - 2) provides evidence that the district has the resources and the ability to take the steps described without giving rise to other issues of compliance that would lead to probationary status; and
 - 3) specifies a timeline for correction of the cited deficiencies that is demonstrably linked to the factors leading to noncompliance and is no longer than needed to correct the identified problems.
- g) If a district's plan is not approvable under subsection (f) ~~of this Section~~, the State Superintendent shall notify the district to this effect. If no plan is submitted, or if no approvable plan is received within 60 days after the district's conference with the State Board, the status of the district, or of the affected school or schools, as applicable, shall be changed to "nonrecognized".
- h) If, at any time while a plan for corrective action is in effect, the State Superintendent determines that the agreed-upon actions are not being implemented in accordance with the plan or the underlying areas of noncompliance are not being remedied, the status of the district, or of the affected school or schools, as applicable, shall be changed to "nonrecognized".
- i) The superintendent of a district that is nonrecognized pursuant to this Section, or in which one or more schools are nonrecognized pursuant to this Section, may request a conference with representatives of the State Board of Education within

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15 days after receipt of notification to this effect. (See Section 1.95 of this Part for procedures related to nonrecognition pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f].)

- 1) If a conference is requested by a superintendent on behalf of a nonrecognized school or district and the areas of concern are not resolved, the State Superintendent shall furnish the school board with a Notice of Opportunity for Hearing. The school board may submit an appeal by adopted board resolution within 15 days after receipt of the notice. The appeal must identify the specific findings with which the district disagrees. The district will be given a hearing in accordance with the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). A final decision shall be rendered by the State Board of Education.
 - 2) If no conference is requested, the district shall be deemed not to intend to appeal the nonrecognition.
- j) Neither a district nor a school shall be nonrecognized under this Section without first having been placed on probation. A district that is nonrecognized, or in which one or more schools are nonrecognized, shall be subject to the provisions of Section 18-8.05(A)(3)(a) of the School Code [105 ILCS 5/18-8.05(A)(3)(a)].

(Source: Amended at 39 Ill. Reg. 13411, effective September 24, 2015)

Section 1.70 Additional Indicators for Adequate Yearly Progress

The indicators discussed in this Section shall apply to all subgroups represented in a school or district as well as to each school or district in the aggregate.

- a) The graduation rate that is required for adequate yearly progress (AYP) in high schools shall increase from the original baseline of 65 percent for the 2002-03 school year according to the following schedule:
 - 1) For 2003-04, 66 percent;
 - 2) For 2004-05, 67 percent;
 - 3) For 2005-06, 69 percent;

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- 4) For 2006-07, 72 percent;
 - 5) For 2007-08, 75 percent;
 - 6) For 2008-09, 78 percent;
 - 7) For 2009-10, 80 percent;
 - 8) For 2010-11, 82 percent;
 - 9) For 2011-12, 84 percent;
 - 10) For 2012-13 and for 2013-14, 85 percent.
- b) The attendance rate that is required for AYP in elementary or middle schools shall increase from the original baseline of 88 percent for the 2002-03 school year according to the following schedule:
- 1) For 2003-04, for 2004-05, and for 2005-06, 89 percent;
 - 2) For 2006-07, for 2007-08, and for 2008-09, 90 percent;
 - 3) For 2009-10, for 2010-11, and for 2011-12, 91 percent;
 - 4) For 2012-13 and for 2013-14, 92 percent.
- c) A district that includes both high schools and elementary or middle schools shall be required to reach both the targeted graduation rate among its high school students and the targeted attendance rate among its elementary or middle school students in order to achieve AYP for any given year.
- d) The "beginning cohort" for purposes of calculating the adjusted four-year and five-year extended year graduation rates, in accordance with 20 USC 6301 et seq. and 34 CFR 200.19 (2011), shall be the number of students who are entering grade 9 for the first time starting at the beginning of a given school year and continuing until October 1 of that year.

(Source: Amended at 39 Ill. Reg. 13411, effective September 24, 2015)

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Section 1.97 Survey of Learning Conditions

In accordance with Section 2-3.153 of the School Code [105 ILCS 5/2-3.153], each school district shall administer, at least biennially, a survey instrument in every public school attendance center by a date specified by the State Superintendent of Education, and data resulting from the instrument's administration must be provided to the State Board of Education. The purpose of the survey is to publicly report on selected indicators of learning conditions in Illinois schools. The State Superintendent of Education shall identify the survey to be used for statewide administration according to the requirements set forth in Section 2-3.153 of the School Code.

- a) Each school with students in any of grades 6 through 12 shall administer a survey to teachers and students in those grade levels no sooner than January 1 nor later than March 31, according to the schedule established under subsection (b). The State Superintendent of Education shall identify the survey to be used and post the specific dates of the survey's administration by September 1 annually at <http://www.isbe.net/5essentials/default.htm>. For the purposes of this Section:
- 1) "Teacher" means any individual who holds an educator license issued pursuant to Article 21B of the School Code [105 ILCS 5/Art. 21B] and whose primary responsibility is to provide instruction to students at any grade level of prekindergarten through grade 12 for more than 50 percent of the school day or school year. "Teacher" does not include paraprofessional educators, substitute teachers, tutors, instructional coaches who do not meet the criteria specified in this subsection (a)(1), or student teachers.
 - 2) "School" includes any alternative school established by the school district, including Alternative Learning Opportunity Programs authorized under Article 13B of the School Code [105 ILCS 5/Art. 13B] operated at a location other than one of the district's schools.
- b) The State Superintendent shall identify the school districts required to administer the survey in any given year to ensure that none is required to participate more than once every other year; however, school districts may choose to administer the survey annually.
- c) A school district shall not require a student or teacher to participate in the survey nor respond to each question on the survey; however, at least 50 percent of the

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teachers in a school must submit a survey in order for the school district to receive results.

- d) Schools with fewer than eight teachers shall administer the survey to their student population only.
- e) Survey results shall be used to meet the requirements of Section 10-17a(2)(E) of the School Code [105 ILCS 5/10-17a(2)(E)] regarding reporting, on the State and district school report cards, 2 or more indicators from any school climate survey. School districts using a survey instrument identified under subsection (g), or those districts choosing to survey parents, shall submit the results to the State Superintendent of Education no later than August 1 for inclusion on the school report cards.
- f) For purposes of Section 24A-20 of the School Code, the survey required under Section 2-3.153 of the School Code and this Section shall be the instrument to be used to provide feedback to principals on the instructional environment within a school (Section 24A-20 of the School Code). A school district may incorporate results from the survey into the principal evaluation rubric or instrument required under 23 Ill. Adm. Code 50.320 (Professional Practice Components for Principals and Assistant Principals).
- g) A school district may elect to use, on a district-wide basis and at the school district's sole cost and expense, an alternate survey of learning conditions instrument pre-approved by the State Superintendent. (Section 2-3.153(b) of the School Code)
 - 1) The State Superintendent shall post annually the survey instruments authorized under this subsection (g) no later than July 1 at <http://www.isbe.net/5essentials/default.htm>.
 - 2) Any school district wishing to use a survey instrument authorized under this subsection (g) shall submit a form developed for this purpose and posted at <http://www.isbe.net/5essentials/default.htm> to the State Superintendent no later than August 1. The form shall state, at a minimum, the requirements for and conditions of administering a survey instrument authorized under this subsection (g) that are stipulated at Section 2-3.153(b) of the School Code.

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- 3) A school district's failure to submit the form required under subsection (g)(2) shall result in the district's being required to use the survey identified for statewide administration and posted at <http://www.isbe.net/5essentials/default.htm>.
- h) If in any year the appropriation to the State Board of Education is insufficient for the State's costs associated with statewide administration of the instrument, the State Board of Education shall give priority to districts with low-performing schools and a representative sample of other districts. (Section 2-3.153 of the School Code) For the purposes of this subsection (h), "low-performing schools" are those school districts that meet the criteria set forth at Section 2-3.25d-5 of the School Code. The State Superintendent of Education shall identify additional school districts for purposes of administering the survey based upon factors such as demographics, economics and geographic location.
- 1) Not later than July 1, the State Superintendent of Education shall notify each low-performing school and each other school district selected as part of the "representative sample" of the requirement to administer the survey.
- 2) Within 15 calendar days after receiving the notification required under subsection (h)(1), a school district selected as part of the representative sample may petition the State Superintendent to be excused from the survey administration. The written petition shall state the reasons why the school district believes it lacks the capacity to administer the survey. The State Superintendent shall notify the school district of his or her acceptance or rejection of the petition no later than 15 calendar days after it is received.

(Source: Added at 39 Ill. Reg. 13411, effective September 24, 2015)

Section 1.100 Waiver and Modification of State Board Rules and School Code Mandates

- a) As authorized in Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g], an eligible applicant, as defined in 2-3.25g(a), or any Independent Authority established under Section 2-3.25f-5 of the School Code~~a school district or independent authority established pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f], a joint agreement made up of school districts, or a Regional Superintendent of Schools applying on behalf of a school or program operated by the regional office of education or the governing board of an~~

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~~Intermediate Service Center~~ may petition for:

- 1) State Board approval of waivers or modifications of State Board of Education rules and of modifications of School Code mandates, which may be requested to meet the intent of the rule or mandate in a more effective, efficient or economical manner or when necessary to stimulate innovation or to improve student performance; and/or
 - 2) General Assembly approval of waivers of School Code mandates, which may be requested only to stimulate innovation or improve student performance.
- b) "The School Code" comprises only those statutes compiled at 105 ILCS 5.
- 1) Waivers from State Board rules or School Code mandates pertaining to those areas enumerated in Section 2-3.25g(b) of the School Code [105 ILCS 5/2-3.25g(b)] are not permitted.
 - A) For the purposes of this subsection (b)(1), provisions of the School Code or the rules of the State Board of Education that reflect or implement ESEA shall include all requirements for:
 - i) the entities to be held accountable for the achievement of their students;
 - ii) the participation of students in the various forms of the State assessment;
 - iii) the timing of administration of the State assessment;
 - iv) the use of students' scores on the State assessment in describing the status of schools, districts, and other accountable entities;
 - v) the use of indicators other than test scores in determining the progress of students;
 - vi) the required qualifications of paraprofessional educators~~paraprofessionals~~;

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- vii) the placement of schools not making adequate yearly progress on academic early warning status or academic watch status, and the results to schools and districts that follow from such placement;
 - viii) the district's responsibility to prepare revised school and/or district improvement plans in response to placement on academic warning or watch status;
 - ix) the appointment of school or district improvement panels for schools or school districts on academic watch status;
 - x) the use of State interventions according to the timeline set forth in Section 2-3.25f of the School Code; and
 - xi) the appeals process set forth in Section 1.95 ~~of this Part~~, and the authority of the State Board of Education to make final determinations on these appeals.
- B) Waivers or modifications of mandates pertaining to the use of student performance data and performance categories for teacher and principal evaluations, as required under Article 24A of the School Code [105 ILCS 5/Art. 24A], are not permitted and *on September 1, 2014, any previously authorized waiver or modification from such requirements shall terminate* (Section 2-3.25g(b) of the School Code).
- 2) Waivers of mandates contained in Section 5-1 of the School Code [105 ILCS 5/5-1] or in Section 5-2.1 of the School Code [105 ILCS 5/5-2.1] also shall not be requested.
- c) Each application for a waiver or modification shall provide the following, on a form supplied by the State Board of Education.
- 1) Identification of the rules or mandates involved, either by quoting the exact language of or by providing a citation to the rules or mandates at issue. Applicants unable to determine the exact language or citation may obtain a copy of, or citation to, the rules or mandates involved by

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contacting the State Board of Education Legal Department by mail at 100 North First Street, Springfield, Illinois, 62777-0001, by email at waivers@isbe.net, or by telephone at 217-782-5270.

- 2) Identification as to the specific waivers and/or modifications sought. For modifications, the specific modified wording of the rules or mandates must be stated.
- 3) Identification as to whether the request is for an initial waiver or modification or for the renewal of a previously approved request. Renewals of waivers and modifications of Section 27-6 of the School Code [105 ILCS 5/27-6] shall be subject to the requirements of subsection (l) of this Section.
- 4) For requests based upon meeting the intent of the rule or mandate in a more effective, efficient, or economical manner, a narrative description that sets forth:
 - A) the intent of the rule or mandate to be achieved;
 - B) the manner in which the applicant will meet that intent;
 - C) how the manner proposed by the applicant will be more effective, efficient or economical; and
 - D) if the applicant proposes a more economical manner, a fiscal analysis showing current expenditures related to the request and the projected savings that would result from approval of the request.
- 5) If the request is necessary for stimulating innovation or improving student performance, the request must include the specific plan for improved student performance and school improvement upon which the request is based. This plan must include a description of how the applicant will determine success in the stimulation of innovation or the improvement of student performance.
- 6) If the request is for a waiver of the administrative expenditure limitation established by Section 17-1.5 of the School Code [105 ILCS 5/17-1.5], the

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request must include the amount, nature, and reason for the requested relief and all remedies that have been exhausted to comply with the administrative expenditure limitation and shall otherwise comply with Section 17-1.5(d) of the School Code.

- 7) The time period for which the waiver or modification is sought. Pursuant to Section 2-3.25g of the School Code, this time period may not exceed five years, except for requests made pursuant to subsection (c)(6) of this Section, which may not exceed one year (see Section 17-1.5(d) of the School Code), and except for requests for relief from the mandate set forth in Section 27-6 of the School Code, which may not exceed two years.
 - 8) A description of the public hearing held to take testimony about the request from educators, parents and students, which shall include the information required by Section 2-3.25g of the School Code.
 - 9) An assurance stating the date of the public hearing conducted to consider the application and, if applicable, the specific plan for improved student performance and school improvement; affirming that the hearing was held before a quorum of the board or before the regional superintendent, as applicable, and that it was conducted as prescribed in Section 2-3.25g of the School Code; and stating the date the application (and, if applicable, the plan) was approved by the local governing board or regional superintendent.
 - 10) For waivers or modifications of State Board of Education administrative rules governing contracting of driver education (23 Ill. Adm. Code 252), the information required under Section 2-3.25g(d) of the School Code.
- d) Each applicant must attach to the application a dated copy of the notice of the public hearing that was published in a newspaper of general circulation, a dated copy of the written notifications about the public hearing provided to the applicant's collective bargaining agent and to those State legislators representing the applicant, and a dated copy of the notice of the public hearing posted on the applicant's website, each of which must comply with the requirements of Section 2-3.25g of the School Code.
 - e) Applications must be sent by certified mail, return receipt requested, and addressed as specified on the application form.

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- f) Applications must be postmarked not later than 15 calendar days following the local governing board's approval. Applications addressed other than as specified on the application form shall not be processed.
- g) Applications for the waiver or modification of State Board rules or for the modification of School Code mandates shall be deemed approved and effective 46 calendar days after the date of receipt by the State Board of Education unless disapproved in writing. Receipt by the State Board shall be determined by the date of receipt shown on the return receipt form, except in the case of an incomplete application.
- 1) An applicant submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information and the date by which the information must be received in order to avoid the application's return as ineligible for consideration.
 - 2) The 45-day response time referred to in this subsection (g) shall not commence until the applicant submits the additional material requested by the State Board.
 - 3) Each application that has not been made complete by the date identified in accordance with subsection (g)(1) ~~of this Section~~ shall be ineligible for consideration and shall be returned to the applicant with an explanation as to the deficiencies.
- h) The State Board may disapprove a request for the waiver or modification of State Board rules or for the modification of School Code mandates if the request:
- 1) is not based upon sound educational practices;
 - 2) endangers the health or safety of students or staff;
 - 3) compromises equal opportunities for learning; or
 - 4) does not address the intent of the rule or mandate in a more effective, efficient or economical manner or does not have improved student performance as a primary goal.

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- i) Disapproval of an application for a waiver or modification of a State Board rule or for a modification of a School Code mandate shall be sent by certified mail to the applicant no later than 45 calendar days after receipt of the application by the State Board. An applicant wishing to appeal the denial of a request may do so within 30 calendar days after receipt of the denial letter by sending a written appeal by certified mail to the Illinois State Board of Education, Rules and Waivers Division, 100 North First Street, S-493, Springfield, Illinois 62777-0001 or by email to waivers@isbe.net. The written appeal shall include the date the local governing board approved the original request, the citation of the rule or School Code section involved, and a brief description of the issue. Appeals of denials shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code.
- j) The State Superintendent of Education shall periodically notify school districts and other potential applicants of the date by which applications must be postmarked in order to be processed for inclusion in the next report to the General Assembly. Each application will be reviewed for completeness. Complete applications shall be submitted to the General Assembly in the next report. Incomplete applications shall be treated as discussed in subsections (g)(1) and (g)(3) ~~of this Section~~.
- k) The State Superintendent of Education shall notify Regional Superintendents of Schools and Intermediate Service Centers of the disposition of requests for waivers or modifications submitted by school districts located within their regions.
- l) The limitation on renewals established in Section 2-3.25g(e) of the School Code shall apply to each waiver or modification of Section 27-6 of the School Code that is approved on or after January 1, 2008. Once an eligible applicant has received approval for a waiver or modification of that Section on or after January 1, 2008, any request submitted by that applicant for a subsequent time period shall be considered a renewal request, regardless of the rationale for the request or the schools or students to be affected. No applicant shall receive approval for more than two renewals after January 1, 2008, and no applicant shall receive approval for more than six years cumulatively beginning with that date.

(Source: Amended at 39 Ill. Reg. 13411, effective September 24, 2015)

SUBPART B: SCHOOL GOVERNANCE

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Section 1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code

Entities that offer professional development activities, such as training organizations, institutions, regional offices of education, firms, professional associations, teachers' unions, and universities and colleges, may apply to the State Board of Education for approval to conduct leadership training activities for members of Illinois boards of education or Independent Authorities established under Section 2-3.25f-5 of the School Code in each of the topics specified in Section 10-16a of the School Code [105 ILCS 5/10-16a].

- a) Except as provided in subsection (b) ~~of this Section~~, each entity wishing to receive approval to offer the leadership training required under Section 10-16a of the School Code shall submit an application on a form supplied by the State Board of Education. An entity shall submit the application to the State Board of Education any time between March 1 and May 1 of each even-numbered year. Any application received after May 1 shall not be considered for that approval cycle. Each entity shall provide:
 - 1) a description of the intended offerings in each of the required areas;
 - 2) the qualifications and experience of the entity and of each presenter to be assigned to provide the leadership training, which shall include evidence of a presenter's specific skills and knowledge in the area or areas in which he or she will be assigned;
 - 3) the mode of delivery of the professional development (e.g., in-person instruction, distance-learning); and
 - 4) assurances that the requirements of subsection (c) ~~of this Section~~ will be met.
- b) An organization that has one or more affiliates (e.g., regional offices, local chapters) based in Illinois may apply for approval on their behalf.
 - 1) The applicant organization shall provide a list of its affiliates for which approval is sought and supply the information required pursuant to subsection (a) ~~of this Section~~ with respect to each one.

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- 2) The applicant organization's provision of the assurances required pursuant to subsection (a)(4) ~~of this Section~~ shall be understood to apply to each affiliate for which approval is sought.
 - 3) The applicant organization shall notify the State Board of Education any time it determines that one or more affiliates should be removed from the list of approved providers.
 - 4) The approval status of the applicant organization shall be contingent upon its affiliates' compliance with the applicable requirements of this Section.
- c) Each entity approved to provide leadership training under this Section shall:
- 1) verify attendance at its training activities, provide to participants a written confirmation of their completion of the training, and require participants to complete an evaluation of the training; and
 - 2) maintain attendance and evaluation records for each event or activity it conducts or sponsors for a period of not less than five years.
- d) Applicants may be asked to clarify particular aspects of their materials.
- e) The State Superintendent of Education, in consultation with the Illinois Association of School Boards (IASB), shall respond to each application for approval no later than 30 days after receiving it.
- f) An entity shall be approved to offer leadership training if the entity's application presents evidence that:
- 1) the leadership training that it sponsors or conducts will be developed and presented by persons with education and experience in the applicable areas to which they will be assigned; and
 - 2) the proposed training meets the requirements of Section 10-16a of the School Code.
- g) The State Board of Education shall post on its website at www.isbe.net the list of all approved providers. The website also shall indicate that the IASB is

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authorized under Section 10-16a(c) of the School Code to provide leadership training.

- h) Approval as a provider shall be valid for two calendar years (i.e., January 1 through December 31). To request renewal of approval, a provider shall submit a renewal application on a form supplied by the State Board of Education, within the timeframe specified in subsection (a) ~~of this Section~~, and containing:
- 1) a description of any significant changes in the material submitted as part of its approved application or a certification that no such changes have occurred;
 - 2) evidence that the material to be used in the renewal cycle conforms to current statute, rules and procedures of the State Board of Education; and
 - 3) copies of the evaluations of the training that participants completed during the last approval period.
- i) A provider's approval shall be renewed if the application conforms to the requirements of subsection (h) ~~of this Section~~, provided that the State Superintendent has received no evidence of noncompliance with the requirements of this Section.
- j) The State Board of Education may evaluate an approved provider at any time to ensure compliance with the requirements of this Section. Upon request by the State Board, a provider shall supply information regarding its schedule of leadership training, which the State Board may, at its discretion, monitor at any time. In the event an evaluation indicates that the requirements have not been met, the State Board of Education, in consultation with IASB, may withdraw approval of the provider.

(Source: Amended at 39 Ill. Reg. 13411, effective September 24, 2015)

Section 1.240 Equal Opportunities for all Students

- a) All students within a school district must be provided equal opportunities in all education programs and services provided by the system (see Section 10-20.12 of the School Code).

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- b) No school system may *exclude or segregate any pupil*, or discriminate against any pupil on the basis of ~~*his or her color*~~, *race*, ~~*colornationality*~~, *religion*, *sex*, ~~*national origin*~~~~*sexual orientation*~~, *ancestry*, *age*, *marital status*, or *physical or mental disability*, ~~*sexual orientation*~~, ~~*pregnancy*~~ [775 ILCS 5/1-102(A)], gender identity, or *status of being homeless* [105 ILCS 45/1-5 and 42 USC 11434a(2)]. Further, no school system may deny access to its schools or programs to students who lack documentation of their immigration status or legal presence in the United States, and no school system may inquire about the immigration status of a student (*Plyler v. Doe*, 457 U.S. 202 (1982)). In order to comply with this subsection (b), the documents required by a school system as proof of residency for a student, when taken together, shall not result in a requirement for proof of legal presence, such as a Social Security number. That is, the permissible combinations of documents must be sufficiently variable to afford an opportunity for those who lack proof of legal presence or immigration status to meet the stated requirements. No school district shall impose requirements for enrollment more restrictive than those established under relevant Illinois and federal law. For example, no school system shall require court-ordered guardianship when an individual enrolling a student meets the legal custody requirements of Section 10-20.12b(a)(2)(iv) or (v) of the School Code [105 ILCS 5/10-20.12b(a)(2)(iv) or (v)], and each school system shall immediately enroll and serve homeless children without requiring the provision of any documentation, in accordance with the Illinois Education for Homeless Children Act [105 ILCS 45] and the McKinney-Vento Homeless Education Assistance Act [42 USC 11434].
- c) The board of education shall submit periodic reports as required by the State Board of Education detailing pupil attendance, faculty assignments, and actions taken and planned to prevent and eliminate segregation.

(Source: Amended at 39 Ill. Reg. 13411, effective September 24, 2015)

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,

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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 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.
- f) Sections 10-19, 18-8.05, 18-12, and 18-12.5 of the School Code [105 ILCS 5/10-19, 18-8.05, 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.

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- 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.
- 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 these 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.

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- 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 educator licenses that are registered with the regional superintendent of schools for their county of employment. Other than substitute teachers, licensure appropriate to the grade level and subject areas 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
 - 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.

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- 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 the clock hours of instruction for each student, 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 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). "Clock hours of instruction" shall be calculated in accordance with Section 18-8.05(F)(2)(j) of the School Code [105 ILCS 5/18-8.05(F)(2)(j)].
- 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)

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[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.
- 3) Each school district offering a kindergarten program, whether full-day or half-day, shall administer the Illinois Kindergarten Individual Development Survey (KIDS) annually to each student enrolled in kindergarten, beginning in the 2015-16 school year except as otherwise provided under this subsection (h)(3). A school district is not obligated to administer KIDS in any school year in which the State does not provide funding sufficient for the cost of the test administration or access to and establishment of a professional development ~~system~~ for teachers and administrators.

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- A) For the purpose of this subsection (h)(3), "measure of school readiness" addresses, at a minimum, the five essential school readiness domains of:~~A school district may be asked to participate in a limited statewide implementation of KIDS in the 2013-14 school year and/or the 2014-15 school year, provided that the cost of participating in the pilot is paid by the State. Selection of school districts will be made to ensure a representative sample and will be based upon factors such as demographics, economics and geographic location. The State Superintendent of Education shall notify each school district selected to participate in the limited statewide implementation not later than July 1.~~
- i) language and literacy development;
 - ii) cognition and general knowledge (to at least include mathematics);
 - iii) approaches toward learning;
 - iv) physical well-being and motor development; and
 - v) social and emotional development.
- B) Each school district shall report electronically the results of the observations conducted and evidence collected as part of KIDS twice each school year (i.e., 40 days after the start of the school year and 170 days after the start of the school year). The data required under this subsection (h)(3)(B) shall be reported for any student who was enrolled in a kindergarten classroom at least 30 days before the date on which the data is required to be reported.~~Within 15 calendar days after receiving the notification required under subsection (h)(3)(A) of this Section, a school district may petition the State Superintendent to be excused from participating in the limited statewide implementation. The written petition shall state the reasons why the school district believes it lacks the capacity to administer the KIDS. The State Superintendent shall notify the school district of his or her acceptance or rejection of the petition no later than 15 days after it is received.~~

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- C) By October 15, 2015, each school district shall provide to the State Superintendent of Education, using a form prescribed for this purpose, the information required under this subsection (h)(3)(C).
- i) The name, title, email address and telephone number for the administrator who the school district designates to serve as the KIDS coordinator. The person so designated shall hold a professional educator license endorsed in an administrative field pursuant to 23 Ill. Adm. Code 25.Subpart E (Requirements for Licensure of Administrative and Supervisory Staff) or for supervision pursuant to 23 Ill. Adm. Code 25.497 (Supervisory Endorsements).
- ii) The current status of the school district's implementation of KIDS, as applicable.
- iii) Information regarding the school district's use of assessments other than KIDS on a districtwide basis that measure school readiness, as that term is defined in subsection (h)(3)(A).
- D) Each KIDS coordinator designated under subsection (h)(3)(C) shall participate in a KIDS orientation training sponsored by the State Board of Education during the 2015-16 school year.
- E) For the 2016-17 school year only, a school district may choose to conduct a limited implementation of KIDS or a full implementation of KIDS. A school district choosing to conduct a limited implementation shall notify the State Superintendent of its intent by May 1, 2016. School districts that fail to submit the required notification by May 1, 2016 shall fully implement KIDS, as required under subsection (h)(3)(F). For the purposes of this subsection (h)(3)(E), "limited implementation" shall be either:
- i) reporting the data required under subsection (h)(3)(B) for each student enrolled in kindergarten that at least addresses the domains of social and emotional development, language

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and literacy development, cognitive development for mathematics and, additionally for English learners, English language development; or

ii) reporting the data required under subsection (h)(3)(B) for at least 30 percent of students enrolled in each kindergarten classroom for each domain listed in subsection (h)(3)(A) and, additionally for English learners, English language development.

F) Beginning in the 2017-18 school year and thereafter, a school district shall administer the KIDS to, and report the data required under subsection (h)(3)(B) for, each student enrolled in kindergarten.

- i) Career Education
 - 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

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evidence showing that each student has received adequate instruction in consumer education prior to the completion of grade 12. 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.
 - 4) Teachers instructing in consumer education courses shall hold educator licensure valid for the grade levels taught and have completed at least three semester hours in consumer education courses.
- 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.

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- 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 School Code [105 ILCS 5/27-9.1 and 27-9.2].
- 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. ~~ANo 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

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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, 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. Each district shall assign responsibility for overall direction of its program of library media services to an employee who holds a professional educator license endorsed for a teaching or an administrative field. 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

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- iii) one or more "library academies" if these are made available by or at the direction of the State Superintendent of Education.
- 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 of 1987 [225 ILCS 60], prevents their participation in the courses provided for normal children (Section 27-6 of the School Code).*

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- 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.
 - A) Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 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.
 - B) A board shall 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, except as otherwise authorized under Section 27-6(b) of the School Code.
 - C) 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) **School Support Personnel Services**

To assure provision of School Support 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;**

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- 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:
- 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 the 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]);
 - 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).

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- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous career and technical education courses and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. The eye protective devices shall meet the nationally accepted standards set forth in "American National Standard Practice for Occupational and Educational Personal Eye and Face Protection Devices", ANSI/ISEA Z87.1-2010, issued by the American National Standards Institute, Inc., 1899 L Street, NW, 11th Floor, Washington, D.C. 20036. No later editions or amendments to these standards are incorporated [by this Part](#).
- t) Each school district shall provide instruction as required by Sections 27-3.5, 27-13.2, 27-13.3, 27-23.3, 27-23.4 and 27-23.8 of the School Code [105 ILCS 5/27-3.5, 27-13.2, 27-13.3, 27-23.3, 27-23.4 and 27-23.8].

(Source: Amended at 39 Ill. Reg. 13411, effective September 24, 2015)

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

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- 7) Art
 - 8) Career and Technical Education – Orientation and Preparation
 - 9) Health Education ([see the Critical Health Problems and Comprehensive Health Education Act](#))
 - 10) Physical Education ([see Section 27-6 of the School Code](#))
 - 11) Consumer Education ([see Section 27-12.1 of the School Code](#))
 - 12) Conservation of Natural Resources ([see Section 27-13.1 of the School Code](#))
 - 13) Driver and Safety Education (see the Driver Education Act [105 ILCS 5/27-24 through 27-24.10] 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.
 - 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

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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 graduation without passing an examination on the subjects discussed in subsection (b)(4).*
 - 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 grade 9 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) "Writing-Intensive" Courses
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;

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- 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 writing standards for those grades enumerated in the Illinois Learning Standards for English Language Arts and Literacy in History/Social Studies, Sciences, and Technical Subjects (see Appendix D); and
 - 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;
- D) The writing-intensive study provided in at least one writing-intensive course is designed to address and integrate the elements of the writing process and to refine or apply research skills.
- 2) **Foreign Language Courses**
The description for any foreign language course shall indicate whether the school district will award a State Seal of Biliteracy in accordance with the requirements of Section 1.442 of this Part and Section ~~2-3.1592-3.157~~ of the School Code [105 ILCS 5/~~2-3.1592-3.157~~] and state the qualifications for receipt of the seal.
- 3) **Advanced Placement Computer Science Course**
The description for an Advanced Placement Computer Science course shall indicate that the course is *equivalent to a high school mathematics course and qualifies as a mathematics-based, quantitative course for purposes of the fulfillment of State graduation requirements in mathematics.* (Section 27-22(f-5) of the School Code)

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- 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 39 Ill. Reg. 13411, effective September 24, 2015)

Section 1.442 State Seal of Biliteracy

In accordance with Section ~~2-3.1592-3.157~~ of the School Code, a school district may establish a program *to recognize high school graduates who have attained a high level of proficiency in one or more languages in addition to English*, by designating on a student's transcript and high school diploma his or her receipt of the State Seal of Biliteracy, provided that all the conditions of this Section are met. For purposes of this Section, "foreign language" has the meaning prescribed in Section ~~2-3.159(a)2-3.157(a)~~ of the School Code.

- a) Foreign Language Proficiency
A school district may award the State Seal of Biliteracy to any high school graduate *who attains a high level of proficiency, sufficient for meaningful use in college and career* (Section ~~2-3.1592-3.157~~ of the School Code), in a language other than English as evidenced by his or her attainment of a composite score of "intermediate high", or its equivalent, on a standardized assessment that addresses the four domains of speaking, writing, listening and reading in the targeted foreign language. For the purposes of this Section, proficiency may be shown using one of the methods outlined in this subsection (a).
 - 1) Assessment Method
 - A) For purposes of using an assessment to determine proficiency:
 - i) "Intermediate high" is defined in the ACTFL Proficiency Guidelines 2012, published by the American Council on the Teaching of Foreign Languages, 1001 North Fairfax Street, Suite 200, Alexandria VA 22314 and available at <http://www.actfl.org/publications/guidelines-and->

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manuals/actfl-proficiency-guidelines-2012. (No later amendments to or editions of these guidelines are incorporated.)

- ii) For the American Sign Language, "intermediate high" is equivalent to meeting progress indicators for grade 12 set forth in the Standards for Learning American Sign Language (2014), published by the American Sign Language Teachers Association, P.O. Box 38, Clinton WA 98236 and available at http://www.aslta.org/wp-content/uploads/2014/07/National_ASL_Standards.pdf. (No later amendments to or editions of these guidelines are incorporated.)
 - iii) "Standardized assessment" is one that is available for use on a statewide or national basis and meets generally accepted standards of fairness, validity and reliability as stated in "Standards for Educational and Psychological Testing" (2013), published by the American Educational Research Association, 1430 K Street, N.W., Suite 1200, Washington D.C. 20005. (No later amendments to or editions of these standards are incorporated.)
- 2) The State Superintendent shall post on its website by July 1 of each year a list of acceptable language assessments (e.g., the ACTFL Assessment of Performance Toward Proficiency in Languages (AAPPL), Advanced Placement (AP) World Language and Culture Exam, Diploma de Español como Lengua Extranjera (DELE)) and the score to be achieved on each that qualifies the student as meeting the criteria set forth in subsection (a)(1)(A)(i) or (ii), as applicable. A school district that chooses to use an assessment to measure foreign language proficiency that is not included on the list shall maintain evidence that the assessment meets the criteria specified in subsection (a)(1)(A)(iii) and either subsection (a)(1)(A)(i) or (ii), as applicable, and make that evidence available to the State Superintendent of Education upon request.
 - 3) **Alternative Evidence Method**
A school district may choose to award the State Seal of Biliteracy through an alternative evidence method in accordance with this subsection (a)(3).

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- A) The alternative evidence method may be used when:
- i) a student attains an "intermediate mid" composite score, as defined in the ACTFL guidelines set forth in subsection (a)(1), or its equivalent, on a standardized assessment that addresses the four domains of speaking, writing, listening and reading in the targeted foreign language;
 - ii) no standardized assessment exists for the targeted foreign language;
 - iii) evaluating the language proficiency of a student with disabilities for whom the standardized assessment is inappropriate; or
 - iv) the standardized assessment for the targeted foreign language does not assess one or more of the four domains of speaking, writing, listening and reading.
- B) Any alternative evidence method used shall consist of a student portfolio that contains evidence for each component set forth in subsections (a)(3)(C) and (a)(3)(D) that demonstrates proficiency equivalent to an "intermediate high" level in the four domains of speaking, writing, listening and reading.
- C) Experience in the Targeted Foreign Language
- i) The extent to which the student's language background enables him or her to gain proficiency in the targeted foreign language in one or more of the four domains;
 - ii) The extent to which the student's participation in intercultural activities provided opportunities to gain proficiency in the targeted foreign language in one or more of the four domains;
 - iii) The courses taken in the targeted foreign language and the grades received; and/or

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- iv) The extent to which any time spent in countries where the targeted foreign language is spoken contributed to the student's opportunities to gain proficiency in the targeted foreign language in one or more of the four domains.
- D) Work Samples
- i) Formal presentations in the targeted foreign language;
 - ii) Student-produced compositions, articles, papers and other formal documents in the targeted foreign language; and/or
 - iii) Certificates, diplomas, results from tests or assessments other than those identified under subsection (a) and additional achievements that demonstrate sufficient proficiency in the targeted foreign language.
- b) English Proficiency
- 1) To be eligible to be awarded the State Seal of Biliteracy, each student also shall demonstrate proficiency in English through:
 - A) Attainment of either a "meets standards" or "exceeds standards" for English language arts on the State assessments administered at the secondary level, as authorized in Section 2-3.64a-5 of the School Code;
 - B) Attainment of a "proficient" score on the English language proficiency assessment defined at 23 Ill. Adm. Code 228.10 (Transitional Bilingual Education) administered at the secondary level; or
 - C) Attainment of an "intermediate high" composite score on an assessment in English identified pursuant to subsection (a)(1).
 - 2) The State Superintendent shall post on its website by July 1 of each year a list of acceptable English language assessments (e.g., the TOEFL[®] test, the ESL (English as a Second Language) AAPPL, ACTFL Assessment of

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Performance Toward Proficiency in Languages) and the score to be achieved on each that qualifies the student as meeting one of the sets of criteria for proficiency set forth in this subsection (b). A school district that chooses to use an assessment to measure English language proficiency that is not included on the list shall maintain evidence that the assessment meets the criteria specified in subsection (a)(1)(A)(iii) and one of the sets of criteria for proficiency set forth in this subsection (b) and make that evidence available to the State Superintendent of Education upon request.

- c) The State Seal of Biliteracy program may offer a State Commendation toward Biliteracy to any student who fails to meet the requirements of subsection (a) but attains a score of "intermediate low", or its equivalent, in the targeted foreign language using the method set forth in subsection (a)(1) or (a)(3).
- 1) "Intermediate low" is defined in the ACTFL Proficiency Guidelines 2012 referenced in subsection (a)(1).
 - 2) Each student also shall demonstrate a level of proficiency in English through:
 - A) Attainment of either a "meets standards" or "exceeds standards" for English language arts on the State assessments administered at the secondary level, as authorized in Section 2-3.64a-5 of the School Code;
 - B) Attainment of a score established for part-time placement in a transitional bilingual education program (see 23 Ill. Adm. Code 228.30(c) (Establishment of Programs)) on the English language proficiency assessment defined at 23 Ill. Adm. Code 228.10 (Transitional Bilingual Education) that is administered at the secondary level; or
 - C) Attainment of an "intermediate low" composite score on an assessment in English identified pursuant to subsection (a).
 - 3) The State Superintendent shall post on its website by July 1 of each year a list of acceptable assessments (e.g., the ACTFL Assessment of Performance Toward Proficiency in Languages (AAPPL), Advanced Placement (AP) World Language and Culture Exam, Diploma de Español

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como Lengua Extranjera (DELE)) and the score to be achieved on each that qualifies the student as meeting the criteria set forth in this subsection (c) for foreign language and English language proficiency. A school district that chooses to use an assessment that is not included on the list shall maintain evidence that the assessment meets the criteria specified in subsection (a)(1)(A)(iii) and the applicable criteria set forth in this subsection (c) and make that evidence available to the State Superintendent of Education upon request.

- d) In accordance with Section ~~2-3.159(g)~~~~2-3.157(g)~~ of the School Code, the school district shall place a designation of a qualifying student's receipt of the State Seal of Biliteracy in the student's permanent record on the academic transcript as defined in 23 Ill. Adm. Code 375 (Student Records) and include the designation on the student's diploma. A school district also shall place a designation of a qualifying student's receipt of the State Commendation toward Biliteracy both in the permanent record on the academic transcript and on the student's diploma. The designations shall list each of the targeted foreign languages for which the State Seal of Biliteracy or State Commendation toward Biliteracy is being awarded. The State Board of Education shall make an electronic facsimile of the State Seal of Biliteracy and the State Commendation toward Biliteracy available to school districts for this purpose.
- e) A school district that chooses to participate in the State Seal of Biliteracy program shall meet the requirements of this subsection (e).
- 1) A participating school district shall notify the State Board of Education of its participation by October 1 of each year. A district that elects to participate after October 1 shall notify the State Board of Education of its participation no later than 45 calendar days prior to the issuance of any State Seals or State Commendations.
- A) A school district electing to participate after October 1 shall include in its notification to the State Board of Education evidence that the district has met all of the requirements set forth in this subsection (e).
- B) A district that fails to submit the proper notification within the timeframes provided shall be prohibited from awarding the State Seal and State Commendation for that school year.

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- 2) A participating district shall designate at least one individual to serve as coordinator of the State Seal of Biliteracy program and include the individual's name and contact information in the notice provided pursuant to subsection (e)(1). The individual assigned to serve as the coordinator of the program shall:
 - A) Hold a professional educator license endorsed in an administrative area issued pursuant to 23 Ill. Adm. Code 25 (Educator Licensure); and
 - B) Participate in training approved by the State Board of Education prior to awarding the State Seal of Biliteracy awarded under the provisions of Section ~~2-3.1592~~3.157 of the School Code and this Section and the State Commendation toward Biliteracy awarded under the provisions of this Section.
- 3) Using a format prescribed by the State Superintendent of Education, a participating school shall submit an annual report to the State Board of Education no later than 30 days after the end of the school year that includes, but is not limited to, identification of each student awarded the State Seal of Biliteracy or the State Commendation toward Biliteracy, targeted foreign language or languages for which the State Seal of Biliteracy or State Commendation toward Biliteracy was awarded to the student and the method the student used to demonstrate proficiency.
- 4) A participating school district shall make available information about the State Seal of Biliteracy program to parents and students by posting on the district's website, if the district maintains a website, and in the student handbook the following information:
 - A) General information about the State Seal of Biliteracy program and the opportunity for students to participate;
 - B) A description of the process a student would use to demonstrate proficiency in the targeted foreign language, including details about any alternative evidence that may be required under the provisions of subsection (a)(3), if applicable;

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- C) An estimate of the costs, if known, that students might incur to demonstrate proficiency using either of the methods under subsection (a); and
- D) The name and contact information for any individuals designated to serve as the coordinator of the State Seal of Biliteracy program.

(Source: Amended at 39 Ill. Reg. 13411, effective September 24, 2015)

SUBPART E: SUPPORT SERVICES

**Section 1.540 Undesignated Epinephrine Auto-injectors~~Pupil Personnel Services~~
(Repealed)**

This Section establishes requirements in addition to those set forth at Section 22-30 of the School Code [105 ILCS 5/22-30] for a school nurse or other trained school personnel to administer an undesignated epinephrine auto-injector to any person whom the school nurse or trained personnel in good faith believes to be having an anaphylactic reaction while in school, while at a school-sponsored activity, while under the supervision of school personnel, or before or after normal school activities, such as while in before-school or after-school care on school-operated property.

a) Definitions

For the purposes of this Section:

- 1) "School" shall be understood to mean a school district, public school or nonpublic school, as may be applicable.
- 2) "School nurse" shall have the meaning prescribed in Section 22-30(a) of the School Code.

b) Parental Notification

In addition to the provisions of Section 22-30(c) and (c-5) of the School Code, a school that has a standing protocol, as defined in Section 22-30 of the School Code, to administer undesignated epinephrine auto-injectors shall notify the parents or guardians of each student that the school has instituted the standing protocol and that a student may be administered epinephrine under the circumstances described in Section 22-30(e-5).

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- 1) The school shall provide the notification of the standing protocol to the parents or guardian at the start of each school year or, for students enrolling for the first time, at the time of enrollment. The parent or guardian shall acknowledge the notification by signing it and returning it to the school.
 - 2) A school also shall accept a written request from a parent or guardian stating that his or her student shall not be administered epinephrine under any circumstances. The school shall provide the name of any student whose parent or guardian submits notification under this subsection (b)(2) to the school nurse and to any trained personnel, as defined under Section 22-30(a) of the School Code.
- c) Standing Protocol
- 1) A standing protocol for administering undesignated epinephrine auto-injectors shall be provided to the school nurse and trained personnel, as well as kept with or near the undesignated epinephrine auto-injectors.
 - 2) The standing protocol shall state the hours of the day, days of the week and the school-sponsored activities during which the undesignated epinephrine auto-injectors will be available. A school is not required to have a school nurse or trained personnel available at all times nor at all school-sponsored activities to administer undesignated epinephrine auto-injectors.
 - 3) The standing protocol shall provide that the undesignated epinephrine auto-injectors be stored in and available daily at one or more designated, secure locations. For the purposes of this Section, "secure location" means an unlocked location that is inaccessible to students and/or visually monitored by an adult during the normal school day under routine circumstances.
 - 4) The standing protocol shall include a written order for the undesignated epinephrine auto-injectors that meets the requirements of Section 22-30(b) of the School Code. The written order required under this subsection (c)(4) is valid for the school year in which it was provided and must be renewed each school year. (See Section 22-30(d) of the School Code.)

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- d) Notification of Administration of an Undesignated Epinephrine Auto-Injector
Any school whose school nurse or trained personnel administered an undesignated epinephrine auto-injector shall meet the notification requirements of Section 22-30(f-5) and (f-10) of the School Code.
- e) Personnel Training
Only trained personnel or a school nurse shall administer an undesignated epinephrine auto-injector.
- 1) Certification courses required under Section 22-30(g) of the School Code in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) shall be conducted by a trainer who is certified in CPR/AED by the American Heart Association, American Red Cross or similar certifying body. Trained personnel shall renew any certification issued in accordance with the requirements of the certifying body and present the certification to his or her school.
- 2) A school administrator or a school nurse shall be available to answer questions from training participants if the anaphylaxis training is presented via a webinar or online format or through a video supplied by an epinephrine manufacturer. Training provided in one of the formats listed in this subsection (e)(2) shall not be considered complete unless an opportunity for questions is provided.
- 3) In addition to the curricular content listed in Section 22-30(h), anaphylaxis training also shall include information about:
- A) where the undesignated epinephrine auto-injectors are stored and how to access them;
- B) the method by which the school nurse or trained personnel will be notified of an incident that could require the administration of an undesignated epinephrine auto-injector;
- C) the school's written plan to prevent exposure to allergens; and
- D) the process for administering the specific undesignated epinephrine auto-injector devices identified in the standing order.

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- 4) A school nurse or physician with knowledge of allergies and anaphylaxis and CPR and AED certification who possesses skill in administering or demonstrating the use of an epinephrine auto-injector shall certify by written signature that the trained personnel passed the test required under Section 22-30(h)(7) of the School Code.
- 5) Each statement of certification issued under subsection (e)(4) of this Section shall be maintained by the school in accordance with Section 22-30(g) of the School Code.
- 6) The names of trained personnel shall be provided to the school nurse and school administrator.
- f) Reporting
Each school shall submit a report regarding the administration of an undesignated epinephrine auto-injector electronically in a format prescribed by the State Superintendent of Education within the timeline specified in Section 22-30(i) of the School Code.
- g) Allergen Reduction Plan
Each school shall develop a written plan to reduce the risk of accidental exposure to allergens that addresses, at a minimum, lunchroom safeguards, classroom food policies, and identification of areas of the playground that are known concerns, such as those with insect colonies. A separate plan is not required if the school has addressed reducing the risk of accidental exposure to allergens in the plan adopted pursuant to Section 2-3.149(b) of the School Code [105 ILCS 5/2-3.149(b)].
- h) In accordance with Section 22-30(h) of the School Code, the State Superintendent of Education shall post on the agency's website by January 1, 2016 a list of resource materials about how to recognize and respond to anaphylaxis.

(Source: Former Section 1.540 repealed at 19 Ill. Reg. 6530, effective May 1, 1995; new Section 1.540 added at 39 Ill. Reg. 13411, effective September 24, 2015)

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section 1.660 Records of Professional Personnel

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The school district shall maintain records for all professional personnel currently employed by the district. In addition to the individual's name, the record for each professional employee shall contain at least the copies of official transcripts required by Section 24-23 of the School Code [105 ILCS 5/24-23] and relevant health records, including the verification of freedom from tuberculosis as may be required under rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 696 (Control of Tuberculosis Code)~~required by Section 24-5 of the School Code [105 ILCS 5/24-5]~~. Each employee's record may also contain other relevant items, such as verification of past teaching experience, salary schedule placement, and accumulated sick leave.

(Source: Amended at 39 Ill. Reg. 13411, effective September 24, 2015)

SUBPART G: STAFF QUALIFICATIONS

Section 1.705 Requirements for Supervisory and Administrative Staff

Requirements for the receipt of the endorsements specified in this Section shall be as set forth in 23 Ill. Adm. Code 25 (Educator Licensure).

- a) Each district superintendent shall hold a professional educator license with a superintendent endorsement.
- b) Each principal or assistant principal shall hold a professional educator license with a general administrative or principal or superintendent 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 professional educator license endorsed for supervision.
- c) Each assistant superintendent shall hold a professional educator license with a general administrative, principal, director of special education or superintendent endorsement.
- d) Each general administrator (e.g., director, assistant director, coordinator, ~~administrative assistant~~, or general supervisor) in general education shall hold a professional educator license with a general supervisory, general administrative, principal or superintendent endorsement.
- e) Each head of a general education department or supervisor for a specific subject shall hold either:

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- 1) a professional educator license with a general supervisory, general administrative, principal or superintendent endorsement or teacher leader endorsement issued pursuant to 23 Ill. Adm. Code 25.32 (Teacher Leader Endorsement); or
 - 2) a professional educator license endorsed for supervision in the area supervised (see 23 Ill. Adm. Code 25.497 (Supervisory Endorsements)).
- f) Each supervisory dean shall hold a professional educator license with a general supervisory, general administrative, director of special education, principal or superintendent endorsement, or teacher leader endorsement issued pursuant to 23 Ill. Adm. Code 25.32 (Teacher Leader Endorsement).
- g) Each dean of students shall hold:
- 1) a professional educator license with a general supervisory, general administrative, director of special education, principal or superintendent endorsement; or
 - 2) a professional educator license endorsed in a teaching field (and for supervision if the holder suspends students pursuant to Section 10-22.6 of the School Code); or
 - 3) a professional educator license endorsed in a school support personnel field other than school nursing (and for supervision if the holder disciplines or suspends students).
- h) Each special education director or assistant director shall meet the requirements of 23 Ill. Adm. Code 226.800(g) (Personnel Required to be Qualified) and hold a professional educator license endorsed for director of special education in accordance with 23 Ill. Adm. Code 25.365 (Endorsement for Director of Special Education).
- i) Each special education supervisor shall hold either:
- 1) a professional educator license with a general supervisory, general administrative, director of special education, principal or superintendent endorsement and teaching qualifications in each area supervised; or

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- 2) a professional educator license endorsed for each area supervised and for supervision (see 23 Ill. Adm. Code 25.497 (Supervisory Endorsements)).
- j) Each supervisor of more than one school support personnel area shall hold either:
- 1) a professional educator license and a general administrative, principal or superintendent endorsement; or
 - 2) a professional educator license endorsed for school support personnel and supervision in each field supervised.
- k) Each supervisor of one school support personnel area shall hold:
- 1) a professional educator license with a general supervisory, general administrative, director of special education, principal or superintendent endorsement; or
 - 2) a professional educator license endorsed for school support personnel in the field supervised and for supervision; or
 - 3) a professional educator license endorsed for speech-language pathology teaching and for supervision (if applicable).
- l) 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 a professional educator license with a general administrative, principal or superintendent endorsement and have teaching qualifications in one of the five occupational areas and 2,000 hours of work experience outside the field of education.
- m) Each supervisor of one field in career and technical education shall hold either:
- 1) a professional educator license with a general supervisory, general administrative, principal or superintendent 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

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- 2) teaching qualifications in the specific field supervised, including 2,000 hours of work experience in the specific field outside of education, and a professional educator license with a supervisory endorsement.
- n) Each administrator in a bilingual education program shall hold a valid professional educator license with a general administrative, principal, superintendent or supervisory endorsement issued in accordance with the applicable provisions of 23 Ill. Adm. Code 25 and this Part and meet the applicable requirements of Section 1.783 of this Part.
- ~~o)~~ Each chief school business official shall hold a professional educator license with a chief school business official endorsement.

(Source: Amended at 39 Ill. Reg. 13411, effective September 24, 2015)

Section 1.790 Substitute Teacher

- a) To serve as a substitute teacher, a person shall hold a valid substitute teaching license issued pursuant to Section 21B-20(3) of the School Code [105 ILCS 5/21B-20(3)]. Any individual who holds a valid and active Illinois educator license ~~and indicative of completion of~~ at least a bachelor's degree may serve as a substitute teacher without having to also hold the substitute teaching license.
- b) A teacher holding a substitute teaching license may teach only in the place of a licensed teacher who is under contract with the employing board. (See Section 21B-20(3) of the School Code.)
- c) In accordance with Section 21B-20(3) of the School Code, there is no limit on the number of days that a substitute teacher may teach except that:
 - 1) A person who holds only a substitute teaching license may teach for no longer than 90 paid school days for any one licensed teacher who is under contract with the school district in any one school term.
 - 2) A person who holds a professional educator license or an educator license with stipulations endorsed for a teaching field may teach for no longer than 120 paid school days for any one licensed teacher who is under contract with the school district.

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- d) A school district may employ a substitute teacher to fill a position when there is no licensed teacher under contract with the school district only in an emergency situation, as defined in Section 21B-20(3) of the School Code. Any substitute teacher hired under this subsection (d) shall work no more than 30 calendar days per each vacant position.

(Source: Amended at 39 Ill. Reg. 13411, effective September 24, 2015)

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- 1) Heading of the Part: Standards for Endorsements in Early Childhood Education and in Elementary Education
- 2) Code Citation: 23 Ill. Adm. Code 26
- 3) Section Number: 26.110 Adopted Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rule: September 24, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes; see Section 26.110(c).
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: May 29, 2015; 39 Ill. Reg. 7586
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested, and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: In November 2011, the Early Childhood Advisory Group (ECAG) began reviewing the standards for the early childhood education endorsement. Its review resulted in a group of recommendations for revisions to the standards, which the State Board of Education adopted in December 2014 and became effective in February 2015. All new programs and each existing program

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offering the early childhood endorsement will be required to show alignment to the revised standards by September 1, 2019.

As part of its report, ECAG also recommended that early childhood education preparation programs become entitled by the Gateways to Opportunity Illinois Professional Development System by aligning its coursework to the benchmarks of Gateways' ECE Credential Level 5. Existing early childhood education preparation programs have until September 1, 2019, to show alignment with the Gateways' benchmarks. Programs seeking approval for the first time should be expected to show alignment when they submit their applications for consideration. The benchmarks address three components: Component 1: General Education; Component 2: Education and Training; and Component 3: Work and Practical Experience.

- 16) Information and questions regarding this adopted rule should be directed to:

Jason Helfer, Assistant Superintendent
Educator Effectiveness
Illinois State Board of Education
100 North First Street
Springfield IL 62777

217/557-6763

The full text of the Adopted Amendment begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNELPART 26
STANDARDS FOR ENDORSEMENTS IN EARLY CHILDHOOD
EDUCATION AND IN ELEMENTARY EDUCATIONSUBPART A: STANDARDS FOR ENDORSEMENTS
IN EARLY CHILDHOOD EDUCATION

Section

26.100	Purpose and Effective Dates of Standards in Subpart A
26.110	Curriculum: General
26.120	Curriculum: English Language Arts Standards Through August 31, 2019
26.125	Curriculum: English Language Arts Standards Beginning September 1, 2019
26.130	Curriculum: Mathematics Standards Through August 31, 2019
26.135	Curriculum: Mathematics Standards Beginning September 1, 2019
26.140	Curriculum: Science
26.150	Curriculum: Social Science
26.160	Curriculum: Physical Development and Health
26.170	Curriculum: Fine Arts
26.180	Human Development and Learning
26.190	Diversity
26.200	Planning for Instruction
26.210	Learning Environment
26.220	Instructional Delivery
26.230	Communication
26.240	Assessment Standards Through August 31, 2019
26.245	Assessment Standards Beginning September 1, 2019
26.250	Collaborative Relationships
26.260	Reflection and Professional Growth
26.270	Professional Conduct and Leadership

SUBPART B: STANDARDS FOR ENDORSEMENTS
IN ELEMENTARY EDUCATION

Section

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26.300	Purpose and Effective Dates of Standards in Subpart B
26.310	Curriculum
26.320	Curriculum: English Language Arts
26.330	Curriculum: Mathematics
26.340	Curriculum: Science
26.350	Curriculum: Social Science
26.360	Curriculum: Physical Development and Health
26.370	Curriculum: Fine Arts
26.380	Human Development and Learning
26.390	Diversity
26.400	Planning for Instruction
26.410	Learning Environment
26.420	Instructional Delivery
26.430	Communication
26.440	Assessment
26.450	Collaborative Relationships
26.460	Reflection and Professional Growth
26.470	Professional Conduct and Leadership

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

SOURCE: Adopted at 26 Ill. Reg. 6263, effective April 22, 2002; amended at 37 Ill. Reg. 16759, effective October 2, 2013; amended at 39 Ill. Reg. 2413, effective February 2, 2015; amended at 39 Ill. Reg. 13472, effective September 24, 2015.

**SUBPART A: STANDARDS FOR ENDORSEMENTS
IN EARLY CHILDHOOD EDUCATION**

Section 26.110 Curriculum: General

The competent early childhood teacher understands and demonstrates the central concepts, tools of inquiry, and structures of the content areas and creates and integrates meaningful learning experiences that develop children's competence across all developmental areas and content areas.

- a) Knowledge Indicators – The competent early childhood teacher:
 - 1) demonstrates current knowledge of integrated learning experiences for children from birth through grade ~~two~~ three and understands the central

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concepts and tools of inquiry in each of the following content areas: language and literacy (English language arts); mathematics; science; health, safety, nutrition and movement (physical development and health); art, music and drama (fine arts); and social science;

- 2) understands conceptually sound and meaningful curriculum for children from birth through grade 2; and
 - 3) demonstrates an understanding of current research, best practice and professional standards.
- b) Performance Indicators – The competent early childhood teacher:
- 1) plans, implements and evaluates integrated, conceptually sound, meaningful learning experiences for children from birth through grade 2; and
 - 2) structures a variety of learning experiences that reflect the standards set forth in this Subpart A.
- c) National Standards
Each early childhood preparation program shall align to "2010 NAEYC Standards for Initial and Advanced Early Childhood Professional Preparation Programs" (2010) published by the National Association for the Education of Young Children, 1313 L Street, Suite 500, Washington DC 20005 and posted at <http://www.naeyc.org/ncate/standards>. (No later amendments to or editions of these standards are incorporated.)
- 1) Recognized institutions seeking initial approval for early childhood education preparation programs on or after January 1, 2015 shall align to the standards set forth in this subsection (c).
 - 2) Early childhood education preparation programs approved prior to January 1, 2015 shall meet the standards set forth in this subsection (c) no later than September 1, 2019.
- d) [Gateways to Opportunity Credential Entitlement](#)
[By no later than September 1, 2019, each early childhood education program shall become entitled by the Gateways to Opportunity Illinois Professional](#)

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Development System, by aligning its coursework to the benchmarks for the ECE Credential Level 5 (see <http://www.ilgateways.com/en/gateways-credential-entitlement-information>).

- 1) Satisfactory evidence of entitlement status either shall be the name of the program's recognized institution listed at <http://www.ilgateways.com/en/entitled-institutions> or a letter communicating the name and level of the credential of entitlement and the date upon which the entitlement was granted.
- 2) The program shall resubmit the evidence required under subsection (d)(1) to the State Superintendent of Education each time a renewal of entitlement is granted.

(Source: Amended at 39 Ill. Reg. 13472, effective September 24, 2015)

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- 1) Heading of the Part: Illinois Hope and Opportunity Pathways through Education Program
- 2) Code Citation: 23 Ill. Adm. Code 210
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
210.30	Amendment
210.110	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.66b
- 5) Effective Date of Rules: September 24, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: May 1, 2015; 39 Ill. Reg. 6022
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 210.110(c), the strike-through formatting was removed from the word "sex", regarding discrimination.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested, and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: PA 98-972, effective August 15, 2014, revamped the State assessment system, repealing Section 2-3.64 of the School Code [105 ILCS 5/2-3.64]and replacing the requirements found there with new Section 2-3.64a-5

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[105 ILCS 5/2-3.64a-5]. Part 210 references the State assessments, and the citation has been updated to reflect the current law.

16) Information and questions regarding these adopted rules should be directed to:

David Andel, Division Administrator
Division of Special Education Services
Illinois State Board of Education
100 North First Street
Springfield IL 62777

217/782-4870

The full text of the Adopted Amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: ILLINOIS STATE BOARD OF EDUCATION
SUBCHAPTER e: INSTRUCTIONPART 210
ILLINOIS HOPE AND OPPORTUNITY PATHWAYS
THROUGH EDUCATION PROGRAM

SUBPART A: PROGRAM APPROVAL

Section	
210.10	Purpose
210.20	Program Components
210.30	Requirements for Student Participation
210.35	Enrollment of Students with Individualized Education Programs
210.40	Program Requirements
210.50	Individual Instructional Plan
210.60	Supplemental Services and Instructional Time
210.70	Contents of IHOPE Plan
210.75	Program Approval Criteria
210.80	Application for Program Continuation
210.90	Program Funding
210.100	Suspension and Revocation of Program Approval
210.110	Terms and Conditions of Approval

SUBPART B: INCENTIVE GRANTS

<u>Section</u>	
210.200	Purpose
210.210	Eligible Applicants
210.220	Funding Formula
210.230	Application Procedures

AUTHORITY: Implementing and authorized by Section 2-3.66b of the School Code [105 ILCS 5/2-3.66b].

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SOURCE: Adopted at 34 Ill. Reg. 11554, effective July 26, 2010; amended at 37 Ill. Reg. 15953, effective September 27, 2013; amended at 39 Ill. Reg. 13478, effective September 24, 2015.

SUBPART A: PROGRAM APPROVAL

Section 210.30 Requirements for Student Participation

Any individual subject to compulsory attendance requirements set forth in Article 26 of the School Code [105 ILCS 5/Art. 26] may be considered for enrollment in an IHOPE program, provided that he or she is considered to be a "dropout" for reporting purposes under Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a].

- a) Each regional office of education or CPS, as applicable, that establishes an IHOPE program shall provide information about the program to the parents or guardians of all dropouts who are less than 18 years old who are being considered for enrollment and shall identify a staff member who may be contacted for information or assistance.
 - 1) Before a dropout as defined in [this](#) subsection (a) ~~of this Section~~ is enrolled in an IHOPE program, the program shall send a written notification to the student and the student's parent or guardian to attend a conference about the program. This notification also shall contain a statement of the rights of the parent or guardian (e.g., requirement for written parental permission to enroll in the program, ability to withdraw consent for enrollment, participation in development of an individual instructional plan).
 - 2) The conference shall be designed to help the parent or guardian determine whether the student's participation in an IHOPE program would be beneficial.
 - 3) A dropout as defined in [this](#) subsection (a) ~~of this Section~~ shall not be enrolled in an IHOPE program without the written consent of his or her parent or guardian. This provision does not apply to youth who are considered to be an "unaccompanied youth" under Section 725 of federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001 (42 USC 11431 et seq.).

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- b) Before enrolling a dropout who is 18 years or older or an unaccompanied youth, the IHOPE program shall conduct the conference described in subsection (a) ~~of this Section~~ with the dropout.
- c) An approved IHOPE program shall enroll only dropouts who reside in their region or district (see Section 2-3.66b(b) of the School Code), and no tuition may be charged of students who choose to participate.
- d) Enrollment, in an IHOPE program of a dropout who, when enrolled in his or her previous school, had an Individualized Education Program, shall be subject to the additional requirements set forth in Section 210.35 ~~of this Part~~.
- e) Receipt of a high school diploma under the IHOPE program is not subject to the ~~Statestate~~ assessment requirements contained in Section ~~2-3.64a-52-3.64~~ of the School Code [105 ILCS 5/~~2-3.64a-52-3.64~~].
- f) All rights granted under this Part to the student's parent or guardian shall become those of the student once the student reaches 18 years of age, subject to the provisions of the Emancipation of Minors Act [750 ILCS 30].
- g) For each dropout enrolled, an IHOPE program shall request from the school that the student last attended a certified copy of the student's records, in accordance with 23 Ill. Adm. Code 375.75 (Public and Nonpublic Schools: Transmission of Records for Transfer Students).

(Source: Amended at 39 Ill. Reg. 13478, effective September 24, 2015)

Section 210.110 Terms and Conditions of Approval

- a) All contracts, subcontracts, and cooperative or intergovernmental agreements necessary for the operation of the program shall be approved by the regional superintendent of schools or, in the case of CPS, the board of education, and shall specify the roles of, and amount to be paid to, each entity subject to the contract or agreement.
- b) Student records for each student enrolled in the IHOPE program shall be maintained by the student's resident district in accordance with the requirements of the Illinois School Student Records Act [105 ILCS 10], the State Board of

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Education rules governing Student Records (23 Ill. Adm. Code 375), and the Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g).

- c) Programs established and operated in accordance with Section 2-3.66b of the School Code and this Part must comply with all State and federal laws applicable to education providers, including, but not limited to, those prohibiting discrimination on the basis of race, color, religion, national origin, ancestry, sex, age, marital status, physical or mental disability, sexual orientation, pregnancy, gender identity, ~~or handicap~~, such as Title IX of the Education Amendments of 1972 (20 USC 1681 et seq.), the Illinois Human Rights Act [775 ILCS 5], the Individuals with Disabilities Education Improvement Act (20 USC 1400 et seq.), the Age Discrimination in Employment Act of 1967 (29 USC 621 et seq.), Titles VI and VII of the Civil Rights Act of 1964 (42 USC 2000d et seq., 2000e et seq.), the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.), the Illinois School Code [105 ILCS 5], and relevant case law, including Plyler v. Doe, 457 U.S. 202, 102 S.Ct. 2382 (1982), or status of being homeless (Section 1-56 of the Education of Homeless Children Act [105 ILCS 45/1-56] and Section 11434a(2) of the McKinney-Vento Homeless Assistance Act (42 USC 11434a(2)).
- d) Each IHOPE program not subject to Section 34-18.5 of the School Code [105 ILCS 5/34-18.5] must certify that a fingerprint-based criminal history records check through the Illinois State Police and a check of the Statewide Sex Offender Database will be performed for all of its employees, volunteers, and all employees of persons or firms holding contracts with the program who have direct contact with students enrolled. Further, an IHOPE program shall not employ individuals, allow individuals to volunteer, or enter into a contract with a person or firm who employs individuals, who will have direct contact with students enrolled in the IHOPE program who have been convicted of any offense identified in Section 10-21.9(c) of the School Code [105 ILCS 5/10-21.9(c)] or have been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987 [705 ILCS 405/Art. II].
- e) It will be the responsibility of the IHOPE program to maintain records of attendance for the students enrolled in the program and to make those records available to the State Superintendent of Education upon request.

(Source: Amended at 39 Ill. Reg. 13478, effective September 24, 2015)

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- 1) Heading of the Part: Summer Bridges Program
- 2) Code Citation: 23 Ill. Adm. Code 232
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
232.20	Amendment
232.50	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rules: September 24, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: May 1, 2015; 39 Ill. Reg. 6028
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Reference to "kindergarten" was restored in Section 232.50(d).
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested, and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: PA 98-972, effective August 15, 2014, revamped the State assessment system, repealing Section 2-3.64 of the School Code [105 ILCS 5/2-3.64] and replacing the requirements found there with new Section 2-3.64a-5 [105 ILCS 5/2-3.64a-5]. Part 232 references the State assessments, and the citation has been updated to reflect the current law.

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- 16) Information and questions regarding these adopted rules should be directed to:

Melina Wright, Division Administrator
Division of Title Grant Administration
Illinois State Board of Education
100 North First Street
Springfield IL 62777

217/782-4832

The full text of the Adopted Amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 232
SUMMER BRIDGES PROGRAM

Section

232.10	Purpose and Applicability
232.20	Eligible Applicants
232.30	Application Procedure
232.40	Allocation of Funds
232.50	Program Specifications
232.60	Local Match; Use of State Funds
232.70	Reporting Requirements

232.APPENDIX A Curriculum and Instruction Frameworks

232.APPENDIX B Required Materials for the Program

AUTHORITY: Implementing Section 10-20.9a of the School Code [105 ILCS 5/10-20.9a] and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

SOURCE: Adopted at 31 Ill. Reg. 2461, effective January 16, 2007; amended at 32 Ill. Reg. 2386, effective January 22, 2008; amended at 38 Ill. Reg. 8340, effective April 1, 2014; amended at 39 Ill. Reg. 13484, effective September 24, 2015.

Section 232.20 Eligible Applicants

- a) Eligible applicants shall be school districts that include one or more schools serving students in ~~prekindergarten~~~~pre-kindergarten~~, kindergarten, or any of ~~grades~~Grades 1 through 6 in which 50 percent or more of the students participating in the State assessment under Section ~~2-3.64a-52-3.64~~ of the School Code [105 ILCS 5/~~2-3.64a-52-3.64~~] have achieved scores indicating that they do not meet State standards in reading. Public university laboratory schools 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)], area vocational centers, and charter schools shall be eligible under this Part on the same basis as school districts (see

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105 ILCS 5/2-3.109a, 2-3.109b, and 27A-11.5, respectively. For purposes of this Part, the term "district" shall be understood to include all these eligible entities).

- b) The State Superintendent shall annually identify the eligible districts based upon State assessment scores attained by students in the previous school year. As a prerequisite to participation in the program, eligible districts shall be required to submit letters of intent in accordance with the timeframe established by the State Superintendent, in order to permit calculation of the approximate per-pupil allocation that will be available.

(Source: Amended at 39 Ill. Reg. 13484, effective September 24, 2015)

Section 232.50 Program Specifications

- a) Eligibility for services under this Part shall not be limited to students who attend the particular attendance centers whose performance led to the district's eligibility under Section 232.20 ~~of this Part~~. Any student in an eligible district may be served, provided that he or she was enrolled in ~~prekindergarten~~ pre-kindergarten, kindergarten, or any of ~~grades~~ Grades 1 through 6 in the school year immediately preceding the summer when the program is offered and:
- 1) did not meet State standards in reading, as evidenced by the relevant score attained on the State assessment required pursuant to Section ~~2-3.64a-52-3.64~~ of the School Code [105 ILCS 5/~~2-3.64a-52-3.64~~]; or
 - 2) was recommended for retention in grade; or
 - 3) was referred to the program by his or her teacher based on the results of a locally determined reading assessment or other factors, such as poor grades or a high rate of absenteeism.
- b) Funding under this Part shall be used only to provide a remedial summer program consisting of no fewer than 90 hours of instruction to each student served and addressing the components of the literacy framework displayed in Appendix A ~~to this Part~~. Each district operating the program shall be required to purchase or demonstrate the availability of the materials listed in Appendix B ~~to this Part~~.
- c) The number of sites at which the program is offered within any district shall be limited to the number of sites whose performance led to the district's eligibility for

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funding under Section 232.20 ~~of this Part~~. The program may, however, be conducted at sites other than those whose performance led to the district's eligibility.

- d) Except as otherwise specified in subsection (e) ~~of this Section~~, no fewer than 12 and no more than 15 students shall be served in each class for ~~grades~~ Grades 1 through 6, and no fewer than seven and no more than 10 students shall be served in each class for ~~prekindergarten~~ pre-kindergarten and kindergarten. Each district shall report its enrollment count by grade level on the sixth day of attendance in the program and shall consolidate classes as needed to achieve class sizes within these ranges. The services of teachers in excess of the number required for the applicable class sizes shall not be paid for with funding provided under this Part.
- e) In order to respond to developments that may occur after the sixth day of attendance, a district may seek approval from the State Superintendent of Education to add no more than two students to any class in excess of the applicable maximum. The State Superintendent shall approve a district's request if the Superintendent determines that doing so is necessary for reasons of cost-effectiveness or to avoid a disruption in learning opportunities for students, provided that the teacher responsible for the class has consented to the addition of the students.
- f) Each district shall prepare a job description for the teachers who will be employed to provide instruction in the Summer Bridges Program. If the district executes individual contracts with the teachers, the contracts shall include the job description or incorporate it by reference. If the district does not execute individual contracts with the teachers, the district shall require a signed affirmation from each, acknowledging the obligations established in the job description. Each job description shall include at least the requirements set forth in this subsection (f).
 - 1) To conduct a parent orientation prior to the beginning of the program.
 - 2) To participate in all required planning and professional development sessions and activities.
 - 3) To set up the classroom for engaged and cooperative learning, including learning stations or centers.

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- 4) To establish classroom rules in collaboration with the students in the class.
 - 5) To prepare and submit daily lesson plans on a weekly basis.
 - 6) To deliver the established curriculum in accordance with the framework and use the materials provided.
 - 7) To administer the required assessments and report on the results in accordance with the prescribed timetable.
 - 8) To collaborate in the program evaluation effort.
 - 9) To be absent only in response to unforeseen circumstances (for example, no absences shall be permitted for vacation, attendance at conferences, or participation in activities that are not of an emergency nature).
- g) Each teacher, paraprofessional [educator](#), and administrator employed in the program shall be provided with, and shall be required to participate in, 30 hours of professional development.
- 1) Three hours of professional development shall occur in the time period after the end of the school year and prior to the start of the program and shall be devoted to setting up the learning environment, administering an individual reading inventory, and orientation to the Summer Bridges Program.
 - 2) Twelve hours of professional development shall occur prior to or during the course of the program and shall be devoted to the learning environment, language development and word knowledge, fluency, comprehension, writing, and classroom-based assessment appropriate to the grade level to be served by the participating teachers.
 - 3) Fifteen hours of professional development shall be devoted to mathematics concepts and games, additional literacy strategies, problem-solving, exchange of strategies, activities, and methods among teachers, and analysis of the results of the individual reading inventory.
- h) No program funded under this Part shall begin sooner than five business days after the end of the school year unless approved in advance by the State

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Superintendent of Education. Approval shall be granted only when the school year has been extended to make up days missed due to severe weather or other emergencies.

- i) Each district funded under this Part shall assess students' growth in reading prior to and following their participation in the program. No fewer than 20 percent of the students from each of ~~grades~~Grades 2 through 6 and no fewer than 20 percent of the total group of students from ~~prekindergarten~~~~pre-kindergarten~~, kindergarten, and ~~grade~~Grade 1 shall participate in an assessment prescribed by the State Superintendent as appropriate to their respective grade levels. The results of these assessments shall be compiled to form part of each district's summative report under Section 232.70 ~~of this Part~~.
- 1) Each student whose results are included in the report shall have achieved an attendance rate of at least 80 percent.
- 2) The pre-test shall be separated from the post-test by no fewer than 18 days of attendance.

(Source: Amended at 39 Ill. Reg. 13484, effective September 24, 2015)

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- 1) Heading of the Part: Alternative Learning Opportunities Program
- 2) Code Citation: 23 Ill. Adm. Code 240
- 3) Section Number: 240.70 Adopted Action:
Amendment
- 4) Statutory Authority: 105 ILCS 5/Art. 13B
- 5) Effective Date of Rule: September 24, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: May 1, 2015; 39 Ill. Reg. 6035
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested, and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: PA 98-972, effective August 15, 2014, revamped the State assessment system, repealing Section 2-3.64 of the School Code [105 ILCS 5/2-3.64] and replacing the requirements found there with new Section 2-3.64a-5 [105 ILCS 5/2-3.64a-5]. Part 240 references the State assessments, and the citation has been updated to reflect the current law.
- 16) Information and questions regarding this adopted rule should be directed to:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

David Andel, Division Administrator
Division of Special Education Services
Illinois State Board of Education
100 North First Street
Springfield IL 62777

217/782-4870

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 240
ALTERNATIVE LEARNING OPPORTUNITIES PROGRAM

SUBPART A: PROGRAM APPROVAL

Section

240.10	Purpose
240.20	Requirements for Student Participation
240.25	Enrollment of Students with Individualized Education Programs
240.30	Program Requirements
240.40	Student Success Plan
240.50	Requirements for Returning the Student to the Regular School Program
240.60	Supplemental Services and Instructional Time
240.70	Application for Program Approval
240.75	Program Approval Criteria
240.80	Application for Program Continuation
240.90	Program Funding
240.100	Suspension and Revocation of Program Approval
240.110	Terms and Conditions of Approval

SUBPART B: ALTERNATIVE LEARNING OPPORTUNITIES PROGRAM GRANTS

Section

240.200	Purpose (Repealed)
240.210	Eligible Applicants (Repealed)
240.220	Planning Grants (Repealed)
240.230	Implementation Grants (Repealed)
240.240	Supplemental Grants (Repealed)
240.250	Grant Awards (Repealed)
240.260	Terms of the Grant (Repealed)

AUTHORITY: Implementing and authorized by Article 13B of the School Code [105 ILCS 5/Art. 13B].

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SOURCE: Adopted at 26 Ill. Reg. 11888, effective July 22, 2002; amended at 27 Ill. Reg. 10004, effective June 23, 2003; amended at 29 Ill. Reg. 18451, effective October 31, 2005; amended at 33 Ill. Reg. 9427, effective June 22, 2009; amended at 38 Ill. Reg. 8345, effective April 1, 2014; amended at 39 Ill. Reg. 13491, effective September 24, 2015.

SUBPART A: PROGRAM APPROVAL

Section 240.70 Application for Program Approval

No students shall be enrolled in the Alternative Learning Opportunities Program (ALOP) until the State Board of Education grants approval for the program to operate (see 105 ILCS 5/13B-25.10).

- a) The State Board of Education shall annually notify school districts of the opportunity to submit an application, specifying the information that school districts shall include in their applications and requiring that applications be submitted no later than the date specified in the notification.
- b) Each application shall be reviewed for completeness and conformance to the requirements of Article 13B of the School Code and this Part.
 - 1) Incomplete applications shall be returned to the applicant, specifying the additional information that is needed. Applicants shall supply the requested information within 15 calendar days after receiving the request.
 - 2) Based on the criteria contained in Section 240.75 of this Part, applications that do not meet the requirements of Article 13B of the School Code and this Part shall be returned to the applicant, specifying the reasons~~reason(s)~~ why the application was not acceptable.
- c) A school district seeking to establish a new ALOP~~Alternative Learning Opportunities Program~~ or to receive approval for a conversion of an existing alternative program shall submit an application for approval, on a form supplied by the State Board of Education, that contains the following elements.
 - 1) A description of the planning process conducted to determine the type of ALOP~~Alternative Learning Opportunities Program~~ to be established and a list of the participants in that process.

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- 2) A district plan for the program that meets the requirements of Section 13B-25.20 of the School Code [105 ILCS 5/13B-25.20].
 - A) In the case of a cooperative involving two or more school districts, the plan must address how it is consistent with each school district's mission and is aligned with the local school improvement plans of each participating school (see 105 ILCS 5/13B-25.20).
 - B) A copy of the plan must be sent to the Regional ~~Office~~~~Office(s)~~ of Education serving each district participating in the ~~ALOP~~~~Alternative Learning Opportunities Program~~ by the deadline indicated in the notification sent pursuant to subsection (a) ~~of this Section~~.
- 3) An organizational chart that reflects the governance, administrative, educational and support structures of the proposed ~~ALOP~~~~Alternative Learning Opportunities Program~~ and describes the responsibilities of each entity involved in the program.
- 4) Evidence that the program is derived from scientifically based research on successful instructional approaches for students who are at risk of academic failure (see 105 ILCS 5/13B-30.5), including specific references to research that discuss the types of services and strategies to be offered by the program as effective in addressing the needs the district has identified among the students it plans to serve.
- 5) The specific curriculum to be used (see Section 240.30(a) ~~of this Part~~) and a description of the ways in which it differs from the regular school program (e.g., program sequence, pace, instructional activities). If a non-profit or for-profit entity will be providing instructional services, then the district shall provide evidence that the entity meets the requirements of Section 240.30(a)(4) ~~of this Part~~.
- 6) Evidence of the need for ~~the ALOP's~~~~Alternative Learning Opportunities Program~~ educational supports and other support services beyond those currently offered by the regular school program (e.g., the district lacks funding for the supports and services, specialized staff would need to be hired, proposed service would not have a general benefit for the majority of the students in the district). This evidence shall include a description of

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the educational and other service interventions that the district currently uses to assist its students who are experiencing difficulty with their academic achievement.

- 7) The procedures to be used to review student progress on a regular basis, which shall at least conform with the requirements of Section 240.30(d) ~~of this Part.~~
- 8) The procedures to be used for participation of students in the State assessments required under Section ~~2-3.64a-52-3.64~~ of the School Code [105 ILCS 5/13B-25.25]. The procedures shall indicate:
 - A) the site where the student or students will take the State ~~assessments~~ assessment(s). If the program is located at a site that is other than a State assessment testing site recognized by the State Board of Education, such as a regular public school, then the student shall take the State assessment at his or her home school; and
 - B) how the home school will ensure that the results for individual students will be shared with staff of the ~~ALOP~~ Alternative Learning Opportunities Program, if the program site is other than the student's home school.
- 9) The proposed calendar for the program, providing evidence that it is in conformance with the requirements of Section 13B-45 of the School Code and Section 240.60 of this Part.
- 10) The location of the ~~ALOP~~ Alternative Learning Opportunities Program.
 - A) Consideration must be given to locating the program on-site in the regular school (i.e., a school where the general education curriculum is offered) (see 105 ILCS 5/20.30), subject to the requirements of Section 240.20(i) of this Part.
 - B) If the program is offered at other than a regular school, then the school district shall provide a rationale stating how the proposed site is in the best educational interests of the students to be served (e.g., the regular school has limited space for the program, the site

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is not accessible to all the students to be served, the proposed site provides a learning environment more conducive to the needs of the students enrolled in the program).

- 11) A plan for ensuring that students enrolled in the [ALOP](#)~~Alternative Learning Opportunities Program~~ shall continue to receive other services for which they qualify (e.g., bilingual, special education, free and reduced-price lunch).
- 12) A plan for evaluating the effectiveness of the program in improving academic performance of the students who are enrolled and successfully returning them to the regular school program. The plan must include:
 - A) the methods to be used to conduct the evaluation;
 - B) the data to be collected, which shall include at least the indicators outlined in Section 13B-30.15 of the School Code [105 ILCS 5/13B-30.15], as applicable to the program;
 - C) the specific procedures for how achievement levels of individual students enrolled in the program will be assessed to ensure that each student is making anticipated progress, as stipulated in his or her Student Success Plan;
 - D) the specific procedures for how achievement levels of students with IEPs will be assessed, if these students are enrolled in the program;
 - E) how the evaluation will measure the extent to which the program overall is an effective strategy for improving the achievement levels of students identified as being at risk of academic failure; and
 - F) how the evaluation results will be used to improve the program.
- 13) A description of how the school district's professional development plan will address instruction of at-risk students (see 105 ILCS 5/13B-50.10).

(Source: Amended at 39 Ill. Reg. 13491, effective September 24, 2015)

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- 1) Heading of the Part: Payments to Certain Facilities under Section 14-7.05 of the School Code
- 2) Code Citation: 23 Ill. Adm. Code 405
- 3) Section Number: 405.40 Adopted Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rule: September 24, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: May 29, 2015; 39 Ill. Reg. 7592
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested, and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: Part 405 sets forth procedures for school districts to pay the cost of educating students who are served, pursuant to Section 14-7.05 of the School Code [105 ILCS 5/14-7.05], in residential facilities providing educational programs that are not approved by the State Board of Education. Section 405.40(a) reiterates that teaching staff employed by these facilities are required to hold licensure in accordance with criteria set forth in 23 Ill. Adm. Code 25 (Educator Licensure). These

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criteria include teachers who are not yet fully qualified for their special education assignments but who have received "short-term emergency approval" to serve in those capacities under Section 25.48 of the licensure rules.

Two years ago as a part of the agency's rulemaking in response to the educator licensure legislation, staff determined that a need for short-term emergency approval no longer existed. Therefore, the approval was to be phased out by September 1, 2015. The approval was put in place to ensure an adequate supply of qualified staff while the agency made the transition from categorical credentialing based on disability category to a cross-categorical system. While special education teachers have been required since 2001 to have a Learning Behavior Specialist I endorsement, shortages of fully qualified special educators still exist in many areas of the state. For this reason, the opportunity to receive the approval has been extended until September 1, 2018, as an incentive for individuals who are not yet fully qualified to pursue opportunities as special educators.

- 16) Information and questions regarding this adopted rule should be directed to:

David Andel, Division Administrator
Division of Special Education Services
Illinois State Board of Education
100 North First Street
Springfield IL 62777

217/782-4870

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER 1: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 405
PAYMENTS TO CERTAIN FACILITIES UNDER
SECTION 14-7.05 OF THE SCHOOL CODE

Section	
405.10	Purpose and Applicability
405.20	Definitions
405.30	Procedural Requirements
405.40	Satisfactory Proof
405.50	Quarterly Attendance Reports
405.60	Calculation of Costs
405.70	Termination of Placement

AUTHORITY: Implementing Section 14-7.05 of the School Code [105 ILCS 5/14-7.05] and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

SOURCE: Adopted at 33 Ill. Reg. 11627, effective July 22, 2009; amended at 37 Ill. Reg. 8134, effective June 6, 2013; amended at 39 Ill. Reg. 13498, effective September 24, 2015.

Section 405.40 Satisfactory Proof

All information called for in this Section, except the quarterly attendance reports called for in Section 405.50 ~~of this Part~~, shall be submitted no later than 15 days after an affected student's placement, using the method and format prescribed by the State Superintendent of Education.

- a) As satisfactory proof of *appropriate licensure of teachers for the student population* (Section 14-7.05 of the School Code) in a given program, the provider of the program shall submit:
 - 1) a description of the program, including the characteristics of the students for whom it is intended and the number of students served;
 - 2) a listing of the names and license numbers of all licensed teachers assigned to the program, demonstrating that each general education

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teacher who serves the affected student holds the qualifications required pursuant to Subpart G of the rules of the State Board of Education for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1) and that each individual who provides special education to the affected student holds:

- A) a professional educator license endorsed in accordance with 23 Ill. Adm. Code 25 (Educator Licensure) appropriate for the population to be served; or
 - B) a professional educator license endorsed in another teaching field that is valid for the grade range of the students served and bears an endorsement or approval for the population served, in accordance with 23 Ill. Adm. Code 25; or
 - C) until September 1, ~~2018~~²⁰¹⁵, a short-term emergency approval in special education issued in accordance with 23 Ill. Adm. Code 25.48 (Short-term Emergency Approval in Special Education); or
 - D) the specific qualifications comparable to those issued in Illinois in connection with the position in question, if the facility is located outside Illinois.
- b) As satisfactory proof that a program offers *an age-appropriate curriculum* (Section 14-7.05 of the School Code), the provider shall submit information demonstrating that:
- 1) the program is based upon evaluation of the participating students' current levels of academic achievement and performance and is designed to afford the students access to the general curriculum in the fundamental areas of learning identified in Section 27-1 of the School Code [105 ILCS 5/27-1] at levels that will promote their attainment of the Illinois Learning Standards (see 23 Ill. Adm. Code 1, Appendix D);
 - 2) academic assessments administered to affected students are the same as those administered to other individuals served in the program who are of approximately the same age;

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- 3) the age range of the pupils grouped in any class does not exceed four years (if at the elementary level) or six years (if at the secondary level); and
 - 4) the program is delivered in an age-appropriate setting.
- c) The provider shall submit a description of the method used for recording attendance on a daily basis, as well as information on enrollment in the program for which payment is being sought and information on the attendance of each affected student.
- 1) Enrollment information shall include:
 - A) the total number of individuals receiving educational services in or through the facility;
 - B) a description of how individuals are grouped (e.g., by grade level or age);
 - C) identification of the grouping or "program" in which the affected student is being served; and
 - D) the number of individuals served in each grouping described.
 - 2) Attendance information shall include:
 - A) a signed assurance indicating that the provider will keep daily attendance records with respect to the affected student and will submit those records to the State Superintendent using the format prescribed by the State Superintendent; and
 - B) a record reflecting the student's attendance during the first 10 days of service.
- d) As satisfactory proof of the provider's ability to implement a particular student's IEP, the provider shall submit:
- 1) a copy of the student's current or most recent available IEP;
 - 2) a list of all teachers and other professional service providers that also:

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- A) indicates the specific portions of the IEP that each will be responsible for fulfilling; and
 - B) identifies the certificate, license, or other credential held by each professional other than a teacher that qualifies the individual to provide the professional services in question;
- 3) if a paraprofessional [educator](#) will be assigned to assist in any class attended by the student, an assurance that the assignment of the individual will conform to the requirements of 23 Ill. Adm. Code 1.630(b); and
- 4) for any teacher or professional not directly employed by the provider, information regarding the individual's contractual status that will clarify the amount of time for which the individual is available for the program, and the number of students whom the individual is responsible for serving during that time, and the total amount of service time required with respect to those students.

(Source: Amended at 39 Ill. Reg. 13498, effective September 24, 2015)

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

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- 1) Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3) Section Number: 250.50 Adopted Action:
Amendment
- 4) Statutory Authority: 110 ILCS 70
- 5) Effective Date of Rule: December 1, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: February 13, 2015; 39 Ill. Reg. 2267
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The following changes have been made: in Section 250.50(b)(6) the statement "requiring highly technical or professional qualifications" was removed; in Section 250.50(b)(6) the "90" calendar days was changed to "180" calendar days; and in Section 250.50(b)(5) the word "Disability" was changed to "Disabilities".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Number:</u> 250.60	<u>Proposed Action:</u> Amendment	<u>Illinois Register Citation:</u> 39 Ill. Reg. 13175; September 25, 2015
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- 15) Summary and Purpose of Rulemaking: The primary changes to this Section of the Code allows for an expanded pool of candidates for positions, consistent with the current employment and occupational trends associated with certain professional positions, while still requiring specific residency components to be met upon placement into one of these positions. This rulemaking allows the public universities and agencies under the State Universities Civil Service System to consider applicants outside of the state of Illinois for professional, semi-professional, and managerial classifications. This rulemaking also provides examination accommodation guidelines and a more specific process to close testing for specific classifications when employment registers are sufficient.
- 16) Information and questions regarding this adopted rule shall be directed to:

Mari Martinelli
Manager, Legal Services and Legal Counsel
State Universities Civil Service System
1717 Philo Road, Suite 24
Urbana IL 61802

217/278-3150, ext. 226
email: marim@sucss.illinois.gov

The full text of the Adopted Amendment begins on the next page:

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEMPART 250
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section	
250.5	Definitions
250.10	Purpose, Adoption, and Amendment of Rules
250.20	The State Universities Civil Service System and its Divisions
250.30	The Classification Plan
250.40	Military Service Preference, Veterans Preference
250.50	Examinations
250.60	Eligible Registers
250.70	Nonstatus Appointments
250.80	Status Appointments
250.90	Probationary Period
250.100	Reassignments and Transfers
250.110	Separations and Demotions
250.120	Seniority
250.130	Review Procedures
250.140	Delegation of Authority and Responsibilities
250.150	Training
250.160	Suspension of Rules

AUTHORITY: Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg. 1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996;

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amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848, effective November 13, 2007; amended at 32 Ill. Reg. 17268, effective October 16, 2008; amended at 33 Ill. Reg. 11644, effective July 22, 2009; amended at 36 Ill. Reg. 6014, effective April 6, 2012; amended at 37 Ill. Reg. 419, effective December 26, 2012; amended at 39 Ill. Reg. 13504, effective December 1, 2015.

Section 250.50 Examinations

- a) Kinds of Examinations. Examinations shall be of two kinds: original entry and promotional. Both kinds shall be open and continuous competitive examinations. For the purpose of this Section, an original entry and a promotional examination shall be considered to be one and the same examination.
- b) Eligibility to Compete in Examinations
 - 1) Any citizen or resident of the State of Illinois, who applies for examination in a specific class at a constituent place of employment served by the University System, who is not rejected or disqualified under subsection (c), and who meets the minimum qualifications as prescribed in the class specification, shall be admitted to the examination. For classes requiring valid licenses or certificates, an applicant must show possession of the license or certificate at, or prior to, time of taking the examination. Out-of-state applicants may also be admitted for examination in accordance with conditions outlined in subsection (b)(6).
 - 2) A promotional examination shall be open to a status employee in a place of employment, who is not rejected or disqualified under subsection (c), who meets the minimum qualifications specified in the class specification for a higher class in the appropriate promotional line and who, in addition, is working by virtue of a status appointment, in a position of a lower class in the same promotional line, is on leave of absence from such a position, or is on layoff from such a position.
 - 3) An applicant who fails to meet the minimum qualifications established for the class, but who can offer qualifications that in the opinion of the Executive Director are considered to be compensatory, shall be admitted to the examination for the class. The names of all applicants who pass the examination shall be placed on the appropriate register in order of score.

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- 4) In the absence of a name of a candidate on any existing register for a class, an applicant who does not possess the minimum qualifications for the class and cannot present compensatory qualifications may be admitted with prior approval of the Executive Director to the examination for the class for the purpose of attempting to fill a specific vacancy. The name of an applicant so admitted, and who passes the examination, shall remain on the register only until the specific vacant position has been filled.
- 5) In accordance with the Americans With Disabilities Act (ADA), any applicant with a recognized disability may receive an accommodation for any examination maintained by the University System. These accommodations are to be administered in coordination with requirements contained in the ADA, the State Universities Civil Service Act [110 ILCS 70] and this Part, and other applicable policies at each employment location.~~An applicant with a physical handicap who fails a section or sections of an original entry examination because of circumstances directly related to the handicap, who is subsequently employed in the absence of a register, may, after six months of satisfactory service, upon recommendation of an employer and written approval of the Executive Director, be declared exempt from qualifying on the failed section or sections of the examination, in which case he/she shall become a status employee in the position in which he/she has been employed or in another position in the same class.~~
- 6) For classes within the professional, semi-professional, or managerial occupational areas requiring technical qualifications for which a broader recruitment base is typically applied, out-of-state residents may be admitted to the examination and equally considered~~there is an inadequate supply of qualified applicants who are citizens of, or residents in, the State of Illinois, out-of-state residents may be admitted to the examination. In these instances, when~~When the Illinois citizenship or residency requirement is waived, out-of state candidates must establish Illinois residency within 180 calendar days after any employment offer or final appointment~~in-state candidates shall be listed on the register ahead of out-of-state candidates.~~
- 7) Any applicant may rewrite an examination for a class three times within any twelve month period, with at least one month time lapse between every rewrite. The candidate's place on the register for the class shall be

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determined by the highest score achieved on any examination for the class.

- A) ~~For the purpose of this Section, an original entry and a promotional examination shall be considered to be one and the same examination.~~
 - B) ~~The limitations of this Section do not apply to an applicant who fails the typewriting and transcribing sections of an examination.~~
- c) Rejection or Disqualification of Applicants. The employer may reject any applicant; or, after examination, the Executive Director may refuse to certify any candidate who, in addition to requirements specified in Section 36f of the State Universities Civil Service Act [110 ILCS 70/36f] and subsection (b), fails to pass a physical examination given to determine his/her physical qualifications for employment, ~~abuses~~uses intoxicating ~~substances~~beverages to excess, uses ~~illegal drugs or~~ narcotics, has been dismissed from either private or public service for a cause detrimental to his/her employment by an employer under the University System, has maintained an unsatisfactory employment record, has practiced deception or fraud in his/her application, examination, or material pertaining to these, or has committed an offense that in the judgment of the Executive Director disqualifies him/her for employment.
- d) Character of Examinations
- 1) Examinations shall consist of one or more of the following: written test; performance test; oral test; physical test; aptitude test; practical test; other appropriate tests; a rating of experience and training.
 - 2) All examination content shall be provided by the staff of the University System.
 - 3) All examination supplies and materials and all examinations are the property of the University System.
 - 4) An original entry or promotional examination may be revised, with the approval of the Executive Director, without affecting existing original entry or promotional registers for the class, providing the revision does not change the character or weighting of sections of the examination.

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- 5) Upon approval of the Executive Director, the ~~The~~ character or weighting of sections of an original entry or promotional examination may be changed, provided with the approval of the Executive Director, providing ~~that~~ there is sufficient evidence that the current examination for the class is not a satisfactory examining instrument; and providing, further, that the ~~character or weighting of the~~ current examination has been in use for a period of at least one year. At least 30 calendar; ~~and providing, further,~~ that 45 days advance notice of the change shall be given to all appropriate employers who shall then communicate the notice in writing to each candidate ~~then~~ on an original entry or promotional register by score and shall further communicate the notice in writing to any applicant who applies for an original entry or promotional examination during the 3045- day notice period. During the 3045-day notice period, qualified applicants and (including candidates whose names are already on the register by score), at their request, will be scheduled for the examination upon his/her request. At the end of the 3045-day period, the previous original entry register or promotional register ~~registers~~ of candidates by score will be voided, and a new original entry register or promotional register ~~registers~~ by score shall be established on the basis of the new examination.
- e) Administration of Examinations-
- 1) As approved by the Executive Director, examinations shall be scheduled and administered by the employer. The examinations shall be conducted on an open and continuous basis. Upon request by the employer and approval by the Executive Director, ~~except for~~ examinations to original entry registers at each place of employment may be closed up to six calendar months when, as requested by the employer and approved by the Executive Director, that have a sufficient number of candidates on the register has been established and that preclude further recruitment and testing is not required for a period of time.
- 2) In making the ~~a~~ determination to close ~~reopen (or close)~~ an original entry examination, the Executive Director will consider requests by the employer ~~or other individuals~~ based on the number of positions in the class, projected new positions, and annual turnover rate. ~~Also, for examinations that have been closed for six months or more, the Executive Director will review the need for continuing the approval of a closed examination.~~ The employer shall be responsible for the security of all

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examination materials in the employer's custody and access to any electronic examination process, as provided~~supplied~~ to the employer by the University System ~~so long as they are in the employer's custody.~~

- f) Rating of Examinations
- 1) The Executive Director and the staff of the University System shall use appropriate scientific techniques and procedures in rating tests and in determining resulting rank to the end that all competitors receive uniform and fair treatment.
 - 2) Failure in any portion of a total examination, the passing of which is deemed necessary to qualify for eligibility in the class for which the applicant is being examined, shall eliminate the applicant from passage of the complete examination, regardless of his/her score in other portions of the examination. For each eliminating test and the final average in an examination, the Executive Director shall announce the minimum acceptable rating.
 - 3) The passing score for eligibility for certification shall be determined by the Executive Director. This score shall be the same for all examinations given for a class, but it may be changed if, in the judgment of the Executive Director, the change is for the best interest of the University System, and the change shall be applicable uniformly to all examinations for the class. The passing score shall be made known to all those taking the examination.
 - 4) An applicant who fails to gain eligibility for employment in a higher class may, at the discretion of the Executive Director, elect to accept eligibility for a lower appropriate class, if his/her scores on all appropriate parts of the examination are sufficient to qualify him/her for the lower class.
 - 5) All examination scores shall be on a scale of 1 to 100, with decimal points in examination scores being rounded off to the nearest whole number, i.e., with below .5 having the decimal points dropped and with .5 or above being rounded to the next whole number.
- g) Notification and Review of Scores

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- 1) An applicant shall be sent a written notice of the date and results of his/her examination. The notice must indicate whether the score achieved is passing or failing and if it includes credit for Veterans Preference.
 - 2) All requests ~~by~~ applicants for formal review of examination scores shall be submitted~~made~~ to the Executive Director.
- h) Filing of Examination Records. All examinations, and all examination components, administered by the employer shall be retained by the employer, in accordance with the employer's record retention policy, or in accordance with the University System's record retention policy.

(Source: Amended at 39 Ill. Reg. 13504, effective December 1, 2015)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3)

<u>Section Numbers</u> :	<u>Peremptory Actions</u> :
121.60	Amendment
121.61	Amendment
121.63	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: These changes are being made to conform with Food and Nutrition Service regulations.
- 5) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 6) Effective Date: October 1, 2015
- 7) A Complete Description of the Subjects and Issues involved: The changes in this rulemaking are the result of the Fiscal Year 2016 Cost-of-Living Adjustments to the SNAP standards and are required by Food and Nutrition Service regulations. This rulemaking increases the Maximum Gross and Net Income Standards, the Maximum Excess Shelter Deduction, and the Standard Deduction by household size for all SNAP units.

In addition to the above changes, this rulemaking changes the amounts of the SNAP utility standards. The annual review of the state's utility standards, as mandated by federal regulations, determined a decrease is warranted for the Air Conditioning/Heating Standard to \$364. The results of the review also provide for a decrease in the Limited Utility Standard to \$258, the Single Utility Standard to \$58 and the Telephone Standard to \$27.

Effective October 1, 2015, more applicants may qualify for SNAP due to the increase in the Maximum Gross and Net Income Standards. Some active customers may see an increase in benefits due to the increase in the Excess Shelter Deduction and Standard Deductions. Those customers impacted by the reduction in the utility standards may have a small decrease in benefits or have no change at all.

DEPARTMENT OF HUMAN SERVICES

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: September 24, 2015
- 10) A copy of the peremptory rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
121.10	Amendment	39 Ill. Reg. 5980; May 1, 2015
121.120	Amendment	39 Ill. Reg. 5980; May 1, 2015
121.125	Amendment	39 Ill. Reg. 5980; May 1, 2015

- 13) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 14) Information and questions regarding these peremptory rules shall be directed to:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Bldg., 3rd Floor
Springfield IL 62762

217/785-9772

The full text of the Peremptory Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomers or Boarders
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
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AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with

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no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991;

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emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective

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January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537,

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effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; preemptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; preemptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; preemptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; preemptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012; emergency amendment at 37 Ill. Reg. 15423, effective September 9, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 16016, effective October 1, 2013; emergency amendment at 37 Ill. Reg. 16845, effective October 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 17983, effective November 1, 2013; amended at 38 Ill. Reg. 4475, effective January 29, 2014; amended at 38 Ill. Reg. 5382, effective February 7, 2014; emergency amendment at 38 Ill. Reg. 8414, effective April 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17616, effective August 8, 2014; preemptory amendment at 38 Ill. Reg. 19831, effective October 1, 2014; amended at 39 Ill. Reg. 6470, effective April 22, 2015; preemptory amendment at 39 Ill. Reg. 13513, effective October 1, 2015.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.60 Net Monthly Income Eligibility Standards

- a) Households that are not categorically eligible whose net monthly income does not exceed the maximum monthly income standards shall be assigned SNAP benefits based on the net monthly SNAP income.
- b) The maximum net monthly income standards are:

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Household Size	Amount
1	\$ <u>981,973</u>
2	<u>1,328,311</u>
3	<u>1,675,650</u>
4	<u>2,021,988</u>
5	<u>2,368,326</u>
6	<u>2,715,665</u>
7	<u>3,061,003</u>
8	<u>3,408,341</u>
Each additional member	<u>347,339</u>

Derived from Office of Management and Budget non-farm, income poverty guidelines.

(Source: Amended by preemptory rulemaking at 39 Ill. Reg. 13513, effective October 1, 2015)

Section 121.61 Gross Monthly Income Eligibility Standards

a) Gross Monthly Income Eligibility Standards

- 1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)) for all households including categorical households as defined in Section 121.76, except elderly, blind or disabled households that shall be considered categorically eligible if the household's gross income is at or below 200%. Households containing a member who is elderly, blind or disabled that are not categorically eligible will be exempt from this gross income check (see also 7 CFR 273.9(c)), but must meet the net income standards in Section

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121.60. To qualify for increased benefits, a household must contain a member who meets one of the following requirements:

- A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month in which he or she becomes 60.
- B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis).
- C) A member receives Social Security disability or blindness benefits under Title II (RSDI) of the Social Security Act.
- D) A member receives State Supplemental Payment (SSP) due to blindness or disability.
- E) A veteran with a service-connected disability rated or paid as totally disabled by the Department of Veterans Affairs (VA).
- F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.
- G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the VA or a veteran's surviving child who is considered permanently incapable of self-support by the VA.
- H) A veteran's surviving spouse or child entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death from the VA, if the spouse or child also has a disability considered permanent under Social Security requirements.
- I) A member receives federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.

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- J) A member receives Railroad Retirement disability benefits.
- K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.
- L) A member receives disability-related medical assistance benefits (Categories 92, 93 and P3) under Title XIX (Medicaid) of the Social Security Act.

- 2) For those veterans, surviving spouses, or children mentioned in subsections (a)(1)(F) and (G) of this Section, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (a)(1)(E) of this Section, a verified statement, in writing, from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (a)(1)(H) of this Section, the individual must provide a statement from the Social Security Administration or from a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60], or a licensed or certified psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15] that the individual suffers from one of the disabilities listed in the preamble to Section 221(i) of the Social Security Act (42 USC 421(i)) or if the disability is obvious, by the observation of the caseworker (for example, permanent loss of use of both hands).
- 3) Legally obligated child support payments paid by a household member shall be excluded from gross income when comparing income to the gross income standard to determine eligibility.

b) The gross income standards are:

Household Size	Gross Income 130%	Gross Income 200%
One Person	<u>\$1,2761,265</u>	<u>\$1,9621,945</u>
Two Persons	<u>1,7261,705</u>	<u>2,6552,622</u>
Three Persons	<u>2,1772,144</u>	<u>3,3483,298</u>
Four Persons	<u>2,6282,584</u>	<u>4,0423,975</u>
Five Persons	<u>3,0783,024</u>	<u>4,7354,652</u>
Six Persons	<u>3,5293,464</u>	<u>5,4285,328</u>
Seven Persons	<u>3,9803,904</u>	<u>6,1226,005</u>

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Eight Persons	<u>4,430,344</u>	<u>6,815,682</u>
Each Additional Member	+ <u>451,440</u>	+ <u>693,677</u>

(Source: Amended by peremptory rulemaking at 39 Ill. Reg. 13513, effective October 1, 2015)

Section 121.63 Deductions from Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly SNAP income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction for a household size of one through three persons is \$155. The standard deduction for a household size of four persons is ~~\$168,165~~. The standard deduction for a household size of five persons is ~~\$197,493~~. For households of six or more persons, the standard deduction is ~~\$226,221~~. Due to the Standard Medical Deduction Demonstration Project, the standard deduction will be adjusted as explained in subsection (h) of this Section.
- d) Dependent Care Deduction
 - 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83).
 - 2) The amount of the deduction is to be determined by the actual costs for care per month for each dependent household member.
- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.

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- f) Shelter Costs Deduction
- 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed ~~\$504490~~.
 - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (2013) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
 - 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (g) of this Section.
 - 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 - A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for SNAP purposes; and
 - C) the home is not leased or rented during the absence of the household.
 - 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

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- g) Utility Costs
- 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
 - B) basic service fee for one telephone (including tax on the basic fee) of ~~\$2732~~; and
 - C) fees charged by the utility provider for initial installation.
 - 2) Utility deposits are not considered to be utility costs.
 - 3) A standard must be used if the household is billed for utilities. Federal regulations require an annual review of the State's utility standards and approval of the utility standard amounts by Food and Nutrition Service (FNS). See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of ~~\$364370~~. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of ~~\$258280~~. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of ~~\$5862~~. If only a separately-billed telephone expense is claimed, the basic telephone standard allowance of ~~\$2732~~ per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.
 - 4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.
 - 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a) (2013)) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.

- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Assistance Program (LIHEAP) (47 Ill. Adm. Code 100) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6) (2013)). Households who receive a LIHEAP payment of \$21 or more during the month of application or the preceeding 12-month period shall be allowed the air conditioning/heating standard allowance (7 CFR 273.9 (2013)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.
- 7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.
- h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (2013) and Section 121.61. When a qualifying household member incurs medical expenses that are over \$35, the household will be given a Standard Medical Deduction if the expenses will not be reimbursed by insurance or a third party. The Standard Medical Deduction is a result of a Demonstration Project authorized by USDA FNS. The Standard Medical Deduction is \$450 a month for residents of Group Homes or Supportive Living Facilities and \$210 a month for all other eligible households. Households whose medical expenses exceed \$485 and \$245 a month, respectively, may opt to claim actual documented medical expenses in lieu of the Standard Medical Deduction and the amount over \$35 will be allowed as a deduction. To ensure federal costs do not increase, the Standard Deduction in subsection (c) of this Section will be reduced by \$74 per month for all SNAP households.

(Source: Amended by preemptory rulemaking at 39 Ill. Reg. 13513, effective October 1, 2015)

DEPARTMENT OF INSURANCE

NOTICE OF WITHDRAWAL OF PROPOSED RULES

- 1) Heading of the Part: Misrepresentation and False Warranties
- 2) Code Citation: 50 Ill. Adm. Code 941
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
941.10	New Section
941.20	New Section
- 4) Date Notice of Proposed Rules published in the *Illinois Register*: December 26, 2014; 38 Ill. Reg. 23975
- 5) Reason for the Withdrawal: Several industry participants were opposed to the rule. The issues require further research.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

OCTOBER AGENDA

MICHAEL A. BILANDIC BUILDING
ROOM 600C
CHICAGO, ILLINOIS
OCTOBER 13, 2015
11:00 A.M.

***NOTICE:** It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSEducation

23-401-15-08973 LB

1. Special Education Facilities under Section 14-7.02 of the School Code (23 Ill. Adm. Code 401)
 - First Notice Published: 39 Ill. Reg. 8973 – 7/6/15
 - Expiration of Second Notice – 11/4/15

Financial and Professional Regulation

38-305-15-10336 MR

2. Bank Branches and Subsidiaries (38 Ill. Adm. Code 305)
 - First Notice Published: 39 Ill. Reg. 10336 – 7/24/15
 - Expiration of Second Notice – 10/23/15

68-1270-15-09786 LB

3. Illinois Professional Land Surveyor Act of 1989 (68 Ill. Adm. Code 1270)
 - First Notice Published: 39 Ill. Reg. 9786 – 7/17/15
 - Expiration of Second Notice – 10/31/15

68-1380-15-09819 LB

4. The Professional Engineering Practice Act of 1989 (68 Ill. Adm. Code 1380)
 - First Notice Published: 39 Ill. Reg. 9819 – 7/17/15
 - Expiration of Second Notice – 10/31/15

68-1480-15-09836 LB

5. The Structural Engineering Practice Act of 1989 (68 Ill. Adm. Code 1480)
 - First Notice Published: 39 Ill. Reg. 9836 – 7/17/15
 - Expiration of Second Notice – 10/31/15

Human Rights

56-2535-15-09682 ES

6. Joint Rules of the Human Rights Commission and Department of Human Rights: Rules on Pregnancy Discrimination and Accommodation in Employment (56 Ill. Adm. Code 2535)
 - First Notice Published: 39 Ill. Reg. 9682 – 7/17/15
 - Expiration of Second Notice – 11/12/15

56-5215-15-09911 ES

7. Joint Rules of the Department of Human Rights and the Human Rights Commission: Rules on Pregnancy Discrimination and Accommodation in Employment (56 Ill. Adm. Code 5215)
 - First Notice Published: 39 Ill. Reg. 9911 – 7/17/15
 - Expiration of Second Notice – 11/11/15

Human Services

59-50-15-09697 EMS

8. Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (59 Ill. Adm. Code 50)
 - First Notice Published: 39 Ill. Reg. 9697 – 7/17/15
 - Expiration of Second Notice – 11/7/15

Insurance

50-1405-15-08677 MR

9. Construction and Filing of Life Insurance and Annuity Forms (50 Ill. Adm. Code 1405)
-First Notice Published: 39 Ill. Reg. 8677 – 6/26/15
-Expiration of Second Notice – 11/4/15

50-1451-15-08684 MR

10. Variable Contracts (50 Ill. Adm. Code 1451)
-First Notice Published: 39 Ill. Reg. 8684 – 6/26/15
-Expiration of Second Notice – 11/4/15

50-1603-15-10357 MR

11. Family Group Life Insurance Policy Forms (Repealer) (50 Ill. Adm. Code 1603)
-First Notice Published: 39 Ill. Reg. 10357 – 7/24/15
-Expiration of Second Notice – 11/4/15

Labor

56-350-15-09860 LB

12. Health and Safety (56 Ill. Adm. Code 350)
-First Notice Published: 39 Ill. Reg. 9860 – 7/17/15
-Expiration of Second Notice – 10/15/15

Liquor Control Commission

77-3500-15-07789 LB

13. Beverage, Alcohol Sellers and Servers Education and Training (BASSET) (77 Ill. Adm. Code 3500)
-First Notice Published: 39 Ill. Reg. 7789 – 6/5/15
-Expiration of Second Notice – 11/8/15

Natural Resources

17-670-15-08873 BT

14. White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill. Adm. Code 670)
-First Notice Published: 39 Ill. Reg. 8873 – 7/6/15
-Expiration of Second Notice – 11/7/15

17-685-15-10374 BT

15. Youth Hunting Seasons (17 Ill. Adm. Code 685)
-First Notice Published: 39 Ill. Reg. 10374 – 7/24/15
-Expiration of Second Notice – 11/6/15

Pollution Control Board

35-611-15-08691 JE

16. Primary Drinking Water Standards (35 Ill. Adm. Code 611)
-First Notice Published: 39 Ill. Reg. 8691 – 6/26/14
-Expiration of Second Notice – 11/4/15

Public Health

77-245-14-23298 AC

17. Home Health, Home Services, and Home Nursing Agency Code (77 Ill. Adm. Code 245)
-First Notice Published: 38 Ill. Reg. 23298 – 12/12/14
-Expiration of Second Notice – 10/23/15

77-465-15-10685 AC

18. Certification and Operation of Environmental Laboratories (77 Ill. Adm. Code 465)
-First Notice Published: 39 Ill. Reg. 10685 – 8/7/15
-Expiration of Second Notice – 11/11/15

Secretary of State

50-8000-15-09915 LB

19. Motor Vehicle Accident Prevention Courses For Liability Insurance Premium Reduction (50 Ill. Adm. Code 8000)
-First Notice Published: 39 Ill. Reg. 9915 – 7/17/15
-Expiration of Second Notice – 10/18/15

92-1030-15-08773 LB

20. Issuance of Licenses (92 Ill. Adm. Code 1030)
-First Notice Published: 39 Ill. Reg. 8773 – 6/26/15
-Expiration of Second Notice – 10/16/15

92-1040-15-08372 LB

21. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)
-First Notice Published: 39 Ill. Reg. 8372 – 6/19/15
-Expiration of Second Notice – 10/16/15

Teachers' Retirement System

80-1650-15-08243 MR

22. The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)
-First Notice Published: 39 Ill. Reg. 8243 – 6/12/15
-Expiration of Second Notice – 11/9/15

Transportation

92-340-15-09213 LB

23. Procedures for Transportation Workplace Drug and Alcohol Testing Programs (92 Ill. Adm. Code 340)
-First Notice Published: 39 Ill. Reg. 9213 – 7/10/15
-Expiration of Second Notice – 10/25/15

92-380-15-09217 LB

24. Special Training Requirements (92 Ill. Adm. Code 380)
-First Notice Published: 39 Ill. Reg. 9217 – 7/10/15
-Expiration of Second Notice – 10/25/15

92-382-15-09221 LB

25. Controlled Substance and Alcohol Use and Testing (92 Ill. Adm. Code 382)
-First Notice Published: 39 Ill. Reg. 9221 – 7/10/15
-Expiration of Second Notice – 10/25/15

92-383-15-09226 LB

26. Commercial Driver's License Standards; Requirements and Penalties (92 Ill. Adm. Code 383)
-First Notice Published: 39 Ill. Reg. 9226 – 7/10/15
-Expiration of Second Notice – 10/25/15

92-386-15-09231 LB

27. Procedures and Enforcement (92 Ill. Adm. Code 386)
-First Notice Published: 39 Ill. Reg. 9231 – 7/10/15
-Expiration of Second Notice – 10/25/15

92-387-15-09238 LB

28. Minimum Levels of Financial Responsibility for Motor Carriers (92 Ill. Adm. Code 387)
-First Notice Published: 39 Ill. Reg. 9238 – 7/10/15
-Expiration of Second Notice – 10/25/15

92-390-15-09242 LB

29. Motor Carrier Safety Regulations: General (92 Ill. Adm. Code 390)
-First Notice Published: 39 Ill. Reg. 9242 – 7/10/15
-Expiration of Second Notice – 10/25/15

92-391-15-09276 LB

30. Qualification of Drivers (92 Ill. Adm. Code 391)
-First Notice Published: 39 Ill. Reg. 9276 – 7/10/15
-Expiration of Second Notice – 10/25/15

92-392-15-09283 LB

31. Driving of Commercial Motor Vehicles (92 Ill. Adm. Code 392)
-First Notice Published: 39 Ill. Reg. 9283 – 7/10/15
-Expiration of Second Notice – 10/25/15

92-393-15-09287 LB

32. Parts and Accessories Necessary for Safe Operation (92 Ill. Adm. Code 393)
-First Notice Published: 39 Ill. Reg. 9287 – 7/10/15
-Expiration of Second Notice – 10/25/15

92-395-15-09291 LB

33. Hours-of-Service of Drivers (92 Ill. Adm. Code 395)
-First Notice Published: 39 Ill. Reg. 9291 – 7/10/15
-Expiration of Second Notice – 10/25/15

92-396-15-09298 LB

34. Inspection, Repair and Maintenance (92 Ill. Adm. Code 396)
-First Notice Published: 39 Ill. Reg. 9298 – 7/10/15
-Expiration of Second Notice – 10/25/15

92-397-15-09302 LB

35. Transportation of Hazardous Materials; Driving and Parking (92 Ill. Adm. Code 397)
-First Notice Published: 39 Ill. Reg. 9302 – 7/10/15
-Expiration of Second Notice – 10/25/15

92-455-15-09306 LB

36. Illinois Cycle Rider Safety Training Program (92 Ill. Adm. Code 455)
-First Notice Published: 39 Ill. Reg. 9306 – 7/10/15
-Expiration of Second Notice – 10/25/15

92-458-15-09317 LB

37. School Bus Driver's Pretrip Inspection Requirements (92 Ill. Adm. Code 458)
-First Notice Published: 39 Ill. Reg. 9317 – 7/10/15
-Expiration of Second Notice – 10/25/15

EMERGENCY RULEMAKINGHuman Services

59-50-15-13271E EMS

38. Office of the Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (59 Ill. Adm. Code 50)

- Published: 39 Ill. Reg. 13271 – 10/2/15

Natural Resources

17-670-15-13125E BT

39. White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill. Adm. Code 670)

- Published: 39 Ill. Reg. 13125 – 9/3/15

AGENCY RESPONSE

Commerce Commission

83-500-14-17941 JE

40. Standards of Service for Gas Utilities (83 Ill. Adm. Code 500)

-First Notice Published: 38 Ill. Reg. 17941 – 8/29/14

-Agency Response – Withdrawal

Labor Relations Board

80-1200-15-10641E LB

41. General Procedures (80 Ill. Adm. Code 1200)

-First Notice Published: 39 Ill. Reg. 10641 – 7/31/15

-Agency Response – Agreement

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

Petition for Exemption from Section 22.23b of the Environmental Protection Act

Elliott Control Company, Ltd., 13344 Highway 75N, Willis, Texas, 77378 has submitted a petition to the Illinois Environmental Protection Agency ("Illinois EPA") to renew the exemption from Section 22.23b of the Illinois Environmental Protection Act ("Act") [415 ILCS 5/22.23b] it was granted for medium voltage Class E2 controllers used to switch and protect induction motors or transformers on 2,300 volt or 4,160 volt, 3-phase systems used in Class 1, Division 2 hazardous locations. Section 22.23b of the Act states that "no person shall sell, offer to sell, distribute, or offer to distribute a mercury switch or a mercury relay individually or as a product component." [415 ILCS 5/22.23b]. The manufacturer of a mercury switch or mercury relay may petition the Illinois EPA for an exemption from Section 22.23b for one or more specific uses of the switch or relay. Requirements for the petition and procedures for the Illinois EPA's review of the petition can be found in Section 22.23b(c) of the Act [415 ILCS 5/22.23b(c)] and in Illinois EPA rules at 35 Ill. Adm. Code 182.

Pursuant to 35 Ill. Adm. Code 182.302(a), the Illinois EPA is providing public notice of the following information:

1. The petitioner is identified above. An exemption renewal is sought for medium voltage Class E2 controllers used to switch and protect induction motors or transformers on 2,300 volt or 4,160 volt, 3-phase systems used in Class 1, Division 2 hazardous locations.
2. The above product electrically switches motor controllers for use in Class 1, Division 2 hazardous locations.
3. A copy of the petition is available for review at the Illinois EPA's headquarters. Persons wanting to review the application may do so during normal business hours at:

Illinois EPA Headquarters
1021 North Grand Avenue East
Springfield IL 62794-9276

217/524-9642
TDD 217/782-9143

Please call ahead to assure that someone will be available to assist you.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

4. Written public comments on the petition may be submitted to the Illinois EPA for a period of 45 days after the date of publication of this notice. Comments must be submitted to the following address:

Becky Jayne, MC #24
Illinois EPA
Bureau of Land
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/524-9642
TDD 217/782-9143
Becky.Jayne@illinois.gov

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of September 22, 2015 through September 28, 2015. Rulemakings are scheduled for review at the Committee's October 13, 2015 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
11/6/15	<u>Department of Natural Resources</u> , Youth Hunting Seasons (17 Ill. Adm. Code 685)	7/24/15 39 Ill. Reg. 10374	10/13/15
11/7/15	<u>Department of Human Services</u> , Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (59 Ill. Adm. Code 50)	7/17/15 39 Ill. Reg. 9697	10/13/15
11/7/15	<u>Department of Natural Resources</u> , White-Tailed Deer Hunting By Use of Bow and Arrow (17 Ill. Adm. Code 670)	7/6/15 39 Ill. Reg. 8873	10/13/15
11/8/15	<u>Illinois Liquor Control Commission</u> , Beverage Alcohol Sellers and Servers Education and Training (BASSET) (77 Ill. Adm. Code 3500)	6/5/15 39 Ill. Reg. 7789	10/13/15
11/11/15	<u>Department of Public Health</u> , Certification of Environmental Laboratories (77 Ill. Adm. Code 465)	8/7/15 39 Ill. Reg. 10685	10/13/15
11/11/15	<u>Illinois Human Rights Commission</u> , Joint Rules of the Department of Human Rights and the Human Rights Commission: Rules on Pregnancy Discrimination and Accommodation in Employment (56 Ill. Adm. Code 5215)	7/17/15 39 Ill. Reg. 9911	10/13/15

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 39, Issue 41 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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