



**TABLE OF CONTENTS**

**October 5, 2012 Volume 36, Issue 40**

**PROPOSED RULES**

CORRECTIONS, DEPARTMENT OF  
Impact Incarceration Program  
20 Ill. Adm. Code 460.....14536  
Rights and Privileges  
20 Ill. Adm. Code 525.....14540  
HUMAN SERVICES, DEPARTMENT OF  
Definition of Terms  
89 Ill. Adm. Code 751.....14546  
Special Education Program and Services  
89 Ill. Adm. Code 765.....14553  
Identification, Evaluation, and Placement of Students  
89 Ill. Adm. Code 795.....14572  
NATURAL RESOURCES, DEPARTMENT OF  
The Taking of Wild Turkeys – Spring Season  
17 Ill. Adm. Code 710.....14585  
POLLUTION CONTROL BOARD  
Special Waste Hauling  
35 Ill. Adm. Code 809.....14600  
PUBLIC HEALTH, DEPARTMENT OF  
Physical Fitness Facility Medical Emergency Preparedness Code  
77 Ill. Adm. Code 527.....14608  
STATE BOARD OF EDUCATION  
Standards for All Illinois Teachers  
23 Ill. Adm. Code 24.....14615

**ADOPTED RULES**

AGRICULTURE, DEPARTMENT OF  
Meat and Poultry Inspection Act  
8 Ill. Adm. Code 125.....14664  
Motor Fuel and Petroleum Standards Act  
8 Ill. Adm. Code 850.....14685  
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF  
Illinois Public Accounting Act  
68 Ill. Adm. Code 1420.....14689  
NATURAL RESOURCES, DEPARTMENT OF  
Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting  
17 Ill. Adm. Code 530.....14704  
OFFICE OF THE ATTORNEY GENERAL  
Domestic Violence Grants  
89 Ill. Adm. Code 1110.....14733  
SECRETARY OF STATE

Certificates of Title, Registration of Vehicles	
92 Ill. Adm. Code 1010.....	14745
Issuance of Licenses	
92 Ill. Adm. Code 1030.....	14755
STATE BOARD OF EDUCATION	
Contested Cases and Other Formal Hearings (Repealer)	
23 Ill. Adm. Code 475.....	14769
Contested Cases and Other Formal Hearings (New Part)	
23 Ill. Adm. Code 475.....	14771
Appeal Proceedings before the State Teacher Certification Board (Repealer)	
23 Ill. Adm. Code 485.....	14799
Charter Schools	
23 Ill. Adm. Code 650.....	14801
<b>EMERGENCY RULES</b>	
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Medical Payment (Effective Through June 30, 2013)	
89 Ill. Adm. Code 140.....	14820
Hospital Services (Effective Through June 30, 2013)	
89 Ill. Adm. Code 148.....	14851
<b>NOTICE OF MODIFICATION TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES</b>	
COMMERCE COMMISSION, ILLINOIS	
Obligations of Retail Electric Suppliers	
83 Ill. Adm. Code 412.....	14881
<b>NOTICE OF EXPEDITED CORRECTION</b>	
CHIEF PROCUREMENT OFFICER FOR DEPARTMENT OF TRANSPORTATION	
Chief Procurement Officer for the Department of Transportation - Contract Procurement	
44 Ill. Adm. Code 6.....	14883
<b>OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER</b>	
ENVIRONMENTAL PROTECTION AGENCY	
Notice of Public Information.....	14890
<b>SECOND NOTICES RECEIVED</b>	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	14892
<b>EXECUTIVE ORDERS AND PROCLAMATIONS</b>	
EXECUTIVE ORDERS	
Executive Order Establishing An Open Operating Standard For Illinois: Using Information Technology To Promote Transparency, Efficiency and Savings 2012-3.....	14894
PROCLAMATIONS	
Filipino American History Month (Revised) 2012-240.....	14902
Illinois Olympian Day	

2012-287.....	14903
GangFree Illinois Month	
2012-288.....	14904
Domestic Violence Awareness Month	
2012-289.....	14905
Illinois Lifeline Awareness Week	
2012-290.....	14906
National PayRoll Week	
2012-291.....	14907
Food Day	
2012-292.....	14908
Canavan Disease Awareness Month	
2012-293.....	14909
Information Literacy Month	
2012-294.....	14910
Cultural Week of Jalisco	
2012-295.....	14910
Steelday	
2012-296.....	14911
National Farm to School Month	
2012-297.....	14912
Illinois Arts & Humanities Month	
2012-298.....	14913
Estuary Day	
2012-299.....	14914
Central Sterile Supply Department Week	
2012-300.....	14915
Mental Health Awareness Day	
2012-301.....	14915
Rett Syndrome Awareness Month	
2012-302.....	14916
Cyber Security Awareness Month	
2012-303.....	14917
Latino Behavioral Health Conference Day	
2012-304.....	14918
Mexican Independence Day	
2012-305.....	14919
Epilepsy Awareness Month	
2012-306.....	14920
Paralegal Day	
2012-307.....	14921
National Day of Prayer	
2012-308.....	14922
World Wide Net Cancer Awareness Day	
2012-309.....	14923

Battle of Princeton Day	
2012-310.....	14923
Chamber of Commerce Week	
2012-311.....	14924
Adult Education and Family Literacy Week	
2012-312.....	14925
Tony Arduini Day	
2012-313.....	14926

**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, 2012 to January 2, 2013.

## 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 peremptory 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 2012

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 27, 2011	January 6, 2012
2	January 3, 2012	January 13, 2012
3	January 9, 2012	January 20, 2012
4	January 17, 2012	January 27, 2012
5	January 23, 2012	February 3, 2012
6	January 30, 2012	February 10, 2012
7	February 6, 2012	February 17, 2012
8	February 14, 2012	February 24, 2012
9	February 21, 2012	March 2, 2012
10	February 27, 2012	March 9, 2012
11	March 5, 2012	March 16, 2012
12	March 12, 2012	March 23, 2012
13	March 19, 2012	March 30, 2012
14	March 26, 2012	April 6, 2012
15	April 2, 2012	April 13, 2012
16	April 9, 2012	April 20, 2012
17	April 16, 2012	April 27, 2012
18	April 23, 2012	May 4, 2012
19	April 30, 2012	May 11, 2012

20	May 7, 2012	May 18, 2012
21	May 14, 2012	May 25, 2012
22	May 21, 2012	June 1, 2012
23	May 29, 2012	June 8, 2012
24	June 4, 2012	June 15, 2012
25	June 11, 2012	June 22, 2012
26	June 18, 2012	June 29, 2012
27	June 25, 2012	July 6, 2012
28	July 2, 2012	July 13, 2012
29	July 9, 2012	July 20, 2012
30	July 16, 2012	July 27, 2012
31	July 23, 2012	August 3, 2012
32	July 30, 2012	August 10, 2012
33	August 6, 2012	August 17, 2012
34	August 13, 2012	August 24, 2012
35	August 20, 2012	August 31, 2012
36	August 27, 2012	September 7, 2012
37	September 4, 2012	September 14, 2012
38	September 10, 2012	September 21, 2012
39	September 17, 2012	September 28, 2012
40	September 24, 2012	October 5, 2012
41	October 1, 2012	October 12, 2012
42	October 9, 2012	October 19, 2012
43	October 15, 2012	October 26, 2012
44	October 22, 2012	November 2, 2012
45	October 29, 2012	November 9, 2012
46	November 5, 2012	November 16, 2012
47	November 13, 2012	November 26, 2012
48	November 19, 2012	November 30, 2012
49	November 26, 2012	December 7, 2012
50	December 3, 2012	December 14, 2012
51	December 10, 2012	December 21, 2012
52	December 17, 2012	December 28, 2012

## ILLINOIS DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Impact Incarceration Program
- 2) Code Citation: 20 Ill. Adm. Code 460
- 3) Section Number: 460.80                      Proposed Action: Amend
- 4) Statutory Authority: Implementing and authorized by Sections 3-2-2 and 5-8-1.1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 5-8-1.1]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides electronic monitoring as a condition of mandatory supervised release for which the Department may recommend to the Prisoner Review Board.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking 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 proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 45-day First Notice Period that commences on the issue date of this publication of the *Illinois Register* to:

Echo Beekman, Acting Rules Coordinator  
Illinois Department of Corrections  
1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277

## ILLINOIS DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENT

217/558-2200, extension 6507  
echo.beekman@doc.illinois.gov

All written comments received within 45 days from the date of this publication 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
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012

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

## ILLINOIS DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER I: DEPARTMENT OF CORRECTIONS  
SUBCHAPTER d: PROGRAMS AND SERVICESPART 460  
IMPACT INCARCERATION PROGRAM

Section	
460.10	Applicability
460.12	Definitions
460.15	Responsibilities
460.20	Eligibility Criteria
460.30	Screening and Placement
460.40	Program Requirements
460.50	Training and Disciplinary Procedures
460.60	Program Terminations
460.70	Program Review Hearings
460.80	Successful Program Completion
460.90	Grievances

AUTHORITY: Implementing and authorized by Sections 3-2-2 and 5-8-1.1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 5-8-1.1].

SOURCE: Emergency rule adopted at 14 Ill. Reg. 17084, effective September 27, 1990, for a maximum of 150 days; adopted at 15 Ill. Reg. 3479, effective February 24, 1991; emergency amendment at 17 Ill. Reg. 16212, effective September 17, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2933, effective February 14, 1994; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 460.80 Successful Program Completion**

- a) A committed person shall be deemed to have successfully completed the program upon completion of 120 active days of participation in the program and any extended time required to be served in the program as provided in this Part.
- b) The Department shall certify in writing the committed person's successful completion of the program to the sentencing court.
- c) Upon successful completion of the program, the committed person shall serve a

## ILLINOIS DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENT

term of mandatory supervised release. The Department may submit to the Prisoner Review Board a recommendation for~~Committed persons shall be subject to~~ a period of electronic monitoring as a condition of mandatory supervised release. Failure to maintain a suitable host site approved by the Department and a working telephone suitable for electronic monitoring may result in revocation of mandatory supervised release.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Rights and Privileges
- 2) Code Citation: 20 Ill. Adm. Code 525
- 3) Section Number: 525.150                      Proposed Action:  
Amend
- 4) Statutory Authority: Implementing Sections 3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9] and Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] and authorized by Sections 3-2-2 and 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1]
- 5) A Complete Description of the Subjects and Issues Involved: In accordance with current contract negotiations the rulemaking will provide for expanded areas under which the offender telephone system may be utilized.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: No
- 7) Will this rulemaking replace any emergency rulemaking 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 proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 45-day First Notice Period that commences on the issue date of this publication of the *Illinois Register* to:

Echo Beekman, Rules Coordinator  
Illinois Department of Corrections  
1301 Concordia Court

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENT

P. O. Box 19277  
Springfield, Illinois 62794-9277

Phone: (217) 558-2200, extension 6511

- 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
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012

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

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT

CHAPTER I: DEPARTMENT OF CORRECTIONS

SUBCHAPTER e: OPERATIONS

PART 525

RIGHTS AND PRIVILEGES

SUBPART A: VISITATION

Section

- 525.10 Applicability
- 525.12 Definitions
- 525.15 Responsibilities
- 525.20 Visiting Privileges
- 525.30 Clergy Visitation
- 525.40 Attorney Visitation – Adult Division
- 525.50 Attorney Visitation – Juvenile Division (Court Agreement)
- 525.60 Restriction of Visitors

SUBPART B: MAIL AND TELEPHONE CALLS

Section

- 525.100 Applicability
- 525.110 Definitions
- 525.115 Responsibilities
- 525.120 Processing of Mail
- 525.130 Outgoing Mail
- 525.140 Incoming Mail
- 525.150 Telephone Privileges

SUBPART C: PUBLICATIONS

Section

- 525.200 Applicability
- 525.202 Definitions
- 525.205 Responsibilities
- 525.210 General Guidelines
- 525.220 Publication Review Officer
- 525.230 Procedure for Review of Publications

## ILLINOIS DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENT

## SUBPART D: MARRIAGE OF OFFENDERS

Section	
525.300	Applicability
525.302	Definitions
525.305	Responsibilities
525.310	Request for Permission to Marry

AUTHORITY: Implementing Sections 3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9] and Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] and authorized by Sections 3-2-2 and 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1]. Subpart A is also implementing a Consent Decree (Tillman vs. Rowe, #77 C 1008, N.D. Ill., 1977). Subpart C is also implementing a Court Agreement (Ryan vs. Walker, #04 C 4635, N.D. Ill., 2006).

SOURCE: Adopted at 8 Ill. Reg. 14598, effective August 1, 1984; amended at 9 Ill. Reg. 10728, effective August 1, 1985; amended at 11 Ill. Reg. 16134, effective November 1, 1987; amended at 12 Ill. Reg. 9664, effective July 1, 1988; amended at 14 Ill. Reg. 5114, effective April 1, 1990; amended at 14 Ill. Reg. 19875, effective December 1, 1990; emergency amendment at 16 Ill. Reg. 3583, effective February 20, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10439, effective July 1, 1992; peremptory amendment at 17 Ill. Reg. 1666, effective January 22, 1993; expedited correction at 17 Ill. Reg. 11903, effective January 22, 1993; peremptory amendment at 17 Ill. Reg. 8069, effective May 27, 1993; amended at 20 Ill. Reg. 15960, effective January 1, 1997; emergency amendment at 21 Ill. Reg. 641, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7139, effective May 31, 1997; amended at 27 Ill. Reg. 8039, effective July 1, 2003; amended at 30 Ill. Reg. 14843, effective September 1, 2006; amended at 35 Ill. Reg. 5400, effective April 1, 2011; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: MAIL AND TELEPHONE CALLS

**Section 525.150 Telephone Privileges**

- a) Telephone privileges shall be granted to offenders in accordance with their institutional status and provisions of this Section.
- b) Collect calls may be made to persons ~~in the continental United States and Puerto~~

## ILLINOIS DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENT

[Rico](#), where billable.

- c) Offenders may not place telephone calls to:
- 1) Toll free area codes, including but not limited to 800 series area codes, or to area codes or prefixes for which a charge is assessed to the line from which the call was placed, including but not limited to 800 or 900 series area codes or 976 prefixes;
  - 2) Emergency or directory assistance or to long distance carriers;
  - 3) Persons or companies which have requested that a block be placed on their telephone numbers;
  - 4) Numbers suspected of being used fraudulently or for fraudulent purposes;
  - 5) Parolees, ex-offenders, former employees, or current employees absent the approval of the Chief Administrative Officer; or
  - 6) Numbers or persons restricted for other legitimate penological reasons, including security and order.
- d) A block may be placed on telephone calls to:
- 1) The local community except to the offender's friends, family, and others in the local community who request to receive calls from the offender.
  - 2) A telephone number for which there is a large unpaid balance on the account, with the exception of telephone numbers of attorneys and law firms.
  - 3) Any telephone numbers listed in subsection (c) of this Section.
- e) Offenders may not engage in call forwarding or in conference calls.
- f) In the case of valid emergencies, such as critical illness or death in an offender's immediate family, consideration shall be given to allowing a special telephone call, regardless of the individual's institutional status. Immediate family shall include parent or guardian, children, brother, sister, grandparent, whether step,

## ILLINOIS DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENT

adopted, half, or whole, and spouse.

- g) Offenders who are the subject of a new criminal indictment, information, or complaint shall be permitted to make reasonable telephone calls to attorneys for the purpose of securing defense counsel, regardless of the individual's institutional status.
- h) All offenders' telephone calls shall be subject to monitoring and recording at any time by departmental staff, unless prior special arrangements have been made to make or to receive confidential telephone calls to or from their attorneys.
- i) Notices shall be posted at each telephone from which offenders are normally permitted to place calls and in the offenders' orientation manual. The notices shall state that offenders' telephone calls may be monitored or recorded or both.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Definition of Terms
- 2) Code Citation: 89 Ill. Adm. Code 751
- 3) Section Number: 751.10                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 3 and 10 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 and 10]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking pertains to the Department of Human Services, Division of Rehabilitation Services' residential Schools definitions. This rulemaking is a result of updating all school rules to insure that language and definitions of terms are consistent with current terminology.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking 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 proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Springfield, Illinois 62762

217/785-9772

- 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
  - C) Types of professional skills necessary for compliance: Educators at the School for the Deaf and the School for the Visually Impaired are required to have appropriate certifications to teach students at each school.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
 SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 751  
 DEFINITION OF TERMS

## Section

751.10	Definitions
751.20	General Provisions

AUTHORITY: Implementing Sections 3 and 10 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 and 10].

SOURCE: Adopted at 23 Ill. Reg. 10173, effective August 10, 1999; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 751.10 Definitions**

"~~Assistant~~~~Associate~~ Director" – means the ~~Assistant~~~~Associate~~ Director of the Illinois Department of Human Services, ~~Division~~~~Office~~ of Rehabilitation Services (~~DHS-DRS~~~~ORS~~).

"Behavioral Intervention" – an intervention based on the methods and empirical findings of behavioral science designed to influence a child's actions or behaviors positively.

"Consent" – means permission of the parents or guardians~~parent(s)~~ after being informed of all necessary information.

"Days" – unless otherwise specified, means days when school is officially conducted during the regularly established school year.

"DHS" – means the Illinois Department of Human Services and does not include any contractor, grantee, nominee agency or service provider.

"Director" – means the Director of the Illinois Department of Human Services-~~Division~~ of Rehabilitation Services (DHS-DRS).

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

"Domain" – means an aspect of a child's functioning or performance that must be considered in the course of designing an evaluation. The domains are health, vision, hearing, social and emotional status, general intelligence, academic performance, communication status and motor abilities.

"Education Liaison" – means an employee of the Department of Human Services-Division of Rehabilitation Services who serves as a program liaison with the DHS-DRS residential Schools and ISBE.

"Eligibility Review" or "ER" – means a deliberation among appropriate persons, considering the least restrictive environment, for the purpose of determining eligibility for special education, developing recommendations for special education programming, reviewing educational progress, or considering the modification, continuation or termination of enrollment in the School for an individual student.

"Functional Behavioral Assessment" – means an assessment process for gathering information regarding the target behavior, its antecedents and consequences, controlling variables, the student's strengths, and the communicative and functional intent of the behavior, for use in developing behavioral interventions.

"Individualized Education Plan" or "~~Program~~ (IEP)" – a written statement for a student that provides at a minimum a statement of: the student's present levels of educational performance; annual goals and short-term instructional objectives; specific special education and related services; the extent of participation in the basic special education program; the projected dates for initiation of services; anticipated duration of services; appropriate objective criteria and evaluation procedures; and a schedule for annual determination of short-term objectives.

"Least Restrictive Environment" or "LRE" – means, to the maximum extent appropriate, children with disabilities are educated with children without disabilities. Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability requires that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

"Local Education Agency" or "LEA" – means the education entity that geographically serves the student and/or parent or guardian.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

"Local School District" – means the district in which a student and/or parent or guardian resides.

~~"Multidisciplinary Conference" – means a deliberation among appropriate persons, considering the least restrictive environment, for the purpose of determining eligibility for special education, developing recommendations for special education programming, reviewing educational progress, or considering the modification, continuation or termination of enrollment in the State School for an individual student.~~

"Non-academic Activities" – means activities relating to the students' social and recreational needs (e.g., sports, clubs, and student council).

"Parent or Guardian" – means the natural, surrogate or adoptive parent or legal guardian of the person or student.

"Parent or Guardian Counseling and Training" – means assisting parents or guardians in understanding the special needs of their child and providing parents or guardians with information about child development.

"Personal Representative" – means an individual who has been designated by the student or parent or guardian to serve as a representative during an appeal procedure.

"Psychological Evaluation" – means an evaluation of the student's functioning in the cognitive, psychomotor, social, ~~and~~ emotional, and academic achievement or aptitude areas using appropriately validated formal and informal tests and evaluation material.

"Reevaluation" – means a series of diagnostic procedures that are performed in accordance with 89 Ill. Adm. Code 795 for the purpose of determining a student's continued eligibility for enrollment at the ~~State~~ School.

"Related Services" – means the developmental, corrective, and other supportive services that are required to assist a student to benefit from special education. Such services include: speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes transportation, school health

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

services, social work services, and parent or guardian counseling and training.

"School" – means one of the three residential schools operated by DHS-DRS: the Illinois Center for Rehabilitation and Education-Roosevelt (ICRE-R), the Illinois School for the Deaf (ISD), or the Illinois School for the Visually Impaired (ISVI).

"Secretary" – means the Secretary of the Illinois Department of Human Services.

"Special Education" – means those instructional and related services, unique materials, physical plant adjustments, and other ~~special~~ facilities, provided by the ~~State~~ School to meet the unique needs of students, that may modify, supplement, support, or are in the place of the standard educational program of the public schools. The term includes speech pathology and vocational education.

"State Board" – means the Illinois State Board of Education (ISBE)

~~"State School" – means one of the three residential schools operated by DHS: Illinois Center for Rehabilitation and Education-Roosevelt (ICRE-R), the Illinois School for the Deaf (ISD), or the Illinois School for the Visually Impaired (ISVI).~~

"Student" – means a person attending, or making application for admission to, one of the ~~State~~-Schools. All references to "student" include the parent or guardian unless the student is 18 years of age or over, in which case it refers to the student only.

"Student Records" – means both temporary and permanent student records as defined by 23 Ill. Adm. Code 375 (Student Records), the Illinois School Student Records Act [105 ILCS 10], and the Family Educational Rights and Privacy Act of 1974 (20 USC 1232g).

"Superintendent" – means the ~~superintendent~~ Superintendent of a ~~State~~-School or an individual designated by the ~~superintendent~~ Superintendent to serve on his or her behalf.

"Transition Services" – means the teaching of skills needed by students to transition to successful adult life. These services include, but are not limited to, independent living and daily living skills training, medical management, work related skills training and college preparatory coursework.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Special Education Program and Services
- 2) Code Citation: 89 Ill. Adm. Code 765
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
765.10	Amendment
765.20	Amendment
765.30	Amendment
765.40	Amendment
765.50	Amendment
765.60	Amendment
765.75	Amendment
765.100	Amendment
765.110	Amendment
765.200	Amendment
765.210	Amendment
765.220	Amendment
765.230	Amendment
765.300	Amendment
765.310	Amendment
765.320	Amendment
765.330	Amendment
- 4) Statutory Authority: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 10, 11 and 13]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking pertains to the Department of Human Services, Special Education Program, for services for students with disabilities at the residential schools and is a result of updating all school rules to insure that language is consistent with current terminology and program practices. The revisions include:
  - ❑ changing a student's eligibility for education services from age 21 to the day before the student's 22<sup>nd</sup> birthday;
  - ❑ adding the Health Insurance Portability and Accountability Act in the list of laws and policies the schools must adhere to;
  - ❑ adding the requirement that teachers must meet the requirement of "Highly Qualified" as defined by the No Child Left Behind Act;
  - ❑ making capitalization and punctuation changes; and

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- indicating an IEP for transition planning shall begin at age 14 and specifies the areas that shall be targeted in transition planning.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
  - 7) Will this rulemaking replace any emergency rulemaking 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 proposed rulemakings pending on this Part? No
  - 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
  - 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:  
  
Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield, Illinois 62762  
  
217/557-1544
  - 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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: Educators at the School for the Deaf and the School for the Visually Impaired are required to have appropriate certifications to teach students at each school.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 765  
SPECIAL EDUCATION PROGRAM AND SERVICES

SUBPART A: ADMINISTRATION OF EDUCATIONAL PROGRAM

Section

- 765.10 Special Education Instructional Programs
- 765.20 Range of Services
- 765.30 Availability of Services
- 765.40 Involvement of Students with Disabilities in Activities
- 765.50 Adequacy of Facilities
- 765.60 Written Policies
- 765.70 State Approved Administrator of Special Education (Repealed)
- 765.75 School Personnel
- 765.80 State-Approved Supervisory Services (Repealed)
- 765.90 Role of Principal (Repealed)

SUBPART B: SERVICE PROVIDED

Section

- 765.100 Related Services to be Provided or Arranged
- 765.110 Other Related Services
- 765.120 Student-based Objectives
- 765.130 Specific Objectives
- 765.140 Time Spent

SUBPART C: SPECIAL EDUCATION INSTRUCTIONAL PROGRAM

Section

- 765.200 Instructional Programs
- 765.210 Curriculum
- 765.220 Considerations
- 765.230 Determinants

SUBPART D: VOCATIONAL PROGRAMS

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## Section

765.300	Provision of <del>Careers to Employment</del> <u>Vocational Programs to Exceptional Students</u>
765.310	<u>Transition</u> <del>Vocational</del> Plan
765.320	Community Work Experiences
765.330	Coordination With Other Programs

AUTHORITY: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 10, 11 and 13].

SOURCE: Adopted at 6 Ill. Reg. 1235, effective January 18, 1982; codified at 6 Ill. Reg. 14859; amended at 12 Ill. Reg. 12103, effective July 8, 1988; amended at 13 Ill. Reg. 5154, effective March 30, 1989; amended at 15 Ill. Reg. 6261, effective April 15, 1991; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10297, effective August 10, 1999; amended at 27 Ill. Reg. 5020, effective March 7, 2003; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: ADMINISTRATION OF EDUCATIONAL PROGRAM

**Section 765.10 Special Education Instructional Programs**

Each State School shall establish and maintain special education instructional programs and related services ~~that~~which meet the educational needs of children with the following disabilities:

- a) The Illinois School for the Deaf (ISD) will maintain programs for students whose primary disability is an auditory impairment of a severe to profound nature impairment.
- b) The Illinois School for the Visually Impaired (ISVI) will maintain programs for students whose primary disability is a visual impairment of a severe to profound nature or who are deaf-blind.
- c) The Illinois ~~Children's School and Rehabilitation~~ Center for Rehabilitation and Education-Roosevelt (ICRE-R) will maintain transition-based programs for students whose primary disability is a physical ~~or health~~ impairment of a severe to profound nature.
- d) Each ~~State~~ School will maintain programs for students with additional ~~the~~ secondary disabilities listed in this subsection~~below~~ provided that the

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~disability~~~~disability(ies)~~ is not so severe that the needs of the student cannot be met appropriately by the ~~State~~ School.

- 1) Health impairment.
  - 2) Speech or language impairment.
  - 3) ~~Specific Deficits in the essential~~ learning ~~disabilities~~~~processes of perception, conceptualization, memory, attention, or motor control.~~
  - 4) Deficits in ~~cognitive~~~~intellectual~~ development ~~and mental capacity.~~
  - 5) ~~Emotional or social disability~~~~Educational maladjustment related to social or cultural circumstances.~~
  - 6) ~~Adaptive~~~~Affective disorders or adaptive~~ behavior ~~that~~~~which~~ restricts effective functioning.
- e) Each ~~State~~ School shall annually prepare a school calendar for the school term, specifying the opening and closing dates and providing a minimum of at least 185 days to ensure 176 days of actual student attendance. Any of the four days allowed for teachers' institute, but not used for such, shall increase the minimum term by the number of school days not so used. A ~~State~~ School may specify a closing date earlier than that set on the actual calendar when the ~~State~~ School has provided the minimum number of computable days under this subsection~~rule~~; i.e., 176 days of actual student attendance plus four days of teachers' institute.
- f) The length of the school day at each ~~State~~ School shall not be less than five clock hours of school or work per day under the direct supervision of special education personnel. The school day may be less than five clock hours on the opening and closing of the school term, and on the first day of student attendance, if preceded by a day or days utilized as an institute or teachers' workshop.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 765.20 Range of Services**

Special education instructional programs and related services shall range along a continuum based on the nature and degree of the intervention. This continuum of program options shall

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

include, but not be limited to:

- a) Basic Special Education Program of the ~~State~~ School – The special education program provided to the majority of the students enrolled in the ~~State~~ School.
- b) Basic Special Education Program of the ~~State~~ School with Modification – The student receives most of his or /her educational experiences through the basic program of the ~~State~~ School. However, these experiences are modified through:
  - 1) Additional or specialized education from the teacher.
  - 2) Consultation to and with the teacher.
  - 3) Provision of special equipment and materials.
  - 4) Modification in the instructional program (e.g., multi-age placement, expectations, grading, etc.).
- c) Alternate Basic Special Education Program of the ~~State~~ School – The student receives most of his or /her educational experiences in a basic program whose curricular content and educational methodology have been substantially changed. ~~These~~Such changes shall occur when the special education needs of a proportionately large, identifiable segment of the school population are not otherwise being met.
- d) Basic or Alternate Basic Educational Program of the ~~State~~ School with Related Services – The student receives most of his or /her educational experiences through the basic, or alternate basic, program. However, these experiences are augmented by one or more related services.
- e) Special Program – The student receives most of his or /her basic educational experiences through an instructional program in a special class ~~that, which~~ is largely self-contained; in the ~~State~~ School.
  - 1) Inclusion in those parts of the basic special education program ~~that, which~~ are appropriate.
  - 2) Provision of related services as needed.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- f) Cooperative Program – The student receives most of his or/ her educational experiences through either the basic or the special program of the State-School. However, this is supplemented through work-experience programs or shared agency involvement. Cooperative programs may include integration of students into academic and nonacademic programs and services provided by a public school district, provided the programs and services are available in the public school district and the student has expressed an interest in such programs or services.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 765.30 Availability of Services**

Special education instructional programs and related services, including diagnostic services of the State-School, shall be available to students who are enrolled.

- a) A student who requires continued school educational experience to facilitate his or her integration into society shall be considered eligible for those such services up to the day before the student's 22<sup>nd</sup> birthday~~until age twenty-one~~ or upon successful completion of the secondary program. The student who becomes 22~~twenty one~~ during the school year shall be allowed to complete that year.
- b) A student who has satisfactorily completed a secondary program and has been assisted in locating further educational and education to careers~~vocational~~ experience as necessary shall be granted a diploma. Both parents or guardians and the student shall be made aware that eligibility for public school special education services is terminated following the granting of a diploma and that the parents or guardians may request a review of the recommendation for graduation.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 765.40 Involvement of Students with Disabilities in Activities**

Each State-School shall ensure that, to the maximum extent appropriate, students are involved in academic and nonacademic activities with students who have disabilities and students who do not have disabilities~~are not disabled or who are less disabled~~.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

**Section 765.50 Adequacy of Facilities**

Facilities used by the ~~State~~ School for special education programs and services shall be appropriate to, and adequate for, the specific program or service. ~~The Such School facilities~~ shall be at least equal to ~~facilities these~~ provided to the students in the standard programs in ~~the~~ local school districts throughout the State.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 765.60 Written Policies**

a) Written policies ~~will shall~~ be developed by each ~~State~~ School to govern the method by which student information will be collected, the confidential nature of that information, the use to which it will be put, how it will be recorded and maintained, the period for which it will be maintained, the persons to whom it will be available and under what circumstances. All ~~thesuch~~ policies shall be consistent with:

- 1) ~~theThe~~ Illinois School Student Records Act [105 ILCS 10];
- 2) Student Records (23 Ill. Adm. Code 375);
- 3) ~~theThe~~ Illinois Program for Evaluation, Supervision, and Recognition of Schools, ~~the Illinois~~ State Board of Education (~~ISBE~~) Document Number 1, 1985;
- 4) the Family Educational Rights and Privacy Act (20 USC 1232(g));
- 5) ~~the~~ Illinois Department of Human Services' ~~rulespolicies~~ on Confidentiality (89 Ill. Adm. Code 505) and Access to Public Records (2 Ill. Adm. Code 1176);
- 6) ~~SectionSee.~~ 2a of the Communicable Disease Prevention Act [410 ILCS 315];
- 7) ~~theThe~~ AIDS Confidentiality Act [410 ILCS 305]; ~~and-~~
- 8) ~~the~~ Health Insurance Portability and Accountability Act of 1996 Privacy Rules (45 CFR 160, 162 and 164).

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- b) ~~The Such~~ policies shall ~~require~~~~provide~~ that all information maintained concerning a student receiving special education services be directly related to the provision of services to that student.
- c) These policies shall be made known to the parents or guardians of all students receiving special education services, to the public and to any persons who are provided with all or a part of a student's records.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 765.75 School Personnel**

All superintendents, principals, teachers and other educational personnel shall meet standards set by ~~ISBE the State Board of Education~~ (see 23 Ill. Adm. Code 226.800) and the requirements of the Illinois Department of Central Management Services (~~CMS~~) and be licensed or certified as required by law. Other personnel and employees shall meet such standards, certification, and licensing requirements as are required by law, including those of ~~ISBE the Illinois State Board of Education~~, the Illinois Department of ~~Financial and~~ Professional Regulation, and ~~CMS~~. ~~Teachers shall also meet the requirements of "Highly Qualified" as defined by the No Child Left Behind Act of 2001 (P.L. 107-110) the Illinois Department of Central Management Services.~~

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: SERVICE PROVIDED

**Section 765.100 Related Services to be Provided or Arranged**

- a) Related services that shall be provided or arranged for by the ~~State~~ School are those activities supplemental to the basic special education instructional programs that serve to facilitate the student's development. The activities include evaluation or consultation services.
- b) The related services to be provided are:
- 1) Speech ~~and~~ language pathology and audiology services for all students with speech or language impairments that interfere with their educational or social development.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- A) Speech and language services may be made available as:
- i) A special education related service.
  - ii) A special education instructional program.
- B) Speech and language services shall include, but [are](#) not be limited to:
- i) Screening and diagnosis for students with suspected speech or language impairment;
  - ii) Planning and developing the clinical program;
  - iii) Provision of therapeutic services for the habilitation or prevention of communicative disorders;
  - iv) Parent [or guardian](#) counseling;
  - v) Referrals and follow-up; [and/or](#)
  - vi) Consultative and resource services to other professional personnel.
- C) The number of students seen by a speech and language clinician shall be based on the nature of the speech and language needs of the individual students. At no time shall the caseload exceed [6080](#) students.
- 2) School psychological services to and on behalf of students who require psychological evaluation and assistance in their educational or behavioral adjustment.
- A) School psychological services shall include, but not be limited to:
- i) Screening of school enrollments to identify students who should be referred for individual study.
  - ii) Individual psychological examination and interpretation of

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

those findings and recommendations that will lead to meaningful educational experiences for the student.

- iii) Counseling and performing psychological remedial measures as appropriate to the needs of students, individually or in groups.
  - iv) Participating in parent [or guardian](#) education and the development of parent [or guardian](#) understanding.
  - v) Consulting with teachers and other school personnel in relation to behavior management and learning problems.
  - vi) Consulting in program development.
- B) School psychological services shall be available, in an appropriate quantity, to all students for whom the ~~State~~ School is responsible.
- C) School psychological services shall be utilized to assist in the process of developing an educational climate conducive to the optimum development of all students. Emphasis shall be placed on prevention as well as rehabilitation, or indirect as well as direct services.
- 3) School social work services to and on behalf of students whose educational or behavioral development is restricted due to social or emotional considerations, family circumstances, or problems of the environment.
- A) School social work services shall include, but not be limited to:
    - i) Services to school personnel on behalf of students. The school social worker shall provide consultation and in-service training experiences to school personnel.
    - ii) Identification of students in need of services. The school social worker shall be responsible for providing the social developmental study in a case study evaluation and for participating in the identification of those students who

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- require social work intervention;:-
- iii) Direct services to students;:-
  - iv) Service to parents or guardians on behalf of students. The school social worker shall be responsible for serving as a liaison between the home and the ~~State~~-School and for providing parental or guardian education and counseling as appropriate in relation to the student's problem; and-
  - v) Utilization of community resources. The school social worker shall facilitate the effective utilization of existing community resources to meet the needs of students and shall assist in developing services that are needed but unavailable.
- B) School social work services shall be available, in an appropriate quantity, to all students for whom the ~~State~~-School is responsible.
- C) School social work services shall be utilized to assist in the process of developing an educational climate conducive to the optimum development of all students. Emphasis shall be placed on prevention as well as rehabilitation, on indirect as well as direct services.
- 4) Special reader services, braillists, notetakers, typists, and interpreters shall be provided as required by the student's Individual Education Plan (IEP) as defined in 89 Ill. Adm. 751.
- 5) Physical or occupational therapy shall be provided for students whose physical ~~disabilities~~impairments require appropriate therapeutic attention if the students are to receive full benefit from the instructional program provided them. ~~The~~Such therapy shall be provided to individual students in accordance with the recommendation and prescription of a licensed medical practitioner.
- 6) Consultant services shall be provided as required by the IEP.
- A) Professional consultation that provides a therapeutic component

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

shall be provided to those special education instructional programs that serve students who exhibit affective or behavioral disorders.

- B) Other consultant services shall be provided as required to facilitate the education of students and as approved by DHS-[DRS](#).
- 7) Physical education programs consisting of organized instructional units shall be provided to students in accordance with their needs and as determined by the IEP.
- 8) Interscholastic competition in athletics shall be provided to students in accordance with their needs, abilities, and interests. A significant portion of this competition shall be with teams or individuals who [do not have disabilities](#). ~~are not disabled.~~
- 9) A wide range of extracurricular activities, including intramural sports, clubs, dramatics, student councils, and various types of [recreational and social activities](#) shall be provided to students in accordance with their needs and interests.
- 10) Orientation and mobility training consisting of organized and instructional units under the direction of an orientation and mobility instructor shall be provided to visually impaired and deaf-blind students in accordance with their needs and as determined by the IEP.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 765.110 Other Related Services**

Other related services, including school health services, counseling services and parent [or guardian](#) counseling or training, shall be provided or arranged for by the ~~State~~ School when the [Eligibility Review \(ER\) \(see 89 Ill. Adm. Code 795.30\)](#) ~~multi-disciplinary conference~~ determines ~~those that such~~ services would facilitate the educational development of the student.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: SPECIAL EDUCATION INSTRUCTIONAL PROGRAM

**Section 765.200 Instructional Programs**

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Special education instructional programs shall be designed in direct response to the educational and rehabilitation needs of the students ~~served by the State School.~~

- a) Specific types of instructional programs may be formulated according to ~~the common~~ disabilities of the students; or, for students with differing secondary disabilities. Instructional programs formulated according to common disabilities of the students shall be in accordance with those disabilities described in Section 765.10.:
- 1) ~~Instructional programs formulated according to common disabilities of the students shall be in accordance with those disabilities described in Section 765.10 of this Part.~~
  - 2) ~~Instructional programs that group students with differing secondary disabilities shall be formulated only under the following circumstances:~~
    - A) ~~The students are grouped in relation to a common educational need or the program can be completely individualized; and~~
    - B) ~~The teacher is qualified to plan and provide an appropriate educational program for each student in the group.~~
- b) Student-based objectives shall be developed for each type of special education instructional program.
- c) The ~~objectives of the~~ program shall have direct, and observable and measurable relationship to the objectives, ~~that have been established for each student who is placed in that program.~~

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 765.210 Curriculum**

- a) A curriculum of educational experiences adaptable to individual needs, interests, or abilities of each student shall be developed for each type of instructional program.
- b) The curriculum shall be:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) ~~sequential~~Sequential;
  - 2) ~~developmental~~Developmental;
  - 3) ~~goal~~Goal-directed;
  - 4) ~~clearly~~Clearly stated and available to the public;
  - 5) aligned to the Illinois Learning Standards (see 23 Ill. Adm. Code 1.Appendix D); and
  - 6) ~~subject~~Subject to continuing evaluation and revision.
- c) Assessments shall be measurable and data driven.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 765.220 Considerations**

- a) The formation of special education instructional programs shall take into consideration all of the learning needs of the student.~~In the formation of special education instructional programs, consideration shall be given to the chronological age, mental age, physical size, motor ability, level of achievement, and social and emotional adjustment of the students.~~
- b) The chronological age range of students within an academic special program or in any academic individual instructional grouping shall not exceed four years (except for students who range in age from 16 to the day before the student's 22<sup>nd</sup> birthday).

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 765.230 Determinants**

The principal determinants of the number of students served in each special education instructional program shall be the age of the students, the nature and severity of their disabilities, the nature of the instructional program, and the degree of intervention necessary. All exceptions to the following program size limitations for academic classes shall require the written approval

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

of DHS-~~DRS~~ and ~~ISBE~~~~the State Board of Education~~ prior to the implementation of the program.

- a) Academic instructional programs for students ~~five~~<sup>5</sup> years of age and younger shall have a maximum ratio of one qualified teacher to five students in attendance at any one given time; total enrollment shall be limited according to the needs of the students for individualized programming.
- b) Academic instructional programs that primarily serve students whose disabilities are either profound in degree or multiple in nature shall have a maximum enrollment of five students.
- c) Academic instructional programs that primarily serve students whose primary disabilities are severe visual, auditory, physical, speech or language impairments or behavioral disorders shall have a maximum enrollment of eight elementary students or ~~12~~<sup>twelve</sup> high school students.
- d) Academic instructional programs that primarily serve students whose primary disabilities are moderate visual or auditory impairments shall have a maximum enrollment of ~~12~~<sup>twelve</sup> students.
- e) The ~~State~~-School may increase the enrollment in a special education instructional program by a maximum of two additional students to meet unique circumstances that occur during the school year. ~~Additions~~<sup>Such additions</sup> may be made only when the educational needs of all students who would be enrolled in the expanded program can be adequately and appropriately met, or the ~~State~~-School may increase the enrollment in a special education instructional program by a maximum of five additional students when the program is provided with a full-time, ~~certified~~<sup>noncertified</sup> assistant (education aide).
- f) When the ~~State~~-School wishes to exceed the maximum enrollments indicated ~~in this section~~<sup>above</sup>, approval shall be requested in writing to DHS-~~DRS~~ and the Division of Program Compliance of ~~ISBE~~~~the State Board of Education~~. The request shall include a rationale for the proposed enrollment deviation and a plan for its evaluation. If the request for an enrollment deviation is approved by DHS-~~DRS~~ but is denied by ~~ISBE~~~~the State Board of Education~~, DHS-~~DRS~~ may appeal the decision to the State Superintendent of Education.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART D: VOCATIONAL PROGRAMS

**Section 765.300 Provision of ~~Careers to Employment~~Vocational Programs to Exceptional Students**

~~Careers to Employment~~Vocational programs consisting of organized instructional and training experiences shall be provided to ~~exceptional~~ students in accordance with their needs and as determined by an IEP at ~~an ERA multi-disciplinary conference~~.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 765.310 ~~Transition~~Transition Vocational Plan**

A ~~transition~~transition~~vocational~~ plan indicating specific ~~transition~~transition~~vocational~~ objectives, the training required, service personnel required, and the length of the proposed ~~plan~~plan~~program~~ shall be developed for each student ~~determined to require a vocational program~~. This plan shall be developed in cooperation with the student and his or her parents ~~or guardians~~, shall be adapted to the student's interests and aptitudes, and shall be incorporated into the IEP beginning at age 14. Transition planning includes housing, transportation, medical management, secondary and post-secondary education and/or training.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 765.320 Community Work Experiences**

Community work experiences that are part of the student's ~~transition~~transition~~vocational~~ plan shall occur during the school day and outside of the school day. Appropriate School personnel will supervise all community work experiences that are provided by the School as part of the transition plan for students to receive educational credit, unless this is precluded by the nature of the experience. All community work experiences which are provided by the State School as part of the vocational plan and for which the student receives educational credit shall be supervised by appropriate State School personnel.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 765.330 Coordination With Other Programs**

~~Transition~~Transition~~Vocational~~ programs serving ~~exceptional~~ students shall be coordinated with other DHS-DRS programs and with other public, private, and State agencies or organizations.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Identification, Evaluation, and Placement of Students
- 2) Code Citation: 89 Ill. Adm. Code 795
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
795.10	Amendment
795.20	Amendment
795.30	Amendment
795.50	Amendment
795.60	Amendment
795.70	Amendment
795.75	Amendment
795.90	Amendment
795.100	Amendment
795.120	Amendment
795.130	Amendment
795.140	Amendment
795.150	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 11 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10 and 11]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking pertains to the Department of Human Services, Residential Schools. This rulemaking is a result of updating all school rules to insure that language is consistent with current terminology and program practices pertaining to identification, evaluation and placement of students with disabilities at the residential schools. It changes "case study evaluation" and "multidisciplinary" to "eligibility review", and removes language that is procedural in nature.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:
- Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield, Illinois 62762
- 217/557-1544
- 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
- C) Types of professional skills necessary for compliance: Educators at the School for the Deaf and the School for the Visually Impaired are required to have appropriate certifications to teach students at each school.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
 SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 795  
 IDENTIFICATION, EVALUATION, AND PLACEMENT OF STUDENTS

## Section

795.10	Program of Public Awareness
795.20	Responsibility of Seeking Out and Identifying Students Needing Special Program
795.30	<del>Eligibility Reviews</del> <del>Case Study Evaluation</del> to Determine Need for Modification of Educational Services
795.40	Notification of Modification or Change (Repealed)
795.50	Criteria for Change
795.60	Recommendations
795.70	Written Report
795.75	Notification of Modification or Change
795.80	Additional Meetings (Repealed)
795.90	Parental <u>or Guardian</u> Notification
795.100	Parental <u>or Guardian</u> Consent to Proposed Modifications
795.110	Parental Objections (Repealed)
795.120	Modifications or Changes
795.130	Review of Educational Status and Continued Special Education Placements
795.140	Written Notification of Continuation to Parents <u>or Guardians</u>
795.150	Written Notification to <del>State</del> School Superintendent
795.160	Termination of Placement (Repealed)

AUTHORITY: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 10, 11 and 13].

SOURCE: Adopted at 6 Ill. Reg. 1235, effective January 28, 1982; codified at 6 Ill. Reg. 14860; amended at 12 Ill. Reg. 14012, effective August 19, 1988; amended at 14 Ill. Reg. 16005, effective September 17, 1990; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10182, effective August 10, 1999; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 795.10 Program of Public Awareness**

The Department of Human Services ~~Division of Rehabilitation Services (DHS-DRS)~~ ~~(DHS)~~

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

shall develop and implement an ongoing program of public awareness of special education programs and comprehensive rehabilitation services offered at the State Schools (Schools) and of advising the public of the rights of students.

- a) All such programs shall assure that information regarding ~~the Schools'~~DHS State-operated special education programs and the rights of students ~~are~~is made available to the parents or guardians in their native language and in a format that is accessible for their use in each of the major languages represented in the enrollment and in phrases which will be understandable to parents, regardless of ethnic or cultural background, or hearing or visual abilities.
- b) Programs developed by the ~~State~~-School to create public awareness of special education programs and for advising the public of the rights of students shall include, but need not be limited to:
  - 1) Annual notification to all parents or guardians who have students ~~at~~in the ~~State~~-School regarding the special education programs and services available in or through that ~~State~~-School and of their rights to receive, upon request, a copy of this Part~~these rules and regulations.~~
  - 2) ~~The~~An annual dissemination of ~~the same~~ information to the local school districts served by the ~~State~~-School regarding the special education program and services that are available ~~in or through the State School.~~
- c) Documentation, including examples as appropriate, of ~~DHS-DRS'~~the Department and each of the ~~State~~-School's efforts to create public awareness of special education programs and efforts to inform parents or guardians of the rights of students shall be maintained in the ~~State~~-School's files.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 795.20 Responsibility of Seeking Out and Identifying Students Needing Special Program**

- a) Each ~~State~~-School shall be responsible for actively seeking out and identifying students enrolled in the ~~State~~-School, including those with additional secondary disabilities, as listed in 89 Ill. Adm. Code 765.10(d), who may need special education programs and services beyond those included in the Individualized Education Plan~~Program~~ (IEP) or provided by the basic special education program

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

of the ~~State~~-School. Procedures developed to fulfill this responsibility shall include, but not be limited to:

- 1) Hearing and vision screening at regular intervals during the student's school career.
  - 2) Speech and language screening of each student upon initial enrollment in a ~~State~~-School.
  - 3) ~~Annual screening by teachers and other professional personnel, for referral of those students who exhibit problems which interfere with their educational progress and/or their adjustment to the educational setting.~~
- b) Procedures may include coordination with local ~~and State~~-service agencies and existing parent or guardian groups.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 795.30 Eligibility Reviews~~Case Study Evaluation~~ to Determine Need for Modification of Educational Services**

- a) When a student at the ~~State~~-School exhibits problems, or secondary disabilities, ~~that~~which interfere with his or/her educational progress or adjustment to the educational setting, or when there is reason to believe that a student may require additional special education services, beyond those provided by the basic special education program of the ~~State~~-School, an Eligibility Review (ER) (see 89 Ill. Adm. Code 751.10)~~a case study evaluation~~ shall be conducted.
- b) In addition, the student, parents or guardians of a student enrolled in the ~~State~~ School, other persons having primary care ~~or~~and custody of the student, the local school district, community service agencies, other professional persons having knowledge of the student's problems, ~~DHS-DRS~~the Illinois Department of Human Services, and the Illinois State Board of Education (ISBE) may request an ER~~a case study evaluation~~.
- c) Each ~~State~~-School shall develop, and make known to all concerned persons, procedures by which an ER~~a case study evaluation~~ shall occur. These procedures shall:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Designate the steps to be taken when requesting an ERa case study evaluation.
  - 2) Designate the person to whom a referral shall be made.
  - 3) Indicate the information that~~which~~ shall be provided.
- d) Parental or guardian consent shall be obtained in a domain meeting, as defined in 89 Ill. Adm. Code 751.10, before:
- 1) Conducting any eligibility case study evaluation or re-evaluation of the student.
  - 2) Changing the placement of a student, after completion of the ER case study evaluation, in a program providing special education and related services beyond those provided by the basic special education program of the State School and contained in the student's IEP.
- e) Each ER case study evaluation shall be conducted so as to assure that it is linguistically, culturally, racially, and sexually nondiscriminatory and is adjusted to the student's ability.
- f) The State School staff shall be responsible for determining the appropriateness of the request, deciding what further action should be taken, initiating the necessary procedures, and informing the person making the request within 30 days regarding its decision to conduct or not to conduct an ERa case study evaluation. The information provided to the requesting party shall contain, subject to the Illinois School Student Records Act [105 ILCS 10] and the rules of ISBE titled the Illinois State Board of Education entitled Student Records (23 Ill. Adm. Code 375), the reasons for the decision.
- g) If the State School decides not to conduct the requested ER case study evaluation, the parents or guardians and referring source, if other than the parent or guardian, shall be notified in writing within 30 days of the following:
- 1) The date of the referral and the reasons the ER case study evaluation was requested;
  - 2) the reasons the State School has decided not to conduct an ERa case study

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~evaluation~~; and

- 3) the right to appeal the decision within ~~five~~5 days under the impartial due process hearing procedures (89 Ill. Adm. Code 828).

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 795.50 Criteria for Change**

No single procedure shall be used as the sole criterion for initiating a change or changing the identification, evaluation or educational program of a student enrolled in a ~~State~~ School. An ER team through one or more reviews shall make the determination of a change. ~~The determination of a change shall be made by a multidisciplinary team through one or more conferences.~~ These ~~review~~conferences may be preceded by an individual case study conducted in accordance with Section 795.30 and its accompanying procedures.

- a) Participants in the ~~review~~conference(s) shall include appropriate representatives of the local school district; ~~State~~ School personnel involved in the evaluation of the student; the ~~parents or guardians~~parent(s); other persons having significant information, knowledge or special experience regarding the student; and those persons who may become responsible for providing the special education program or service to the student; the student, ~~when~~where appropriate, and other individuals at the discretion of the parent ~~or guardian~~, the ~~State~~ School, or the local school district.
- b) The purpose of the above ~~review~~conference(s) shall be to:
  - 1) Establish a composite understanding of the student's learning characteristics, sensory and motor skills, and behaviors.
  - 2) Determine need for modified special education programs and/or services.
  - 3) Determine the student's unique educational needs and the extent to which these needs can or cannot be met by the basic special education program of the ~~State~~ School.
  - 4) Determine the nature and degree of other special education intervention ~~that~~which is needed, and recommend corresponding programming; or placement ~~that~~which is least restrictive of interaction with students who

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~have disabilities and students who do not have disabilities, nondisabled or less disabled students.~~

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 795.60 Recommendations**

Recommendations made at the ~~ER multidisciplinary conference~~ shall be determined by consensus of the participating ~~review conference~~ participants; if an agreement cannot be reached, additional information shall be obtained. In considering a student with a ~~cognitive disability mental impairment~~, a certified school psychologist must concur with the student's eligibility based on the results of a psychological evaluation.

- a) Recommendations for special education services, other than those provided in the basic special education program of the ~~State~~-School, shall be based on the following:
  - 1) The student shall be placed in the educational program ~~that~~~~which~~ is appropriate to the student's needs and least restrictive of the interaction with the other students enrolled in the ~~State~~-School.
  - 2) The special education service must be based on the student's IEP.
  - 3) The ~~State~~-School will provide opportunities for the student to be integrated into academic and nonacademic activities, e.g., athletics, joint use of facilities, and public school student attendance at a ~~State~~-School, in the public school district to the greatest extent appropriate. ~~The~~~~Sueh~~ integration activities shall be included on the student's IEP.
  - 4) Consideration must be given to any potentially harmful effect on the student ~~or~~, on the quality of services ~~that~~~~which~~ he ~~or~~/ she needs, or that ~~which~~ impedes the education of other students ~~in the environment~~.
- b) The proposed special education and related services shall be consistent with the findings of ~~an ERA case study~~ evaluation and the established eligibility of the student.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

**Section 795.70 Written Report**

A written report of the results and recommendations of the ~~ER multidisciplinary conference~~ shall be prepared.

- a) The ~~conference~~ report shall be dated, and shall list the names of all those in attendance ~~at the conference~~.
- b) A copy of the ~~conference~~ report, together with all documentation upon which it is based, shall be kept on file by the ~~State~~ School. The ~~parents and the~~ local school district shall be informed of ~~its~~their rights of access ~~to~~ the report. A copy of the ~~ER multi-disciplinary conference~~ report must be given to the parents or guardians at the conclusion of the ~~review~~conference.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 795.75 Notification of Modification**

Parents or guardians of a student and the local school district shall be notified in writing at least ~~10~~ten calendar days prior to the ~~State~~ School's initiation of a modification or change in the identification, evaluation, instructional program, or educational placement of the student, or the inability to provide a free appropriate public education to the student. An initial contact shall be by telephone with written notice to follow.

- a) The notice shall be provided in the native language of the parent or guardian or other mode of communication used by the parent or guardian:
  - 1) ~~Written in language understandable to the general public; and~~
  - 2) ~~Provided in the native language of the parent or other mode of communication used by the parents, unless it is clearly not feasible to do so.~~
- b) If the native language or other mode of communication of the parent or guardian is not a written language, the ~~State~~ School shall ensure:
  - 1) ~~that~~That the notice is translated orally or by other means to the parent or guardian in his ~~or~~ her native language or other mode of communication;

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 2) ~~that~~That the parent or guardian understands the content of the notice; and
  - 3) ~~that~~That there is written evidence on file that the requirements of this Section~~these regulations~~ have been met.
- c) The notice shall contain:
- 1) ~~a~~A description of the action proposed or refused by the ~~State~~-School, an explanation of why the ~~State~~-School proposes or refuses to take the action, and a description of any options that the ~~State~~-School considered and the reasons why those options were rejected;
  - 2) ~~a~~A description of each evaluation procedure, test, record, or report that the ~~State~~-School uses as a basis for the proposal or refusal;
  - 3) ~~the~~The parents' or guardians' right to object to the proposed modifications and the specific procedures for making ~~such~~ an objection, including the procedures for requesting an impartial due process hearing;
  - 4) ~~a~~A full explanation of all of the procedural safeguards available to the parents or guardians, ~~including the availability upon request of a list of free or low cost legal and other relevant services available locally to assist parents in initiating an impartial due process hearing~~;
  - 5) ~~a~~A description of any other factors that are relevant to the ~~State~~-School's proposal or refusal.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 795.90 Parental or Guardian Notification**

- a) At least 10 ~~ten~~ calendar days prior to the initiation of or the actual modification of the special education services of the student, the parents or guardians shall be notified, in writing, of the following:
  - 1) The results of the ~~ER~~case study evaluation or the multidisciplinary conference.
  - 2) The nature of the special education program or services needed by the

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

student.

- 3) The recommendations for modifying the special education services and the plan for implementing those recommendations.
  - 4) Their right to object to the proposed modifications and the specific procedures ~~for~~ making ~~such~~ an objection, including the procedures for requesting an impartial due process hearing as found in 89 Ill. Adm. Code 828.
- b) Record of ~~the~~~~such~~ notice shall be entered in the student's temporary student record.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 795.100 Parental or Guardian Consent to Proposed Modifications**

- a) If the parents or guardians consent to the proposed modifications, they may waive the 10 ~~ten~~-calendar day interval, and the student shall be placed in the recommended program as soon as practicable.
- b) Pursuant to Section 795.90(a)(4), if the parents or guardians object to the proposed modifications, ~~(any change in the current IEP pursuant to Section 795.80(d)), within ten calendar days after notification of proposed modifications,~~ they shall contact the ~~State~~ School indicating their objection within 10 calendar days after notification of proposed modifications. The ~~State~~ School shall then, within 10 ~~ten~~-calendar days after receipt of the ~~parent's or guardian's~~ parents objection, arrange a ~~review~~~~conference~~ with the parents or guardians in an attempt to resolve the disagreement. If the parents or guardians continue to object to the proposed modification, they may appeal by requesting an impartial due process hearing. Such a request shall be made in writing to the superintendent of the ~~State~~ School. Rules for due process hearings are set forth in 89 Ill. Adm. Code 828 and 23 Ill. Adm. Code 226.600 ~~through-~~ 226.695.
- c) Receipt of a request for an impartial due process hearing shall cause the ~~State~~ School to postpone its proposed modifications of the special educational services until the matter is resolved.
- d) The student shall remain in his or ~~her~~ current educational program, unless:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) an agreement is reached between the parents or guardians and the ~~State~~ School; or
- 2) 89 Ill. Adm. Code Section~~827.80~~ applies.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 795.120 Modifications or Changes**

Modification or changes shall be made as soon as possible after the determination and agreement to the need for ~~thesueh~~ modifications, but in no case later than the beginning of the next school semester.

- a) When modification of the special education services is not possible prior to the next school semester, the ~~State~~-School shall be responsible for providing interim services as appropriate to the student's needs as possible unless rules titled Suspensions, Changes in Placement, and Discharges of Students Who are Dangerous to Themselves or Others (89 Ill. Adm. Code 827.80) or Interim Services (89 Ill. Adm. Code 827.70) apply~~applies~~.
- b) The ~~State~~-School shall provide written notification to the parents or guardians of the student and the local school district regarding the nature of the services the student will receive in the interim. Written verification of the provision of these services shall be kept in the student's temporary record.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 795.130 Review of Educational Status and Continued Special Education Placements**

In addition to initial placement conferences and/or IEP meetings, the educational status and continued special education placement of each student shall be reviewed at least annually in a conference attended by those professional persons working with the student, the parents or guardians, the student whenwhere appropriate, the special education administrator or designee who is qualified to supervise the provision of special education, the referring local school district, and other individuals having significant information, knowledge or special experience, at the discretion of the parent or guardian, the ~~State~~-School or local school district.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- a) Utilizing appropriate evaluation information, including teacher and parent or guardian opinions, the annual review shall determine the extent to which the student has met the objectives and goals as specified in the student's IEP and recommend further evaluation or revise the student's IEP.
- b) When further evaluation is indicated, pursuant to the annual review, a review of the student's status as requested by the teachers, parents or guardians, other knowledgeable persons, or as a result of an impartial due process hearing, the student ~~an~~ evaluation shall be completed within 60 school days after ~~of~~ the request.
- c) A reevaluation of the student shall be conducted every three years, or more frequently if conditions warrant, or if the student's parent or guardian or teacher requests an evaluation.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 795.140 Written Notification of Continuation to Parents or Guardians**

Written notification regarding the continuation of the student's special education placement shall be provided to the parents of the student and the local school district as soon as possible but no later than ~~thirty (30)~~ calendar days prior to the beginning of each school year.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 795.150 Written Notification to ~~State~~-School Superintendent**

Written notification to the ~~State~~-School superintendent regarding the anticipated continuation or withdrawal of a student from a ~~State~~-School shall be provided by the parents or guardians and the local school district as soon as possible, but no later than 30 calendar days prior to the beginning of the next school year.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys – Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
710.10	Amendment
710.50	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to adjust season dates for the 2013 calendar year, add new counties and add new sites. Procedural changes are also made for two sites.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking 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 proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Nick San Diego, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 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
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because DNR did not anticipate the need for this rulemaking at the time the agendas were submitted.

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 710  
THE TAKING OF WILD TURKEYS – SPRING SEASON

## Section

710.5	Hunting Zones
710.10	Hunting Seasons
710.20	Statewide Turkey Permit Requirements
710.21	Turkey Permit Requirements – Special Hunts (Renumbered)
710.22	Turkey Permit Requirements – Landowner/Tenant Permits
710.25	Turkey Permit Requirements – Special Hunts
710.28	Turkey Permit Requirements – Heritage Youth Turkey Hunt (Repealed)
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department-Owned or -Managed Sites
710.55	Special Hunts for Disabled Hunters
710.60	Releasing or Stocking of Turkeys
710.70	Spring Youth Turkey Hunt

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192, effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended at 23 Ill. Reg. 11956, effective September 21, 1999; amended at 24 Ill. Reg. 7984, effective May 24, 2000; amended at 24 Ill. Reg. 17778, effective November 27, 2000; amended at 25 Ill. Reg. 14176, effective October 22, 2001; amended at 26 Ill. Reg. 18028, effective December 6, 2002; amended at 27 Ill. Reg. 17075, effective October 22, 2003; amended at 29 Ill. Reg. 3935, effective February 24, 2005; amended at 29 Ill. Reg. 20484, effective December 2, 2005; amended at 31 Ill. Reg. 1958, effective January 16, 2007; amended at 31 Ill. Reg. 16476, effective November 28, 2007; amended at 32 Ill. Reg. 19742, effective December 3, 2008; amended at 34 Ill. Reg. 4868, effective March 19, 2010; amended at 35 Ill. Reg. 3705, effective February 16, 2011; amended at 35 Ill. Reg. 20588, effective December 9, 2011; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 710.10 Hunting Seasons**

## a) Northern Zone Season Dates:

1<sup>st</sup> Season: Monday, April ~~15~~<sup>16</sup>-Friday, April ~~19~~, ~~2013~~<sup>20</sup>, 2012

2<sup>nd</sup> Season: Saturday, April ~~20~~<sup>21</sup>-Thursday, April ~~25~~, ~~2013~~<sup>26</sup>, ~~2012~~

3<sup>rd</sup> Season: Friday, April ~~26~~<sup>27</sup>-Wednesday, May ~~1~~, ~~2013~~<sup>2</sup>, ~~2012~~

4<sup>th</sup> Season: Thursday, May ~~23~~-Wednesday, May ~~8~~, ~~2013~~<sup>9</sup>, ~~2012~~

5<sup>th</sup> Season: Thursday, May ~~9~~<sup>10</sup>-Thursday, May ~~16~~, ~~2013~~<sup>17</sup>, ~~2012~~

## b) Southern Zone Season Dates:

1<sup>st</sup> Season: Monday, April ~~8~~<sup>9</sup>-Friday, April ~~12~~, ~~2013~~<sup>13</sup>, ~~2012~~

2<sup>nd</sup> Season: Saturday, April ~~13~~<sup>14</sup>-Thursday, April ~~18~~, ~~2013~~<sup>19</sup>, ~~2012~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

3<sup>rd</sup> Season: Friday, April ~~19~~<sup>20</sup>-Wednesday, April ~~24, 2013~~<sup>25, 2012</sup>

4<sup>th</sup> Season: Thursday, April ~~25~~<sup>26</sup>-Wednesday, May ~~1, 2013~~<sup>2, 2012</sup>

5<sup>th</sup> Season: Thursday, May ~~23~~<sup>24</sup>-Thursday, May ~~9, 2013~~<sup>10, 2012</sup>

c) Open Counties:

NORTHERN ZONE

- Adams
- Boone
- Brown
- Bureau
- Calhoun
- Carroll
- Cass
- Champaign
- Christian
- Clark
- Coles
- Cumberland
- DeKalb
- DeWitt
- [Douglas](#)
- Edgar
- [Ford](#)
- Fulton
- Greene
- Grundy
- Hancock
- Henderson
- Henry
- Iroquois
- Jersey
- Jo Daviess
- [Kane](#)
- Kankakee

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Kendall  
Knox  
[Lake](#)  
La Salle  
Lee  
Livingston  
Logan  
Macon  
Macoupin  
Marshall-Putnam  
Mason  
McDonough  
McHenry  
McLean  
Menard  
Mercer  
Montgomery  
Morgan  
Moultrie  
Ogle  
Peoria  
Piatt  
Pike  
Rock Island  
Sangamon  
Schuyler  
Scott  
Shelby  
Stark  
Stephenson  
Tazewell  
Vermilion  
Warren  
Whiteside  
Will  
Winnebago  
Woodford

SOUTHERN ZONE

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Alexander  
Bond  
Clay  
Clinton  
Crawford  
Edwards  
Effingham  
Fayette  
Franklin  
Hamilton  
Gallatin-Hardin  
Jackson  
Jasper  
Jefferson  
Johnson  
Lawrence  
Madison  
Marion  
Massac  
Monroe  
Perry  
Pope  
Pulaski  
Randolph  
Richland  
Saline  
St. Clair  
Union  
Wabash  
Washington  
Wayne  
White  
Williamson

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 710.50 Regulations at Various Department-Owned or -Managed Sites**

- a) Hunters who intend to hunt Department sites and who have a physical disability

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

that requires special accommodations must contact the site superintendent at least 10 days before the date they wish to hunt. The site superintendent shall make reasonable accommodations necessary to allow the disabled person to participate in the hunting experience at the site. Disabled hunters who require an aide or assistant with them during the hunt are responsible for providing the aide or assistant and notifying the site superintendent that an assistant will be present, and whether the assistant will also be hunting.

- b) Hunters must sign in/sign out at all sites in subsections (c) and (d) that are followed by a (1). [Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a \(2\).](#)

- c) Statewide regulations shall apply for the following sites:

Anderson Lake Conservation Area (1)

Argyle Lake State Park (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Cape Bend State Fish and Wildlife Area (1)

Carlyle Lake Wildlife Management Area

Copperhead Hollow State Wildlife Area

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area (1)

Ferne Clyffe State Park – Cedar Draper Bluff Hunting Area (1)

Flag Pond State Natural Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Fort de Chartres State Historic Site (muzzleloading shotgun or archery only; no in-line muzzleloading shotguns or muzzleloaders with scopes allowed) (1)

Giant City State Park (1)

Horseshoe Lake Conservation Area – Alexander County (controlled goose hunting area and public hunting area only) (1)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Units (all hunters must obtain a free site permit)

Jubilee State Park (archery only) (1)

Kaskaskia River State Fish and Wildlife Area (no hunting east of and within 50 yards of the defined Baldwin Lake Waterfowl Rest Area's main north-south road, within 100 yards of any house or building, or south of the Dry Lake access road; a hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, may hunt at the site's designated handicapped hunting spot within this closed area; the hunting spot will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

Mississippi River Fish and Wildlife Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22, and 24

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (except South Subunit) (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Pere Marquette State Park (designated area only)

Ray Norbut Fish and Wildlife Area (1)

Rend Lake Project Lands and Waters except Wayne Fitzgerald State Park

Saline County Fish and Wildlife Area (1)

Sanganois Conservation Area (site issued free permit required)

Sielbeck Forest State Natural Area (1)

Skinner Farm State Habitat Area (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area – Firing Line Unit and Public Hunting Area only (1)

Weinberg-King State Park (1)

Weinberg-King State Park (Cecil White Unit)

Weinberg-King State Park (Spunky Bottoms Unit)

Wildcat Hollow State Forest (1)

Wise Ridge State Natural Area

- d) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

Apple River Canyon State Park – Thompson and Salem Units (1)

Beaver Dam State Park

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (1)

Burning Star 5 (preseason scouting is permitted seven days prior to season date listed on permit; hunters must have their permit in possession while scouting; only hunters with valid Burning Star 5 spring turkey permits may be on the property)

Butterfield Trail State Recreation Area (1)

Carlyle Lake State Fish and Wildlife Area – East Fork Management Unit

Castle Rock State Park (1)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area

Crawford County Conservation Area

Dixon Springs State Park (youth ages 10-15 only) (1)

Eagle Creek State Park (first two seasons only) (1)

Eldon Hazlet State Park

Ferne Clyffe Hunting Area (1)

Fort Massac State Park (Youth Ages 10-15 only) (1)

Fox Ridge State Park (1)

French Bluff State Natural Area (1)

Green River State Wildlife Area (1)

Hamilton County Conservation Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Hanover Bluff State Natural Area (1)

Harry "Babe" Woodyard State Natural Area (1)

Hidden Springs State Forest (1)

Horseshoe Lake State Park (Madison County)

Hurricane Creek Habitat Area (must have Fox Ridge State Park permit)  
(1)

Iroquois County State Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Johnson-Sauk Trail State Park (1)

Kankakee River State Park (hunting hours are from one-half hour before  
sunrise until 12:00 noon) (1)

Kickapoo State Park (1)

Kishwaukee River State Fish and Wildlife Area (1)

Lowden Miller State Forest (1)

Mackinaw River Fish and Wildlife Area (1)

Marseilles Fish and Wildlife Area (site is open to hunting Monday through Thursday only; hunting hours are from one-half hour before sunrise until 8:30 a.m.; if space is available after site permit holders have checked in or if there have been no site specific permits issued, La Salle County permit holders who have an unfilled permit for the current season may be allowed on the site to hunt; if more La Salle County permit holders want to hunt than there are vacancies, a daily drawing at the site hunter check station will be held to determine who may enter the site to hunt; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

lots) (1)

Marshall Fish and Wildlife Area (1)

Matthiessen State Park (South of Vermilion River Area) (1)

[Mautino State Fish and Wildlife Area \(2\)](#)

Meeker State Habitat Area

Mermet Lake State Fish and Wildlife Area (1)

Middlefork State Fish and Wildlife Management Area (1)

Mississippi Palisades State Park (closed during the fifth season) (1)

Momence Wetlands (1)

Moraine View State Park (no hunting on weekends during 4<sup>th</sup> and 5<sup>th</sup> season) (1)

Morrison Rockwood State Park (closed during the fifth season) (1)

Mt. Vernon Game Propagation Center

Newton Lake Fish and Wildlife Area

Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends)

Pyramid State Park [\(2\)](#)

Pyramid State Park – East Conant Unit [\(2\)](#)

Rall Woods (Falling Down Prairie) State Natural Area (1)

Ramsey Lake State Park (1)

Randolph County Conservation Area (a handicapped hunter with a P-2

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

handicapped certification, accompanied by a non-hunting attendant, wanting to hunt at one of the site's two designated handicapped hunting spots is not required to have a site-specific permit; these hunting spots will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Red Hills State Park

Red Hills State Park/Chauncey Marsh

Sahara Woods (1)

Sam Dale Lake Conservation Area (1)

Sam Parr State Park

Sand Ridge State Forest

Sandy Ford State Natural Area

Sangamon County Conservation Area

Sanganois Conservation Area (Squirrel Timber Unit) (1)

Sangchris Lake State Park

Siloam Springs State Park (1)

Siloam Springs State Park (Buckhorn Unit) (1)

South Shore State Park (must have Eldon Hazlet State Park permit)

Spoon River State Forest (1)

Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Washington County Conservation Area (1)

Wayne Fitzgerald State Recreation Area

Weinberg-King State Park (Scripps Unit) (1)

Weldon Springs State Park – Piatt County Unit

[Winston Tunnel State Natural Area \(2\)](#)

Witkowsky State Wildlife Area (1)

Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Special Waste Hauling
- 2) Code Citation: 35 Ill. Adm. Code 809
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
809.204	Amend
809.212	Amend
- 4) Statutory Authority: Implementing Sections 5, 10, 13, 21, 22, 22.01 and 22.2 of the Environmental Protection Act (Act) and authorized by Section 27 of the Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22 and 27]
- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this proposal may be found in the Board's first-notice opinion and order of September 20, 2012 in docket R13-08.

The Board proposes these amendments to implement a provision of PA 97-1081, effective August 24, 2012, which amends Section 22.2(1) of the Act by extending the duration of special waste hauling permits from one year to three years. See 415 ILCS 5/22.2(1); PA 97-1081. This extension becomes applicable on January 1, 2013. The Board proposes to amend 35 Ill. Adm. Code 809.212 (Duration of Special Waste Hauling Permits) to make it consistent with this statutory revision. The Board also proposes to amend 35 Ill. Adm. Code 809.204(a) (Applications for Special Waste Hauling Permit - Filing and Final Action by the Agency) to clarify that special waste hauling permit application fees are established by statute.

- 6) Published studies or reports and sources of underlying data, used to compose this rulemaking: In preparing its proposal, PCB did not use a research report or a published study or other source of underlying data.
- 7) Will this rulemaking replace any emergency rulemaking 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 proposed rulemakings pending on this Part? No

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of publication. Comments should refer to docket R13-8 and be addressed to:  
  
Clerk's Office  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601  
  
312/814-3629  
  
Interested persons may request copies of the Board's opinion and order in R13-8 by calling the Clerk's office or may download copies from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).
- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: In implementing PA 97-220, the proposed rules would affect any small business, small municipality, and not-for-profit corporation transporting special waste in or to an Illinois facility or generating special waste in Illinois.
  - B) Reporting, bookkeeping or other procedures required for compliance: By extending the duration of special waste hauling permits and reducing the number of applications for permit renewal to be filed by haulers, the Board expects that these amendments implementing PA 97-1081 would reduce the reporting and other procedures performed by affected entities.
  - C) Types of Professional skills necessary for compliance: No professional skills beyond those currently required by the special waste hauling permit program will be required to comply with the proposed amendments.
- 14) Regulatory Agenda in which these amendments were summarized: The Board is implementing a provision of PA 97-1081, which became effective August 24, 2012.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Specifically, the Board proposes to amend its special waste hauling regulations to make it consistent with statutory revisions becoming applicable January 1, 2012. Consequently, this proposal did not appear in the Board's July 2012 Regulatory Agenda.

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULINGPART 809  
SPECIAL WASTE HAULING

## SUBPART A: GENERAL PROVISIONS

Section	
809.101	Authority, Policy and Purposes
809.102	Severability
809.103	Definitions
809.104	Incorporations by Reference
809.105	Public Records

## SUBPART B: SPECIAL WASTE HAULING PERMITS

Section	
809.201	Special Waste Hauling Permits – General
809.202	Applications for Special Waste Hauling Permit – Contents
809.203	Applications for Special Waste Hauling Permit – Signatures and Authorization
809.204	Applications for Special Waste Hauling Permit – Filing and Final Action by the Agency
809.205	Special Waste Hauling Permit Conditions
809.206	Special Waste Hauling Permit Revision
809.207	Transfer of Special Waste Hauling Permits
809.208	Special Waste Hauling Permit Revocation
809.209	Permit No Defense
809.210	General Exemption from Special Waste Hauling Permit Requirements
809.211	Exemptions for Special Waste Transporters
809.212	Duration of Special Waste Hauling Permits
809.213	Compliance with Federal Requirements

## SUBPART C: DELIVERY AND ACCEPTANCE

Section	
809.301	Requirements for Delivery of Special Waste to Transporters

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

809.302 Requirements for Acceptance of Special Waste from Transporters

## SUBPART D: PERMIT AVAILABILITY AND SYMBOLS

## Section

809.401 Permit Availability

809.402 Special Waste Symbols

## SUBPART E: MANIFESTS, RECORDS AND REPORTING

## Section

809.501 Manifests, Records, Access to Records, Reporting Requirements and Forms

SUBPART F: DURATION OF [SPECIAL WASTE HAULER](#) PERMITS AND TANK NUMBERS

## Section

809.601 Duration of Special Waste Hauler Permits and Tank Numbers (Repealed)

## SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS

## Section

809.701 General Provision

## SUBPART H: EFFECTIVE DATES

## Section

809.801 Compliance Date

809.802 Exceptions (Repealed)

## SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

## Section

809.901 Definitions (Repealed)

809.902 Disposal Methods (Repealed)

809.903 Rendering Innocuous by Sterilization (Repealed)

809.904 Rendering Innocuous by Incineration (Repealed)

809.905 Recordkeeping Requirements for Generators (Repealed)

809.906 Defense to Enforcement Action (Repealed)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

SUBPART J: REQUIREMENTS FOR HAULERS PREVIOUSLY PERMITTED  
UNDER THE UNIFORM PROGRAM

## Section

- 809.910 Uniform State Hazardous Waste Transportation Registration and Permit Program (Repealed)
- 809.911 Application for a Uniform Permit (Repealed)
- 809.912 Application for Uniform Registration (Repealed)
- 809.913 Payment of Processing and Audit Fees (Repealed)
- 809.914 Payment of Apportioned Mile Fees (Repealed)
- 809.915 Submittal of Fees (Repealed)
- 809.916 Previously Permitted Transporters (Repealed)
- 809.917 Uniform Registration and Uniform Permit Conditions (Repealed)
- 809.918 Uniform Registration and Uniform Permit Revision (Repealed)
- 809.919 Transfer of Uniform Registration and Uniform Permits (Repealed)
- 809.920 Audits and Uniform Registration and Uniform Permit Revocation (Repealed)
- 809.921 Permit No Defense (Repealed)
- 809.1001 Transporters Previously Permitted Under Uniform Hazardous Waste Transportation Permit and Registration Program

## 809.APPENDIX A Old Rule Numbers Referenced (Repealed)

AUTHORITY: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2 and 27] (see P.A. 90-219).

SOURCE: Adopted in R76-10, 33 PCB 131, at 3 Ill. Reg. 13, p. 155, effective March 31, 1979; emergency amendment in R76-10, 39 PCB 175, at 4 Ill. Reg. 34, p. 214, effective August 7, 1980, for a maximum of 150 days; emergency amendment in R80-19, 40 PCB 159, at 5 Ill. Reg. 270, effective January 1, 1981, for a maximum of 150 days; amended in R77-12(B), 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R80-19, 41 PCB 459, at 5 Ill. Reg. 6378, effective May 31, 1981; codified in R81-9, 53 PCB 269, at 7 Ill. Reg. 13640, effective September 30, 1983; recodified in R84-5, 58 PCB 267, from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; amended in R89-13A at 14 Ill. Reg. 14076, effective August 15, 1990; amended in R91-18 at 16 Ill. Reg. 130, effective January 1, 1992; amended in R95-11 at 20 Ill. Reg. 5635, effective March 27, 1996; amended in R98-29 at 23 Ill. Reg. 6842, effective July 1, 1999; amended in R00-18 at 24 Ill. Reg. 14747, effective September 25, 2000; amended in R06-20(A) at 34 Ill. Reg. 3317, effective February 25, 2010; amended in R06-20(B) at 34 Ill. Reg. 17398,

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

effective October 29, 2010; amended in R12-13 at 36 Ill. Reg. 12332, effective July 18, 2012; amended in R13-08, at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: SPECIAL WASTE HAULING PERMITS

**Section 809.204 Applications for Special Waste Hauling Permit – Filing and Final Action by the Agency**

- a) An application for special waste hauling permit is considered filed on the date the Agency receives a properly completed application on the form prescribed or provided by the Agency and with correct fees ([see Section 22.2\(1\) of the Act \[415 ILCS 5/22.2\(1\)\]](#)).
- b) If the Agency fails to take final action (which includes granting or denying the special waste hauling permit as requested, or by granting the special waste hauling permit with conditions) within 90 days after the date the completed application is filed, the applicant may deem the special waste hauling permit granted for a period of one calendar year commencing on the 91<sup>st</sup> day after the application was filed.
- c) The Agency will send all denials by U.S. Registered or Certified Mail, Return Receipt Requested. All other final Agency decisions may go by regular U.S. Mail or electronic mail. The Agency will be deemed to have taken final action on the date that the notice of final action is mailed or sent. Within 35 days after the Agency's final action, the applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of the Act.
- d) The Agency will require the application to be complete. If incomplete, the application will be returned, and the transporter will be required to resubmit a complete application. The application must be consistent with the provisions of the Act and Board regulations. The Agency may undertake such investigations and request the applicant to furnish such proof as it deems necessary to verify the information and statements made in the application. If the application is complete and granting it will not violate the Act or Board regulations, the Agency will grant the permit.
- e) When an application is denied because it fails to comply with the Act or Board regulations, any fees submitted with the application will be non-refundable. Any subsequent re-filing of the application will be considered a new application for

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

which an application fee must be included in accordance with Section 22.2 of the Act.

- f) When the Agency rejects an application because it is incomplete, any fees submitted will be non-refundable. The applicant can receive credit for the payment with a resubmitted application if the resubmittal is complete and returned to the Agency within 30 days after the initial date-stamped rejection.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 809.212 Duration of Special Waste Hauling Permits**

- a) Prior to January 1, 2013, all ~~AH~~ permits issued under this Part will be issued for a period not to exceed one year and are renewable. Beginning January 1, 2013, all permits under this Part will be issued for a period not to exceed three years and are renewable.
- b) Applications for renewal of a special waste hauling permit should be made prior to the expiration date of the permit on the application forms prescribed in Section 809.302.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Physical Fitness Facility Medical Emergency Preparedness Code
- 2) Code Citation: 77 Ill. Adm. Code 527
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
527.200	Amend
527.600	Amend
527.1000	Amend
527.1100	Amend
- 4) Statutory Authority: Physical Fitness Facility Medical Emergency Preparedness Act [210 ILCS 74]
- 5) A Complete Description of the Subjects and Issues Involved: Section 527.600 implements a portion of PA 96-748, which amended the Physical Fitness Facility Medical Emergency Preparedness Act to require a physical fitness facility to have a trained AED user present during "staffed business hours" rather than during all physical fitness activities. Sections 527.200 and 527.1100 updates references to the Department's hearing rules. Section 527.1000 updates the mailing address for the Department's Division of Emergency Medical Services and Highway Safety.

The economic effect of this proposed rulemaking is unknown; the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking 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 proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: None

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:
- Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield, Illinois 62761
- 217/782-2043  
e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any facility that meets the definition of a physical fitness center under the Physical Fitness Facility Medical Emergency Preparedness Act
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Physical fitness facilities are required to have a trained AED user during staffed business hours.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the most recent Regulatory Agenda because the need for the rulemaking was not apparent when the Regulatory Agendas were drafted.

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

## PART 527

## PHYSICAL FITNESS FACILITY MEDICAL EMERGENCY PREPAREDNESS CODE

## Section

527.100	Definitions
527.200	Incorporated and Referenced Materials
527.300	Physical Fitness Facility
527.400	Medical Emergency Plan
527.500	Coordination with Local Emergency Medical Services Systems
527.600	Automated External Defibrillators Required
527.700	Maintenance and Testing of Automated External Defibrillators
527.800	Training
527.900	Complaints and Inspections
527.1000	Violations
527.1100	Hearings

AUTHORITY: Implementing and authorized by the Physical Fitness Facility Medical Emergency Preparedness Act [210 ILCS 74].

SOURCE: Adopted at 29 Ill. Reg. 13855, effective August 23, 2005; amended at 34 Ill. Reg. 11419, effective July 21, 2010; amended at 35 Ill. Reg. 7708, effective April 27, 2011; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 527.200 Incorporated and Referenced Materials**

- a) The following private and professional organization standards are incorporated in this Part:
- 1) 2005 AHA Guidelines for CPR and ECC  
American Heart Association  
208 South LaSalle St.  
Suite 900  
Chicago, Illinois 60604-1197
  - 2) American Red Cross First Aid/CPR/AED for the Workplace (2006)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

American Red Cross  
311 W. John Gwynn Avenue  
Peoria, Illinois 61605-2566

- b) All incorporations by reference of the standards of nationally recognized organizations refer to the standards on the date specified and do not include any subsequent amendments or editions.
- c) The following State of Illinois statutes are referenced in this Part:
- 1) Automated External Defibrillator Act [410 ILCS 4]
  - 2) Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
  - 3) Hospital Licensing Act [210 ILCS 85]
  - 4) Illinois Administrative Procedure Act [5 ILCS 100]
  - 5) Park District Code [70 ILCS 1205]
  - 6) Chicago Park District Act [70 ILCS 1505]
  - 7) Metro-East Park and Recreation District Act [70 ILCS 1605]
  - 8) Downstate Forest Preserve District Act [70 ILCS 805]
  - 9) Cook County Forest Preserve District Act [70 ILCS 810]
  - 10) Conservation District Act [70 ILCS 410]
- d) The following State of Illinois rules are referenced in this Part:
- 1) Automated External Defibrillator Code (77 Ill. Adm. Code 525).
  - 2) ~~Rules of~~ Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

**Section 527.600 Automated External Defibrillators Required**

- a) ~~Each~~By the compliance dates specified in Section 50 of the Act, each facility shall have at least one operable AED on the premises at all times.
- b) If the AED becomes inoperable, the facility shall replace or repair the AED within ~~1030~~ days. Patrons shall be notified when an operable AED is not on the premises. The AED shall be mobile and accessible at all times when the AED is operable.
- c) *In the case of an outdoor physical fitness facility, the AED must be housed in a building, if any, that is within 300 feet of the outdoor facility where an event or activity is being conducted. If there is such a building within the required distance, the building must provide unimpeded and open access to the housed AED during the time the event or activity is being conducted. The building's entrances shall further provide marked directions to the housed AED.* (Section 15(b-10) of the Act)
- d) *Facilities described in ~~paragraph (1.5) of~~ Section 5.25~~(1.5)~~ of the Act must have an AED on site as well as a trained AED user available only during activities or events sponsored and conducted or supervised by a person or persons employed by the unit of local government, school, college, or university.* (Section ~~15(b-15)~~~~5-25~~ of the Act)
- e) If multiple facilities are located on the same floor of a building, one AED can be used for multiple facilities so long as the AED is located not more than 300 feet from each facility and access to the AED is unimpeded from each facility.
- f) *A physical fitness facility must ensure that there is a trained AED user on staff during staffed business hours. For purposes of the Act and this Part, "trained AED user" has the meaning ascribed to that term in Section 10 of the Automated External Defibrillator Act and Section 527.100 of this Part.*
- gf) Facility owners/operators may enter into written contracts with third party operators to ensure that a proper number of AEDs and trained AED users are present during all third party sponsored activities that are not otherwise supervised by the owners/operators of the facility.
- hg) Questions concerning this Part shall be directed to the following address:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Public Health  
Division of EMS & Highway Safety  
422 S. 5<sup>th</sup> St. – 3<sup>rd</sup> Floor  
Springfield IL 62701

- ih)** Entities requesting a formal Department determination on the application of the Act shall be subject to inspection under Section 527.900.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 527.1000 Violations**

- a) A person violates the Act by:
- 1) failing to comply with the Act;
  - 2) failing to adopt or implement a proper medical emergency plan;
  - 3) failing to have the requisite number of AEDs on the premises; or
  - 4) failing to have appropriate numbers of trained AED users and applicable supervisors on staff and to avoid lapses in compliance with this Code.
- b) Upon receipt of a written administrative warning to a facility for an initial violation of the Act, the facility has 10 business days to respond with written comments concerning the facility's remedial response. In the entity's comments to the administrative warning, it may state, for the Department's consideration, the reasons for disagreeing with the Department's determination. The facility may waive the right to submit a written response. Whether or not the facility waives the right to respond, the facility ~~shall~~**must** immediately remediate the circumstances to cure the violation.
- c) Upon receipt of notice of a subsequent violation of the Act, the facility has 10 business days either to pay any assigned civil monetary penalty or to request an administrative hearing. If the facility fails to pay the civil monetary penalty or to submit a request for a hearing within 10 days after receipt of the notice, then the Department will issue a final order closing the case and will refer the matter to the Attorney General for collection of any monetary penalty.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- d) The Department may assess a civil monetary penalty for a second or subsequent violation based on factors including, but not limited to, compliance history, nature of the offense or severity of the injury resulting from the offenses.
- e) The civil monetary penalty for a second violation of the Act is \$1,500, and the penalty for a third or subsequent violation of the Act is \$2,000. The Department may assess only a total \$1,500 penalty for a second violation irrespective of the number of deficiencies found. For a third or subsequent violation, however, the Department may assess a separate \$2,000 monetary penalty for each deficiency if more than one violation of the Act is found at a facility during the third or subsequent inspection.
- f) Written comments to an administrative warning, requests for hearings, or fines shall be submitted to the following address:

Illinois Department of Public Health  
Division of EMS & Highway Safety  
422 S. 5<sup>th</sup> St. – 3<sup>rd</sup> Floor  
~~500 East Monroe – 8<sup>th</sup> Floor~~  
Springfield IL 62701

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 527.1100 Hearings**

77 Ill. Adm. Code 100~~The Rules of~~ (Practice and Procedure in Administrative Hearings) and Article 10 of the Illinois Administrative Procedure Act (IAPA) ~~[5 ILCS 100/Art. 10]~~ shall apply to all proceedings conducted under this Part. Where the terms "license" and "licensing" are used in 77 Ill. Adm. Code 100~~Part 100~~ and the IAPA, the definitions of those terms and other terms in 77 Ill. Adm. Code 100~~Part 100~~ shall be expanded to include hearings concerning physical fitness facilities. In case of conflict between 77 Ill. Adm. Code 100~~the Rules of Practice and Procedure in Administrative Hearings~~ and the Act or the IAPA and the Act, the terms of the Act shall control.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for All Illinois Teachers
- 2) Code Citation: 23 Ill. Adm. Code 24
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
24.10	Amendment
24.100	Amendment
24.110	Amendment
24.120	Amendment
24.130	Amendment
- 4) Statutory Authority: 105 ILCS 5/Art. 21 and Art. 21B
- 5) A Complete Description of the Subjects and Issues Involved: Part 24, Standards for All Illinois Teachers, is one of five sets of the agency's administrative rules that establish the framework for the following:
  - improvement of teaching and learning;
  - foundation for the design of educator preparation programs at colleges and universities;
  - criteria for the approval of preparation programs at colleges and universities;
  - basis for state licensure tests;
  - guidelines for the induction of novice teachers; and
  - foundation for ongoing professional development.

Further, the rules define the overall knowledge and skills that teachers must have in their professional roles to ensure that Illinois students meet or exceed the expectations defined by the Illinois Learning Standards.

Part 24 was promulgated in 2002 and amended in 2010 to update its provisions. The revised rules promulgated in 2010 allowed existing educator preparation programs three years (until July 1, 2013) to realign their curricula and instruction to the new standards set forth in Section 24.130. Staff now recommend that any applications for new programs submitted on or after February 1, 2013, provide evidence of this alignment, as well. Further, the Assessment of Professional Teaching (APT) required of candidates for licensure must be based on the new standards beginning with test administrations starting September 1, 2014.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

Finally, nonsubstantive, technical changes are being made as a result of PA 97-607, effective August 26, 2011, which changes the current process of certification to a licensure system.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking 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 proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

Shelley Helton  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-493  
Springfield, Illinois 62777-0001

217/782-5270

Comments may also be submitted electronically, addressed to:

[rules@isbe.net](mailto:rules@isbe.net)

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

---

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
 SUBTITLE A: EDUCATION  
 CHAPTER I: STATE BOARD OF EDUCATION  
 SUBCHAPTER b: PERSONNEL

PART 24  
 STANDARDS FOR ALL ILLINOIS TEACHERS

## Section

24.10	Purpose
24.100	The Illinois Professional Teaching Standards Through June 30, 2013
24.110	Language Arts Standards for All Illinois Teachers Through June 30, 2013
24.120	Technology Standards for All Illinois Teachers Through June 30, 2013
24.130	The Illinois Professional Teaching Standards Beginning July 1, 2013

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

SOURCE: Adopted at 26 Ill. Reg. 11847, effective July 18, 2002; amended at 34 Ill. Reg. 11505, effective July 26, 2010; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 24.10 Purpose**

This Part establishes certain standards that shall apply to the issuance of all Illinois [professional educator licenses endorsed in a teaching field](#)~~initial teaching certificates~~. The standards set forth in this Part shall apply both to candidates for [licensure certification](#) and to the programs that prepare them. That is:

- a) approval of any preparation program or course of study in any teaching field pursuant to the State Board's rules for [Licensure Certification](#) (23 Ill. Adm. Code 25, Subpart C) shall be based on the congruence of that program's or course's content with the applicable standards identified in this Part; and
- b) the examinations required for issuance of [a professional educator license under Article 21B of the School Code \[105 ILCS 5/21B\]](#)~~an initial teaching certificate~~ shall be based on the applicable standards set forth in this Part.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

**Section 24.100 The Illinois Professional Teaching Standards Through June 30, 2013**

Beginning July 1, 2013, the provisions of this Section are replaced by Section 24.130 of this Part as the minimum requirements both for the approval of any teacher preparation program or course of study in any teaching field pursuant to the State Board's rules for [Licensure Certification](#) (23 Ill. Adm. Code 25.Subpart C) and the basis of the examinations required for issuance of [a professional educator license endorsed in a teaching field](#) ~~an initial teaching certificate~~. Further limitations on institutions submitting applications for approval of new teacher preparation programs or courses of study are described in Section 24.130 of this Part.

- a) Content Knowledge – The competent teacher understands the central concepts, methods of inquiry, and structures of disciplines and creates learning experiences that make the content meaningful to all students.
  - 1) Knowledge Indicators – The competent teacher:
    - A) Understands major concepts, assumptions, debates, principles, and theories that are central to the disciplines in which [licensure certification](#) is sought.
    - B) Understands the processes of inquiry central to the discipline.
    - C) Understands how students' conceptual frameworks and their misconceptions for an area of knowledge can influence their learning.
    - D) Understands the relationship of knowledge within the discipline to other content areas and to life and career applications.
    - E) Understands how a student's disability affects processes of inquiry and influences patterns of learning.
  - 2) Performance Indicators – The competent teacher:
    - A) Evaluates teaching resources and curriculum materials for their comprehensiveness, accuracy, and usefulness for representing particular ideas and concepts.
    - B) Uses differing viewpoints, theories, "ways of knowing" and

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

methods of inquiry in teaching subject matter concepts.

- C) Engages students in generating and testing knowledge according to the process of inquiry and standards of evidence of the discipline.
  - D) Designs learning experiences to promote student skills in the use of technologies appropriate to the discipline.
  - E) Anticipates and adjusts for common misunderstandings of the disciplines that impede learning.
  - F) Uses a variety of explanations and multiple representations of concepts that capture key ideas to help students develop conceptual understanding.
  - G) Facilitates learning experiences that make connections to other content areas and to life and career experiences.
  - H) Designs learning experiences and utilizes adaptive devices/technology to provide access to general curricular content to individuals with disabilities.
- b) Human Development and Learning – The competent teacher understands how individuals grow, develop, and learn and provides learning opportunities that support the intellectual, social, and personal development of all students.
- 1) Knowledge Indicators – The competent teacher:
    - A) Understands how students construct knowledge, acquire skills, and develop habits of mind.
    - B) Understands that students' physical, social, emotional, ethical, and cognitive development influences learning.
    - C) Understands human development, learning theory, neural science, and the ranges of individual variation within each domain.
    - D) Understands that differences in approaches to learning and performance interact with development.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- E) Understands how to include student development factors when making instructional decisions.
  - F) Knows the impact of cognitive, emotional, physical, and sensory disabilities on learning and communication processes.
- 2) Performance Indicators – The competent teacher:
- A) Analyzes individual and group performance in order to design instruction that meets learners' current needs in the cognitive, social, emotional, ethical, and physical domains at the appropriate level of development.
  - B) Stimulates student reflection on prior knowledge and links new ideas to already familiar ideas and experiences.
  - C) Introduces concepts and principles at different levels of complexity so that they are meaningful to students at varying levels of development and to students with diverse learning needs.
- c) Diversity – The competent teacher understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners.
- 1) Knowledge Indicators – The competent teacher:
- A) Understands the areas of exceptionality in learning as defined in the Individuals with Disabilities Education Act (IDEA) and the State Board's rules for Special Education (23 Ill. Adm. Code 226).
  - B) Understands the process of second language acquisition and strategies to support the learning of students whose first language is not English.
  - C) Understands how students' learning is influenced by individual experiences, talents, and prior learning, as well as language, culture, family, and community values.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- D) Understands and identifies differences in approaches to learning and performance, including different learning styles, multiple intelligences, and performance modes.
  - E) Understands cultural and community diversity through a well-grounded framework and understands how to learn about and incorporate students' experiences, cultures, and community resources into instruction.
  - F) Understands personal cultural perspectives and biases and their effects on one's teaching.
- 2) Performance Indicators – The competent teacher:
- A) Facilitates a learning community in which individual differences are respected.
  - B) Makes appropriate provisions (in terms of time and circumstances for work, tasks assigned, communication, and response modes) for individual students who have particular learning differences or needs.
  - C) Uses information about students' families, cultures, and communities as a basis for connecting instruction to students' experiences.
  - D) Uses cultural diversity and individual student experiences to enrich instruction.
  - E) Uses a wide range of instructional strategies and technologies to meet and enhance diverse student needs.
  - F) Identifies and designs instruction appropriate to students' stages of development, learning styles, strengths and needs.
  - G) Identifies when and how to develop and implement strategies and interventions within the classroom and how to access appropriate services or resources to assist students with exceptional learning needs.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- H) Demonstrates positive regard for individual students and their families regardless of culture, religion, gender, sexual orientation, and varying abilities.
- d) Planning for Instruction – The competent teacher understands instructional planning and designs instruction based upon knowledge of the discipline, students, the community, and curriculum goals.
- 1) Knowledge Indicators – The competent teacher:
    - A) Understands the Illinois Learning Standards, curriculum development, content, learning theory, and student development and knows how to incorporate this knowledge in planning instruction.
    - B) Understands how to develop short- and long-range plans consistent with curriculum goals, learner diversity, and learning theory.
    - C) Understands how to take the contextual considerations of instructional materials, individual students' interests, and career needs into account in planning instruction that creates an effective bridge between students' experiences and career and educational goals.
    - D) Understands when and how to adjust plans based on students' responses and other contingencies.
    - E) Understands how to integrate technology into classroom instruction.
    - F) Understands how to review and evaluate educational technologies to determine instructional value.
    - G) Understands how to use various technological tools to access and manage information.
    - H) Understands the uses of technology to address students' needs.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 2) Performance Indicators – The competent teacher:
  - A) Establishes expectations for students' learning.
  - B) Applies principles of scope and sequence when planning curriculum and instruction.
  - C) Creates short-range and long-term plans to achieve the expectations for students' learning.
  - D) Creates and selects learning materials and learning experiences appropriate for the discipline and curriculum goals, relevant to the students, and based on students' prior knowledge and principles of effective instruction.
  - E) Creates multiple learning activities that allow for variation in students' learning styles and performance modes.
  - F) Incorporates experiences into instructional practices that relate to the students' current life experiences and to future career and work experiences.
  - G) Creates approaches to learning that are interdisciplinary and that integrate multiple content areas.
  - H) Develops plans based on students' responses and provides for different pathways based on students' needs.
  - I) Uses teaching resources and materials which have been evaluated for accuracy and usefulness.
  - J) Accesses and uses a wide range of information and instructional technologies to enhance students' learning.
  - K) Uses individualized education program (IEP) goals and objectives to plan instruction for students with disabilities.
- e) Learning Environment – The competent teacher uses an understanding of individual and group motivation and behavior to create a learning environment

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

that encourages positive social interaction, active engagement in learning, and self-motivation.

- 1) Knowledge Indicators – The competent teacher:
  - A) Understands principles of and strategies for effective classroom management.
  - B) Understands how individuals influence groups and how groups function in society.
  - C) Understands how to help students work cooperatively and productively in groups.
  - D) Understands factors that influence motivation and engagement and how to help students become self-motivated.
  - E) Knows procedures for inventorying the instructional environment to determine when and how best to meet a student's individual needs.
  - F) Knows applicable statutes, rules and regulations, procedural safeguards, and ethical considerations regarding planning and implementing behavioral change programs for individuals with disabilities.
  - G) Knows strategies for intervening in situations to prevent crises from developing or escalating.
  - H) Knows environmental arrangements that promote positive behavior and learning for students with diverse learning characteristics.
- 2) Performance Indicators – The competent teacher:
  - A) Maintains proper classroom decorum.
  - B) Maximizes the amount of class time spent in learning by creating expectations and processes for communication and behavior along with a physical setting conducive to achieving classroom goals.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- C) Uses strategies to create a smoothly functioning learning community in which students assume responsibility for themselves and one another, participate in decision-making, work collaboratively and independently, use appropriate technology, and engage in purposeful learning activities.
  - D) Analyzes the classroom environment and makes decisions to enhance social relationships, students' motivation and engagement in productive work through mutual respect, cooperation, and support for one another.
  - E) Organizes, allocates, and manages time, materials, and physical space to provide active and equitable engagement of students in productive tasks.
  - F) Engages students in and monitors individual and group learning activities that help them develop the motivation to achieve.
  - G) Demonstrates a variety of effective behavior management techniques appropriate to the needs of all students, including those with disabilities (including implementing the least intrusive intervention consistent with the needs of these students).
  - H) Modifies the learning environment (including the schedule and physical arrangement) to facilitate appropriate behaviors and learning for students with diverse learning characteristics.
  - I) Uses a variety of approaches to promote social interaction between students with disabilities and students without disabilities.
  - J) Uses effective methods for teaching social skill development in all students.
- f) Instructional Delivery – The competent teacher understands and uses a variety of instructional strategies to encourage students' development of critical thinking, problem-solving, and performance skills.
- 1) Knowledge Indicators – The competent teacher:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- A) Understands the cognitive processes associated with various kinds of learning and how these processes can be stimulated.
  - B) Understands principles and techniques, along with advantages and limitations, associated with various instructional strategies.
  - C) Knows how to enhance learning through the use of a wide variety of materials as well as human and technological resources.
  - D) Understands the disciplinary and interdisciplinary approaches to learning and how they relate to life and career experiences.
  - E) Knows techniques for modifying instructional methods, materials, and the environment to facilitate learning for students with disabilities and/or diverse learning characteristics.
- 2) Performance Indicators – The competent teacher:
- A) Evaluates how to achieve learning goals, choosing alternative teaching strategies and materials to achieve different instructional purposes and to meet students' needs.
  - B) Uses multiple teaching and learning strategies to engage students in active learning opportunities that promote the development of critical thinking, problem-solving, and performance capabilities and that help students assume responsibility for identifying and using learning resources.
  - C) Monitors and adjusts strategies in response to learners' feedback.
  - D) Varies his or her role in the instructional process as instructor, facilitator, coach, or audience in relation to the content and purposes of instruction and the needs of students.
  - E) Develops a variety of clear, accurate presentations and representations of concepts, using alternative explanations to assist students' understanding and presenting diverse perspectives to encourage critical thinking.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- F) Uses a wide range of instructional technologies to enhance students' learning.
  - G) Develops curriculum that demonstrates an interconnection between subject areas that will reflect life and career experiences.
  - H) Uses strategies and techniques for facilitating meaningful inclusion of individuals with disabilities.
  - I) Uses technology appropriately to accomplish instructional objectives.
  - J) Adapts the general curriculum and uses instructional strategies and materials according to characteristics of the learner.
  - K) Implements and evaluates individual learning objectives.
- g) Communication – The competent teacher uses knowledge of effective written, verbal, non-verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction in the classroom.
- 1) Knowledge Indicators – The competent teacher:
    - A) Understands communication theory, language development, and the role of language in learning.
    - B) Understands how cultural and gender differences can affect communication in the classroom.
    - C) Understands the social, intellectual, and political implications of language use and how they influence meaning.
    - D) Understands the importance of audience and purpose when selecting ways to communicate ideas.
  - 2) Performance Indicators – The competent teacher:
    - A) Models accurate, effective communication when conveying ideas

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- and information and when asking questions and responding to students.
- B) Uses effective questioning techniques and stimulates discussion in different ways for specific instructional purposes.
  - C) Creates varied opportunities for all students to use effective written, verbal, non-verbal, and visual communication.
  - D) Communicates with and challenges students in a supportive manner and provides students with constructive feedback.
  - E) Uses a variety of communication modes to effectively communicate with a diverse student population.
  - F) Practices effective listening, conflict resolution, and group-facilitation skills as a team member.
  - G) Communicates using a variety of communication tools to enrich learning opportunities.
- h) Assessment – The competent teacher understands various formal and informal assessment strategies and uses them to support the continuous development of all students.
- 1) Knowledge Indicators – The competent teacher:
    - A) Understands assessment as a means of evaluating how students learn, what they know and are able to do in meeting the Illinois Learning Standards, and what kinds of experiences will support their further growth and development.
    - B) Understands the purposes, characteristics, and limitations of different kinds of assessments.
    - C) Understands measurement theory and assessment-related issues such as validity, reliability, bias, and scoring.
    - D) Understands how to use the results of assessment to reflect on and

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

modify teaching.

- E) Understands how to select, construct, and use assessment strategies and instruments for diagnosis and evaluation of learning and instruction.
  - F) Knows legal provisions, regulations, and guidelines regarding assessment (and inclusion in statewide assessments) of individuals with disabilities.
  - G) Knows methods for monitoring progress of individuals with disabilities.
  - H) Knows strategies that consider the influence of diversity and disability on assessment, eligibility, programming, and placement of students with disabilities.
- 2) Performance Indicators – The competent teacher:
- A) Uses assessment results to diagnose students' learning needs, align and modify instruction, and design teaching strategies.
  - B) Appropriately uses a variety of formal and informal assessments to evaluate the understanding, progress, and performance of the individual student and the class as a whole.
  - C) Involves students in self-assessment activities to help them become aware of their strengths and needs and encourages them to establish goals for learning.
  - D) Maintains useful and accurate records of students' work and performance and communicates students' progress knowledgeably and responsibly to students, parents, and colleagues.
  - E) Uses appropriate technologies to monitor and assess students' progress.
  - F) Collaborates with families and other professionals involved in the assessment of individuals with disabilities.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- G) Uses various types of assessment procedures appropriately, including the adaptation of procedures for individual students in specific contexts.
  - H) Uses technology appropriately in conducting assessments and interpreting results.
  - I) Uses assessment strategies and devices which are nondiscriminatory and take into consideration the impact of disabilities, methods of communication, cultural background, and primary language on measuring knowledge and performance of students.
- i) Collaborative Relationships – The competent teacher understands the role of the community in education and develops and maintains collaborative relationships with colleagues, parents/guardians, and the community to support students' learning and well-being.
- 1) Knowledge Indicators – The competent teacher:
    - A) Understands schools as organizations within the larger community context.
    - B) Understands the benefits, barriers, and techniques involved in parent/family relationships.
    - C) Understands school- and work-based learning environments and the need for collaboration with business organizations in the community.
    - D) Understands the collaborative process.
    - E) Understands collaborative skills which are necessary to carry out the collaborative process.
    - F) Understands concerns of parents of individuals with disabilities and knows appropriate strategies to collaborate with parents in addressing these concerns.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- G) Understands roles of individuals with disabilities, parents, teachers, and other school and community personnel in planning individualized education programs for students with disabilities.
- 2) Performance Indicators – The competent teacher:
- A) Initiates collaboration with others and creates situations where collaboration with others will enhance students' learning.
  - B) Works with colleagues to develop an effective learning climate within the school.
  - C) Participates in collaborative decision-making and problem-solving with other professionals to achieve success for students.
  - D) Develops relationships with parents and guardians to acquire an understanding of the students' lives outside of the school in a professional manner that is fair and equitable.
  - E) Works effectively with parents/guardians and other members of the community from diverse home and community situations and seeks to develop cooperative partnerships in order to promote students' learning and well-being.
  - F) Identifies and uses community resources to enhance students' learning and to provide opportunities for students to explore career opportunities.
  - G) Collaborates in the development of comprehensive individualized education programs for students with disabilities.
  - H) Coordinates and/or collaborates in directing the activities of a classroom para-educator, volunteer, or peer tutor.
  - I) Collaborates with the student and family in setting instructional goals and charting progress of students with disabilities.
  - J) Communicates with team members about characteristics and needs

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

of individuals with specific disabilities.

- K) Implements and monitors individual students' programs, working in collaboration with team members.
  - L) Demonstrates the ability to co-teach and co-plan.
- j) Reflection and Professional Growth – The competent teacher is a reflective practitioner who continually evaluates how choices and actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally.
- 1) Knowledge Indicators – The competent teacher:
    - A) Understands that reflection is an integral part of professional growth and improvement of instruction.
    - B) Understands methods of inquiry that provide for a variety of self-assessment and problem-solving strategies for reflecting on practice.
    - C) Understands major areas of research on the learning process and resources that are available for professional development.
    - D) Understands teachers' attitudes and behaviors that positively or negatively influence behavior of individuals with disabilities.
  - 2) Performance Indicators – The competent teacher:
    - A) Uses classroom observation, information about students, pedagogical knowledge, and research as sources for active reflection, evaluation, and revision of practice.
    - B) Collaborates with other professionals as resources for problem-solving, generating new ideas, sharing experiences, and seeking and giving feedback.
    - C) Participates in professional dialogue and continuous learning to support his/her own development as a learner and a teacher.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- D) Actively seeks and collaboratively shares a variety of instructional resources with colleagues.
  - E) Assesses his or her own needs for knowledge and skills related to teaching students with disabilities and seeks assistance and resources.
- k) Professional Conduct and Leadership – The competent teacher understands education as a profession, maintains standards of professional conduct, and provides leadership to improve students' learning and well-being.
- 1) Knowledge Indicators – The competent teacher:
    - A) Understands the unique characteristics of education as a profession.
    - B) Understands how school systems are organized and operate.
    - C) Understands school policies and procedures.
    - D) Understands legal issues in education.
    - E) Understands the importance of active participation and leadership in professional organizations.
    - F) Is familiar with the rights of students with disabilities.
    - G) Knows the roles and responsibilities of teachers, parents, students, and other professionals related to special education.
    - H) Knows identification and referral procedures for students with disabilities.
  - 2) Performance Indicators – The competent teacher:
    - A) Contributes knowledge and expertise about teaching and learning to the profession.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- B) Follows codes of professional conduct and exhibits knowledge and expectations of current legal directives.
- C) Follows school policy and procedures, respecting the boundaries of professional responsibilities, when working with students, colleagues, and families.
- D) Initiates and develops educational projects and programs.
- E) Actively participates in or leads in such activities as curriculum development, staff development, and student organizations.
- F) Participates, as appropriate, in policy design and development at the local level, with professional organizations, and/or with community organizations.
- G) Demonstrates commitment to developing the highest educational and quality-of-life potential of individuals with disabilities.
- H) Demonstrates positive regard for individual students and their families regardless of culture, religion, gender, and sexual orientation.
- I) Promotes and maintains a high level of integrity in the practice of the profession.
- J) Complies with local, State, and federal monitoring and evaluation requirements related to students with disabilities.
- K) Complies with local, State, and federal regulations and policies related to students with disabilities.
- L) Uses a variety of instructional and intervention strategies prior to initiating a referral of a student for special education.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 24.110 Language Arts Standards for All Illinois Teachers Through June 30, 2013**

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

Beginning July 1, 2013, the provisions of this Section are replaced by Section 24.130 of this Part as the minimum requirements both for the approval of any teacher preparation program or course of study in any teaching field pursuant to the State Board's rules for [Licensure Certification](#) (23 Ill. Adm. Code 25.Subpart C) and the basis of the examinations required for issuance of [a professional educator license endorsed in a teaching field](#) ~~an initial teaching certificate~~. Further limitations on institutions submitting applications for approval of new teacher preparation programs or courses of study are described in Section 24.130 of this Part.

- a) All teachers must know a broad range of literacy techniques and strategies for every aspect of communication and must be able to develop each student's ability to read, write, speak, and listen to his or her potential within the demands of the discipline.
  - 1) Knowledge Indicators – The competent teacher:
    - A) Understands and can articulate the needs for literacy development in general and in specific disciplines or at specific grade levels.
    - B) Understands effective literacy techniques to activate prior student knowledge and build schema to enhance comprehension of "text".
    - C) Knows strategies and techniques for teaching communication skills to those students whose first language is not English.
  - 2) Performance Indicators – The competent teacher:
    - A) Practices effectively the language processes of reading, writing, and oral communication in the daily classroom exchange between student and teacher, between student and student, between teacher and "text," and between student and "text".
    - B) Practices effective literacy techniques to make reading purposeful and meaningful.
    - C) Practices effective questioning and discussion techniques to extend content knowledge acquired from "text".
    - D) Uses a variety of "text" and research resources with students in an attempt to enhance students' learning from reading, learning from

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

writing, and learning from oral communication.

- b) All teachers should model effective reading, writing, speaking, and listening skills during their direct and indirect instructional activities. The most important communicator in the classroom is the teacher, who should model English language arts skills.
- 1) Knowledge Indicators – The competent teacher:
    - A) Knows and understands the rules of English grammar, spelling, punctuation, capitalization, and syntax for both written and oral contexts.
    - B) Understands how to communicate ideas in writing to accomplish a variety of purposes.
  - 2) Performance Indicators – The competent teacher:
    - A) Models the rules of English grammar, spelling, punctuation, capitalization, and syntax in both written and oral contexts.
    - B) Reads, understands, and clearly conveys ideas from texts or other supplementary materials.
    - C) Writes and speaks in a well-organized and coherent manner that adapts to the individual needs of readers/listeners.
    - D) Expresses ideas orally with explanations, examples, and support in a clear, succinct style.
    - E) Helps students understand a variety of modes of writing (persuasive, descriptive, informative, and narrative).
    - F) Listens well.
- c) All teachers should give constructive instruction and feedback to students in both written and oral contexts while being aware of diverse learners' needs. Teachers should effectively provide a variety of instructional strategies, constructive feedback, criticism, and improvement strategies.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Knowledge Indicators – The competent teacher:
  - A) Understands how to analyze an audience to determine culturally appropriate communication strategies to share ideas effectively in both written and oral formats with students and their families, other faculty and administrators, and the community and business in general.
  - B) Understands how to use diverse instructional strategies and assessments that include an appropriate balance of lecture, discussion, activity, and written and oral work.
- 2) Performance Indicators – The competent teacher:
  - A) Analyzes content materials to determine appropriate strategies and techniques to create successful learning through reading, writing, speaking, and listening.
  - B) Assists students whose communication skills may be impeded by learning, language, and/or cultural differences, especially those whose first language is not English.
  - C) Conducts effective classroom discussions by managing groups, asking questions, eliciting and probing responses, and summarizing for comprehension.
  - D) Uses a variety of media to enhance and supplement instruction.
  - E) Uses multi-disciplinary instructional approaches.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 24.120 Technology Standards for All Illinois Teachers Through June 30, 2013**

Beginning July 1, 2013, the provisions of this Section are replaced by Section 24.130 of this Part as the minimum requirements both for the approval of any teacher preparation program or course of study in any teaching field pursuant to the State Board's rules for [Licensure Certification](#) (23 Ill. Adm. Code 25.Subpart C) and the basis of the examinations required for issuance of a

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

[professional educator license endorsed in a teaching field](#)~~an initial teaching certificate~~. Further limitations on institutions submitting applications for approval of new teacher preparation programs or courses of study are described in Section 24.130 of this Part.

- a) The competent teacher will have, and continually develop, the knowledge and skills in learning technologies to be able to appropriately and responsibly use tools, resources, processes, and systems to retrieve, assess, and evaluate information from various media. The competent teacher will use that knowledge, along with the necessary skills and information, to assist Illinois learners in solving problems, in communicating clearly, in making informed decisions, and in constructing new knowledge, products, or systems in diverse, engaged learning environments.
- b) Basic Computer/Technology Operations and Concepts – The competent teacher will use computer systems to run software; to access, generate, and manipulate data; and to publish results. He or she will also evaluate performance of hardware and software components of computer systems and apply basic trouble-shooting strategies as needed.
  - 1) Knowledge Indicator – The competent teacher understands how to run computer software; access, generate, and manipulate data; and publish results.
  - 2) Performance Indicators – The competent teacher:
    - A) Operates a multi-media computer system with related peripheral devices to successfully install and use a variety of software packages.
    - B) Uses appropriate terminology related to computers and technology in written and oral communications.
    - C) Describes and implements basic trouble-shooting techniques for multi-media computer systems with related peripheral devices.
    - D) Uses imaging devices such as scanners, digital cameras, and/or video cameras with computer systems and software.
    - E) Demonstrates knowledge of uses of computers and technology in

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

education, business and industry, and society.

- c) Personal and Professional Use of Technology – The competent teacher will apply tools for enhancing personal professional growth and productivity; will use technology in communicating, collaborating, conducting research, and solving problems and will promote equitable, ethical, and legal use of computer/technology resources.
- 1) Knowledge Indicator – The competent teacher understands how to use technology in communicating, collaborating, conducting research, and solving problems.
  - 2) Performance Indicators – The competent teacher:
    - A) Identifies computer and other related technology resources for facilitating life-long learning and emerging roles of the learner and the educator in engaged, collaborative learning environments.
    - B) Uses computers and other learning technologies to support problem-solving, data collection, information management, communications, presentations, and decision-making.
    - C) Uses productivity tools for word processing, database management, and spreadsheet applications, and basic multi-media presentations.
    - D) Uses computer-based technologies including telecommunications to access information and enhance personal and professional productivity.
    - E) Demonstrates awareness of resources for adaptive/assistive devices for students with special needs.
    - F) Demonstrates knowledge of ethical and legal issues concerning use of computers and technology.
    - G) Adheres to copyright laws and guidelines in the access and use of information from various technologies.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- H) Demonstrates knowledge of broadcast instruction, audio/video conferencing, and other distant learning applications.
  - I) Ensures policies and practices are in place to provide equal access to media and technology resources for students regardless of race, ethnicity, gender, religion, or socio-economic status.
- d) Application of Technology in Instruction – The competent teacher will apply learning technologies that support instruction in his or her grade level and subject areas. He or she must plan and deliver instructional units that integrate a variety of software, applications, and learning tools. Lessons developed must reflect effective grouping and assessment strategies for diverse populations.
- 1) Knowledge Indicator – The competent teacher understands how to apply learning technologies that support instruction in his or her grade level and subject areas.
  - 2) Performance Indicators – The competent teacher:
    - A) Explores, evaluates, and uses computer/technology resources, including applications, tools, educational software, and associated documentation.
    - B) Describes current instructional principles, research, and appropriate assessment practices as related to the use of computers and technology resources in the curriculum.
    - C) Designs, implements, and assesses student learning activities that integrate computers/technology for a variety of student grouping strategies and for diverse student populations.
    - D) Practices socially responsible, ethical, and legal use of technology, information, and software resources.
    - E) Designs student learning activities that foster equitable, ethical, and legal use of technology by students.
- e) Social, Ethical, and Human Issues – The competent teacher will apply concepts and skills in making decisions concerning the social, ethical, and human issues

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

related to computing and technology. The competent teacher will understand the changes in information technologies, their effects on workplace and society, their potential to address life-long learning and workplace needs, and the consequences of misuse.

- 1) Knowledge Indicator – The competent teacher understands the social, ethical, and human issues related to computing and technology.
  - 2) Performance Indicators – The competent teacher:
    - A) Describes the historical development and important trends affecting the evolution of technology and its probable future roles in society.
    - B) Describes strategies for facilitating consideration of ethical, legal, and human issues involving school purchasing and policy decisions.
- f) Productivity Tools – The competent teacher will integrate advanced features of technology-based productivity tools to support instruction, extend communication outside the classroom, enhance classroom management, perform administrative routines more effectively, and become more productive in daily tasks.
- 1) Knowledge Indicator – The competent teacher knows advanced features of technology-based productivity tools.
  - 2) Performance Indicators – The competent teacher:
    - A) Uses advanced features of word processing, desktop publishing, graphics programs, and utilities to develop professional products.
    - B) Uses spreadsheets for analyzing, organizing, and displaying numeric data graphically.
    - C) Designs and manipulates databases and generates customized reports.
    - D) Uses teacher utility and classroom management tools to design solutions for a specific purpose.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- E) Identifies, selects, and integrates video and digital images in varying formats for use in presentations, publications, and/or other products.
  - F) Applies specific-purpose electronic devices (such as a graphing calculator, language translator, scientific probeware, or electronic thesaurus) in appropriate content areas.
  - G) Uses features of applications that integrate word processing, database, spreadsheet, communication, and other tools.
- g) Telecommunications and Information Access – The competent teacher will use telecommunications and information-access resources to support instruction.
- 1) Knowledge Indicator – The competent teacher knows how to access telecommunications resources to support instruction.
  - 2) Performance Indicators – The competent teacher:
    - A) Accesses and uses telecommunications tools and resources for information-sharing, remote information access and retrieval, and multi-media/hypermedia publishing.
    - B) Uses electronic mail and web browser applications for communications and for research to support instruction.
    - C) uses automated, on-line search tools and intelligent agents to identify and index desired information resources.
- h) Research, Problem Solving, and Product Development – The competent teacher will use computers and other technologies in research, problem solving, and product development. The competent teacher will appropriately use a variety of media, presentation, and authorizing packages; plan and participate in team and collaborative projects that require critical analysis and evaluation; and present products developed.
- 1) Knowledge Indicator – The competent teacher understands how to use computers and other technologies in research, problem solving, and

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

product development.

- 2) Performance Indicators – The competent teacher:
  - A) Identifies basic principles of instructional design associated with the development of multimedia and hypermedia learning materials.
  - B) Develops simple hypermedia and multimedia products that apply basic instructional design principles.
  - C) Selects appropriate tools for communicating concepts, conducting research, and solving problems for an intended audience and purpose.
  - D) Identifies examples of emerging programming, authoring, or problem solving environments.
  - E) Collaborates with on-line workgroups to build bodies of knowledge around specific topics.
  - F) uses a computer projection device to support and deliver oral presentations.
  - G) Designs and publishes simple on-line documents that present information and include links to critical resources.
  - H) Develops instructional units that involve compiling, organizing, analyzing, and synthesizing of information, and uses technology to support these processes.
  - I) Conducts research and evaluates on-line sources of information that support and enhance the curriculum.
  - J) Makes use of development readings and other resource materials from professional and trade organizations to improve teaching learning.
  - K) Participates in courses and other professional development activities to enhance teaching and learning.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- i) Information Literacy Skills – The competent teacher will develop information literacy skills to be able to access, evaluate, and use information to improve teaching and learning.
  - 1) Knowledge Indicator – The competent teacher understands how to access, evaluate, and use information to improve teaching and learning.
  - 2) Performance Indicators – The competent teacher:
    - A) Models evaluation and use of information to solve problems and make decisions.
    - B) Expects students to intellectually access, evaluate, and use information to solve problems and make decisions in all subject areas.
    - C) Structures instruction and designs learning tasks and assignments to reflect higher-level thinking skills.
    - D) Structures and/or facilitates cooperative learning groups as part of students' tasks and assignments.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 24.130 The Illinois Professional Teaching Standards Beginning July 1, 2013**

No later than July 1, 2013, all approved teacher preparation programs shall submit the course of study for that program with evidence that the program's or course's content is congruent with the standards identified in this Section. An application for approval of a new preparation program or course of study submitted on or after ~~February 1, 2013~~~~November 1, 2010~~, shall provide evidence of congruence with the standards identified in this Section. No later than ~~September 1, 2014~~~~September 1, 2013~~, the assessment of professional teaching (APT) required for the issuance of ~~a professional educator license endorsed in an initial~~ teaching ~~field certificate~~ under 23 Ill. Adm. Code 25.720 (~~Applicability of Testing Requirements and Scores~~~~Certification~~) shall be based on the standards set forth in this Section.

- a) Teaching Diverse Students – The competent teacher understands the diverse characteristics and abilities of each student and how individuals develop and learn

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

within the context of their social, economic, cultural, linguistic, and academic experiences. The teacher uses these experiences to create instructional opportunities that maximize student learning.

- 1) Knowledge Indicators – The competent teacher:
  - A) understands the spectrum of student diversity (e.g., race and ethnicity, socioeconomic status, special education, gifted, English language learners (ELL), sexual orientation, gender, gender identity) and the assets that each student brings to learning across the curriculum;
  - B) understands how each student constructs knowledge, acquires skills, and develops effective and efficient critical thinking and problem-solving capabilities;
  - C) understands how teaching and student learning are influenced by development (physical, social and emotional, cognitive, linguistic), past experiences, talents, prior knowledge, economic circumstances and diversity within the community;
  - D) understands the impact of cognitive, emotional, physical, and sensory disabilities on learning and communication pursuant to the Individuals with Disabilities Education Improvement Act (also referred to as IDEA) (20 USC 1400 et seq.), its implementing regulations (34 CFR 300; 2006), Article 14 of the School Code [105 ILCS 5/Art.14] and 23 Ill. Adm. Code 226 (Special Education);
  - E) understands the impact of linguistic and cultural diversity on learning and communication;
  - F) understands his or her personal perspectives and biases and their effects on one's teaching; and
  - G) understands how to identify individual needs and how to locate and access technology, services, and resources to address those needs.
- 2) Performance Indicators – The competent teacher:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- A) analyzes and uses student information to design instruction that meets the diverse needs of students and leads to ongoing growth and achievement;
  - B) stimulates prior knowledge and links new ideas to already familiar ideas and experiences;
  - C) differentiates strategies, materials, pace, levels of complexity, and language to introduce concepts and principles so that they are meaningful to students at varying levels of development and to students with diverse learning needs;
  - D) facilitates a learning community in which individual differences are respected; and
  - E) uses information about students' individual experiences, families, cultures, and communities to create meaningful learning opportunities and enrich instruction for all students.
- b) Content Area and Pedagogical Knowledge – The competent teacher has in-depth understanding of content area knowledge that includes central concepts, methods of inquiry, structures of the disciplines, and content area literacy. The teacher creates meaningful learning experiences for each student based upon interactions among content area and pedagogical knowledge, and evidence-based practice.
- 1) Knowledge Indicators – The competent teacher:
    - A) understands theories and philosophies of learning and human development as they relate to the range of students in the classroom;
    - B) understands major concepts, assumptions, debates, and principles; processes of inquiry; and theories that are central to the disciplines;
    - C) understands the cognitive processes associated with various kinds of learning (e.g., critical and creative thinking, problem-structuring and problem-solving, invention, memorization, and recall) and

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- ensures attention to these learning processes so that students can master content standards;
- D) understands the relationship of knowledge within the disciplines to other content areas and to life applications;
  - E) understands how diverse student characteristics and abilities affect processes of inquiry and influence patterns of learning;
  - F) knows how to access the tools and knowledge related to latest findings (e.g., research, practice, methodologies) and technologies in the disciplines;
  - G) understands the theory behind and the process for providing support to promote learning when concepts and skills are first being introduced; and
  - H) understands the relationship among language acquisition (first and second), literacy development, and acquisition of academic content and skills.
- 2) Performance Indicators – The competent teacher:
- A) evaluates teaching resources and materials for appropriateness as related to curricular content and each student's needs;
  - B) uses differing viewpoints, theories, and methods of inquiry in teaching subject matter concepts;
  - C) engages students in the processes of critical thinking and inquiry and addresses standards of evidence of the disciplines;
  - D) demonstrates fluency in technology systems, uses technology to support instruction and enhance student learning, and designs learning experiences to develop student skills in the application of technology appropriate to the disciplines;

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- E) uses a variety of explanations and multiple representations of concepts that capture key ideas to help each student develop conceptual understanding and address common misunderstandings;
  - F) facilitates learning experiences that make connections to other content areas and to life experiences;
  - G) designs learning experiences and utilizes assistive technology and digital tools to provide access to general curricular content to individuals with disabilities;
  - H) adjusts practice to meet the needs of each student in the content areas; and
  - I) applies and adapts an array of content area literacy strategies to make all subject matter accessible to each student.
- c) Planning for Differentiated Instruction – The competent teacher plans and designs instruction based on content area knowledge, diverse student characteristics, student performance data, curriculum goals, and the community context. The teacher plans for ongoing student growth and achievement.
- 1) Knowledge Indicators – The competent teacher:
    - A) understands the Illinois Learning Standards (23 Ill. Adm. Code 1.Appendix D), curriculum development process, content, learning theory, assessment, and student development and knows how to incorporate this knowledge in planning differentiated instruction;
    - B) understands how to develop short- and long-range plans, including transition plans, consistent with curriculum goals, student diversity, and learning theory;
    - C) understands cultural, linguistic, cognitive, physical, and social and emotional differences, and considers the needs of each student when planning instruction;
    - D) understands when and how to adjust plans based on outcome data, as well as student needs, goals, and responses;

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- E) understands the appropriate role of technology, including assistive technology, to address student needs, as well as how to incorporate contemporary tools and resources to maximize student learning;
  - F) understands how to co-plan with other classroom teachers, parents or guardians, paraprofessionals, school specialists, and community representatives to design learning experiences; and
  - G) understands how research and data guide instructional planning, delivery, and adaptation.
- 2) Performance Indicators – The competent teacher:
- A) establishes high expectations for each student's learning and behavior;
  - B) creates short-term and long-term plans to achieve the expectations for student learning;
  - C) uses data to plan for differentiated instruction to allow for variations in individual learning needs;
  - D) incorporates experiences into instructional practices that relate to a student's current life experiences and to future life experiences;
  - E) creates approaches to learning that are interdisciplinary and that integrate multiple content areas;
  - F) develops plans based on student responses and provides for different pathways based on student needs;
  - G) accesses and uses a wide range of information and instructional technologies to enhance a student's ongoing growth and achievement;
  - H) when planning instruction, addresses goals and objectives contained in plans developed under Section 504 of the Rehabilitation Act of 1973 (29 USC 794), individualized education

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

programs (IEP) (see 23 Ill. Adm. Code 226 (Special Education)) or individual family service plans (IFSP) (see 23 Ill. Adm. Code 226 and 34 CFR 300.24; 2006);

- I) works with others to adapt and modify instruction to meet individual student needs; and
  - J) develops or selects relevant instructional content, materials, resources, and strategies (e.g., project-based learning) for differentiating instruction.
- d) Learning Environment – The competent teacher structures a safe and healthy learning environment that facilitates cultural and linguistic responsiveness, emotional well-being, self-efficacy, positive social interaction, mutual respect, active engagement, academic risk-taking, self-motivation, and personal goal-setting.
- 1) Knowledge Indicators – The competent teacher:
    - A) understands principles of and strategies for effective classroom and behavior management;
    - B) understands how individuals influence groups and how groups function in society;
    - C) understands how to help students work cooperatively and productively in groups;
    - D) understands factors (e.g., self-efficacy, positive social interaction) that influence motivation and engagement;
    - E) knows how to assess the instructional environment to determine how best to meet a student's individual needs;
    - F) understands laws, rules, and ethical considerations regarding behavior intervention planning and behavior management (e.g., bullying, crisis intervention, physical restraint);

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- G) knows strategies to implement behavior management and behavior intervention planning to ensure a safe and productive learning environment; and
  - H) understands the use of student data (formative and summative) to design and implement behavior management strategies.
- 2) Performance Indicators – The competent teacher:
- A) creates a safe and healthy environment that maximizes student learning;
  - B) creates clear expectations and procedures for communication and behavior and a physical setting conducive to achieving classroom goals;
  - C) uses strategies to create a smoothly functioning learning community in which students assume responsibility for themselves and one another, participate in decision-making, work collaboratively and independently, use appropriate technology, and engage in purposeful learning activities;
  - D) analyzes the classroom environment and makes decisions to enhance cultural and linguistic responsiveness, mutual respect, positive social relationships, student motivation, and classroom engagement;
  - E) organizes, allocates, and manages time, materials, technology, and physical space to provide active and equitable engagement of students in productive learning activities;
  - F) engages students in and monitors individual and group-learning activities that help them develop the motivation to learn;
  - G) uses a variety of effective behavioral management techniques appropriate to the needs of all students that include positive behavior interventions and supports;

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- H) modifies the learning environment (including the schedule and physical arrangement) to facilitate appropriate behaviors and learning for students with diverse learning characteristics; and
  - I) analyzes student behavior data to develop and support positive behavior.
- e) Instructional Delivery – The competent teacher differentiates instruction by using a variety of strategies that support critical and creative thinking, problem-solving, and continuous growth and learning. This teacher understands that the classroom is a dynamic environment requiring ongoing modification of instruction to enhance learning for each student.
- 1) Knowledge Indicators – The competent teacher:
    - A) understands the cognitive processes associated with various kinds of learning;
    - B) understands principles and techniques, along with advantages and limitations, associated with a wide range of evidence-based instructional practices;
    - C) knows how to implement effective differentiated instruction through the use of a wide variety of materials, technologies, and resources;
    - D) understands disciplinary and interdisciplinary instructional approaches and how they relate to life and career experiences;
    - E) knows techniques for modifying instructional methods, materials, and the environment to facilitate learning for students with diverse learning characteristics;
    - F) knows strategies to maximize student attentiveness and engagement;
    - G) knows how to evaluate and use student performance data to adjust instruction while teaching; and

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- H) understands when and how to adapt or modify instruction based on outcome data, as well as student needs, goals, and responses.
- 2) Performance Indicators – The competent teacher:
- A) uses multiple teaching strategies, including adjusted pacing and flexible grouping, to engage students in active learning opportunities that promote the development of critical and creative thinking, problem-solving, and performance capabilities;
  - B) monitors and adjusts strategies in response to feedback from the student;
  - C) varies his or her role in the instructional process as instructor, facilitator, coach, or audience in relation to the content and purposes of instruction and the needs of students;
  - D) develops a variety of clear, accurate presentations and representations of concepts, using alternative explanations to assist students' understanding and presenting diverse perspectives to encourage critical and creative thinking;
  - E) uses strategies and techniques for facilitating meaningful inclusion of individuals with a range of abilities and experiences;
  - F) uses technology to accomplish differentiated instructional objectives that enhance learning for each student;
  - G) models and facilitates effective use of current and emerging digital tools to locate, analyze, evaluate, and use information resources to support research and learning;
  - H) uses student data to adapt the curriculum and implement instructional strategies and materials according to the characteristics of each student;
  - I) uses effective co-planning and co-teaching techniques to deliver instruction to all students;

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- J) maximizes instructional time (e.g., minimizes transitional time);  
and
  - K) implements appropriate evidence-based instructional strategies.
- f) Reading, Writing, and Oral Communication – The competent teacher has foundational knowledge of reading, writing, and oral communication within the content area and recognizes and addresses student reading, writing, and oral communication needs to facilitate the acquisition of content knowledge.
- 1) Knowledge Indicators – The competent teacher:
    - A) understands appropriate and varied instructional approaches used before, during, and after reading, including those that develop word knowledge, vocabulary, comprehension, fluency, and strategy use in the content areas;
    - B) understands that the reading process involves the construction of meaning through the interactions of the reader's background knowledge and experiences, the information in the text, and the purpose of the reading situation;
    - C) understands communication theory, language development, and the role of language in learning;
    - D) understands writing processes and their importance to content learning;
    - E) knows and models standard conventions of written and oral communications;
    - F) recognizes the relationships among reading, writing, and oral communication and understands how to integrate these components to increase content learning;
    - G) understands how to design, select, modify, and evaluate a wide range of materials for the content areas and the reading needs of the student;

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- H) understands how to use a variety of formal and informal assessments to recognize and address the reading, writing, and oral communication needs of each student; and
  - I) knows appropriate and varied instructional approaches, including those that develop word knowledge, vocabulary, comprehension, fluency, and strategy use in the content areas.
- 2) Performance Indicators – The competent teacher:
- A) selects, modifies, and uses a wide range of printed, visual, or auditory materials, and online resources appropriate to the content areas and the reading needs and levels of each student (including ELLs, and struggling and advanced readers);
  - B) uses assessment data, student work samples, and observations from continuous monitoring of student progress to plan and evaluate effective content area reading, writing, and oral communication instruction;
  - C) facilitates the use of appropriate word identification and vocabulary strategies to develop each student's understanding of content;
  - D) teaches fluency strategies to facilitate comprehension of content;
  - E) uses modeling, explanation, practice, and feedback to teach students to monitor and apply comprehension strategies independently, appropriate to the content learning;
  - F) teaches students to analyze, evaluate, synthesize, and summarize information in single texts and across multiple texts, including electronic resources;
  - G) teaches students to develop written text appropriate to the content areas that utilizes organization (e.g., compare/contrast, problem/solution), focus, elaboration, word choice, and standard conventions (e.g., punctuation, grammar);

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- H) integrates reading, writing, and oral communication to engage students in content learning;
  - I) works with other teachers and support personnel to design, adjust, and modify instruction to meet students' reading, writing, and oral communication needs; and
  - J) stimulates discussion in the content areas for varied instructional and conversational purposes.
- g) Assessment – The competent teacher understands and uses appropriate formative and summative assessments for determining student needs, monitoring student progress, measuring student growth, and evaluating student outcomes. The teacher makes decisions driven by data about curricular and instructional effectiveness and adjusts practices to meet the needs of each student.
- 1) Knowledge Indicators – The competent teacher:
    - A) understands the purposes, characteristics, and limitations of different types of assessments, including standardized assessments, universal screening, curriculum-based assessment, and progress monitoring tools;
    - B) understands that assessment is a means of evaluating how students learn and what they know and are able to do in order to meet the Illinois Learning Standards;
    - C) understands measurement theory and assessment-related issues, such as validity, reliability, bias, and appropriate and accurate scoring;
    - D) understands current terminology and procedures necessary for the appropriate analysis and interpretation of assessment data;
    - E) understands how to select, construct, and use assessment strategies and instruments for diagnosis and evaluation of learning and instruction;

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- F) knows research-based assessment strategies appropriate for each student;
  - G) understands how to make data-driven decisions using assessment results to adjust practices to meet the needs of each student;
  - H) knows legal provisions, rules, and guidelines regarding assessment and assessment accommodations for all student populations; and
  - I) knows assessment and progress monitoring techniques to assess the effectiveness of instruction for each student.
- 2) Performance Indicators – The competent teacher:
- A) uses assessment results to determine student performance levels, identify learning targets, select appropriate research-based instructional strategies, and implement instruction to enhance learning outcomes;
  - B) appropriately uses a variety of formal and informal assessments to evaluate the understanding, progress, and performance of an individual student and the class as a whole;
  - C) involves students in self-assessment activities to help them become aware of their strengths and needs and encourages them to establish goals for learning;
  - D) maintains useful and accurate records of student work and performance;
  - E) accurately interprets and clearly communicates aggregate student performance data to students, parents or guardians, colleagues, and the community in a manner that complies with the requirements of the Illinois School Student Records Act [105 ILCS 10], 23 Ill. Adm. Code 375 (Student Records), the Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g) and its implementing regulations (34 CFR 99; December 9, 2008);

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- F) effectively uses appropriate technologies to conduct assessments, monitor performance, and assess student progress;
  - G) collaborates with families and other professionals involved in the assessment of each student;
  - H) uses various types of assessment procedures appropriately, including making accommodations for individual students in specific contexts; and
  - I) uses assessment strategies and devices that are nondiscriminatory, and take into consideration the impact of disabilities, methods of communication, cultural background, and primary language on measuring knowledge and performance of students.
- h) Collaborative Relationships – The competent teacher builds and maintains collaborative relationships to foster cognitive, linguistic, physical, and social and emotional development. This teacher works as a team member with professional colleagues, students, parents or guardians, and community members.
- 1) Knowledge Indicators – The competent teacher:
    - A) understands schools as organizations within the larger community context;
    - B) understands the collaborative process and the skills necessary to initiate and carry out that process;
    - C) collaborates with others in the use of data to design and implement effective school interventions that benefit all students;
    - D) understands the benefits, barriers, and techniques involved in parent and family collaborations;
    - E) understands school- and work-based learning environments and the need for collaboration with all organizations (e.g., businesses, community agencies, nonprofit organizations) to enhance student learning;

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- F) understands the importance of participating on collaborative and problem-solving teams to create effective academic and behavioral interventions for all students;
  - G) understands the various models of co-teaching and the procedures for implementing them across the curriculum;
  - H) understands concerns of families of students with disabilities and knows appropriate strategies to collaborate with students and their families in addressing these concerns; and
  - I) understands the roles and the importance of including students with disabilities, as appropriate, and all team members in planning individualized education programs (i.e., IEP, IFSP, Section 504 plan) for students with disabilities.
- 2) Performance Indicators – The competent teacher:
- A) works with all school personnel (e.g., support staff, teachers, paraprofessionals) to develop learning climates for the school that encourage unity, support a sense of shared purpose, show trust in one another, and value individuals;
  - B) participates in collaborative decision-making and problem-solving with colleagues and other professionals to achieve success for all students;
  - C) initiates collaboration with others to create opportunities that enhance student learning;
  - D) uses digital tools and resources to promote collaborative interactions;
  - E) uses effective co-planning and co-teaching techniques to deliver instruction to each student;
  - F) collaborates with school personnel in the implementation of appropriate assessment and instruction for designated students;

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- G) develops professional relationships with parents and guardians that result in fair and equitable treatment of each student to support growth and learning;
  - H) establishes respectful and productive relationships with parents or guardians and seeks to develop cooperative partnerships to promote student learning and well-being;
  - I) uses conflict resolution skills to enhance the effectiveness of collaboration and teamwork;
  - J) participates in the design and implementation of individualized instruction for students with special needs (i.e., IEPs, IFSP, transition plans, Section 504 plans), ELLs, and students who are gifted; and
  - K) identifies and utilizes community resources to enhance student learning and to provide opportunities for students to explore career opportunities.
- i) Professionalism, Leadership, and Advocacy – The competent teacher is an ethical and reflective practitioner who exhibits professionalism; provides leadership in the learning community; and advocates for students, parents or guardians, and the profession.
- 1) Knowledge Indicators – The competent teacher:
    - A) evaluates best practices and research-based materials against benchmarks within the disciplines;
    - B) knows laws and rules (e.g., mandatory reporting, sexual misconduct, corporal punishment) as a foundation for the fair and just treatment of all students and their families in the classroom and school;
    - C) understands emergency response procedures as required under the School Safety Drill Act [105 ILCS 128/4], including school safety and crisis intervention protocol, initial response actions (e.g.,

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- whether to stay in or evacuate a building), and first response to medical emergencies (e.g., first aid and life-saving techniques);
- D) identifies paths for continuous professional growth and improvement, including the design of a professional growth plan;
  - E) is cognizant of his or her emerging and developed leadership skills and the applicability of those skills within a variety of learning communities;
  - F) understands the roles of an advocate, the process of advocacy, and its place in combating or promoting certain school district practices affecting students;
  - G) understands local and global societal issues and responsibilities in an evolving digital culture; and
  - H) understands the importance of modeling appropriate dispositions in the classroom.
- 2) Performance Indicators – The competent teacher:
- A) models professional behavior that reflects honesty, integrity, personal responsibility, confidentiality, altruism and respect;
  - B) maintains accurate records, manages data effectively, and protects the confidentiality of information pertaining to each student and family;
  - C) reflects on professional practice and resulting outcomes; engages in self-assessment; and adjusts practices to improve student performance, school goals, and professional growth;
  - D) communicates with families, responds to concerns, and contributes to enhanced family participation in student education;
  - E) communicates relevant information and ideas effectively to students, parents or guardians, and peers, using a variety of technology and digital-age media and formats;

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- F) collaborates with other teachers, students, parents or guardians, specialists, administrators, and community partners to enhance students' learning and school improvement;
- G) participates in professional development, professional organizations, and learning communities, and engages in peer coaching and mentoring activities to enhance personal growth and development;
- H) uses leadership skills that contribute to individual and collegial growth and development, school improvement, and the advancement of knowledge in the teaching profession;
- I) proactively serves all students and their families with equity and honor and advocates on their behalf, ensuring the learning and well-being of each child in the classroom;
- J) is aware of and complies with the mandatory reporter provisions of Section 4 of the Abused and Neglected Child Reporting Act [325 ILCS 5/4];
- K) models digital etiquette and responsible social actions in the use of digital technology; and
- L) models and teaches safe, legal, and ethical use of digital information and technology, including respect for copyright, intellectual property, and the appropriate documentation of sources.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) 

<u>Section Number:</u>	<u>Adopted Action:</u>
125.144	Amendment
125.200	Amendment
125.260	Amendment
125.270	Amendment
125.280	Amendment
125.380	Amendment
125.390	Amendment
125.400	Amendment
- 4) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]
- 5) Effective Date of Rulemaking: October 1, 2012
- 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 amendments, 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 *Illinois Register*: June 22, 2012; 36 Ill. Reg. 9005
- 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 any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act and as required by Section 16 of the Meat and Poultry Inspection Act, the Department is proposing amendments to the federal meat and poultry products in Section rules. Sections 125.144, 125.200, 125.270, 125.280, 125.380 and 125.390 are being amended to include technical amendments to the final labeling regulations that were published in the Federal Register on December 23, 1999. The regulations related to harmonizing and improving the efficiency of the procedures used by the Food Safety and Inspection Service (FSIS) and the Food and Drug Administration (FDA) for reviewing and listing the food ingredients and sources of radiation listed or approved for use in the production of meat and poultry products.

In Section 125.400, FSIS is also amending the definitions and standards for the official U.S. classes of poultry so that they more accurately and clearly describe the characteristics of poultry in the market today. Poultry classes are defined primarily in terms of the age and sex of the bird. Genetic improvements and poultry management techniques have reduced the grow-out period for some poultry classes, while extensive cross breeding has produced poultry with higher meat yields but blurred breed distinctions. FSIS is taking this action to ensure that the labeling of poultry products is truthful and not misleading.

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

Linda Rhodes  
Illinois Department of Agriculture  
P. O. Box 19281, State Fairgrounds  
Springfield, Illinois 62794-9281

Telephone: 217/785-5713  
Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125  
MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH  
MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products
125.144	Preparation and Processing Operations
125.145	Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products
125.146	Consumer Protection Standards: Raw Products
125.147	Rules of Practice
125.148	Quantity of Contents Labeling and Procedures and Requirements for Accurate Weights

SUBPART B: MEAT INSPECTION

Section

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation (Repealed)
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products (Repealed)
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

## SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; preemptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; preemptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; preemptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; preemptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; preemptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; preemptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; preemptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; preemptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; preemptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; preemptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; preemptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; preemptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; preemptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; preemptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; preemptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; preemptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; preemptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; preemptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; preemptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; preemptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; preemptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; preemptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; preemptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; preemptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; preemptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; preemptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; preemptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; preemptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; preemptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; preemptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; preemptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; preemptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; preemptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; preemptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; preemptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; preemptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; preemptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; preemptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; preemptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; preemptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; preemptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; preemptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; preemptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; preemptory amendment withdrawn at

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

15 Ill. Reg. 1574, effective January 2, 1991; preemptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; preemptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; preemptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; preemptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; preemptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; preemptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; preemptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; preemptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; preemptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; preemptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; preemptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; preemptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; preemptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; preemptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; preemptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; preemptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; preemptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; preemptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; preemptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; preemptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; preemptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; preemptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; preemptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; preemptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; preemptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; preemptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; preemptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; preemptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; preemptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; preemptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; preemptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; preemptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; preemptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; preemptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; preemptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; preemptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; preemptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; preemptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; preemptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; preemptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; preemptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; preemptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; preemptory amendment at 24 Ill. Reg. 5699, effective

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

March 14, 2000; preemptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; preemptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; preemptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; preemptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; preemptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; preemptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; preemptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; preemptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; preemptory amendment at 27 Ill. Reg. 13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; preemptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; preemptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003; preemptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004; preemptory amendment at 28 Ill. Reg. 3513, effective February 6, 2004; preemptory amendment at 28 Ill. Reg. 11934, effective August 5, 2004; preemptory amendment at 28 Ill. Reg. 15694, effective November 30, 2004; preemptory amendment at 28 Ill. Reg. 16368, effective December 6, 2004; preemptory amendment at 29 Ill. Reg. 2479, effective February 1, 2005; amended at 29 Ill. Reg. 5661, effective April 13, 2005; preemptory amendment at 29 Ill. Reg. 15645, effective October 7, 2005; amended at 29 Ill. Reg. 18432, effective October 28, 2005; preemptory amendment at 29 Ill. Reg. 20580, effective November 29, 2005; preemptory amendment at 29 Ill. Reg. 21058, effective December 21, 2005; preemptory amendment at 30 Ill. Reg. 2400, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 16081, effective September 25, 2006; preemptory amendment at 31 Ill. Reg. 5149, effective March 16, 2007; preemptory amendment at 31 Ill. Reg. 12624, effective August 20, 2007; preemptory amendment at 31 Ill. Reg. 16763, effective December 10, 2007; preemptory amendment at 32 Ill. Reg. 590, effective January 1, 2008; preemptory amendment at 32 Ill. Reg. 17831, effective October 30, 2008; preemptory amendment at 33 Ill. Reg. 1230, effective January 5, 2009; preemptory amendment at 33 Ill. Reg. 6338, effective April 17, 2009; preemptory amendment at 33 Ill. Reg. 12040, effective August 5, 2009; preemptory amendment at 35 Ill. Reg. 571, effective December 22, 2010; preemptory amendment at 35 Ill. Reg. 1802, effective January 14, 2011; preemptory amendment at 35 Ill. Reg. 19553, effective January 1, 2012; preemptory amendment at 36 Ill. Reg. 9264, effective June 6, 2012; amended at 36 Ill. Reg. 14664, effective October 1, 2012.

SUBPART A: GENERAL PROVISIONS FOR BOTH  
MEAT AND/OR POULTRY INSPECTION**Section 125.144 Preparation and Processing Operations**

| The Department incorporates by reference 9 CFR 424 (2004; [76 FR 82077](#), effective December

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

30, 2011).

(Source: Amended at 36 Ill. Reg. 14664, effective October 1, 2012)

## SUBPART B: MEAT INSPECTION

**Section 125.200 Post-Mortem Inspection**

- a) The Department incorporates by reference 9 CFR 310.1(a) and 310.2 through 310.23 (~~2004; 69 FR 1862 and 69 FR 1885, effective January 12, 2004; 70 FR 53043, effective October 7, 2005; 72 FR 38700, effective October 1, 2007; 75 FR 69575, effective December 15, 2010; 76 FR 82077, effective December 30, 2011~~), except that the preparation of meat and meat products for nonhuman food purposes (e.g., dog food) is not permitted at an official establishment. The preparation of nonhuman food products must be done in establishments licensed under the Illinois Dead Animal Disposal Act. The Department incorporates by reference 9 CFR 310.25 (1999; 64 FR 66553, effective November 29, 1999); the E. coli process control testing regulations set forth in 9 CFR 310.25(a) will be applicable on October 1, 1997, and the Salmonella pathogen reduction performance standards regulations set forth in 9 CFR 310.25(b) will be applicable simultaneously with applicability dates for implementation of HACCP in Section 125.142.
- b) The unusual circumstance and acceptable arrangements referred to in 9 CFR 310.1(a) shall mean in the case of emergency slaughter and in accordance with the procedure outlined in Section 125.190.
- c) In the case of emergency slaughter and where a veterinarian was obtained by the owner to perform ante-mortem inspection (see Section 125.190), the veterinarian may perform post-mortem inspection of the animal. The carcass and all parts, including viscera, shall be identified as set forth in 9 CFR 310.2 and held for the inspector. If the veterinarian performs the post-mortem inspection at the request of the owner, then the cost of such service shall be borne by the owner of the animal.
- d) Disinfectants that can be used in an official establishment shall be those set forth in Section 125.180.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

- e) With regard to the incorporated language in 9 CFR 310.2(b)(4), alternate methods proposed by the operator of an official establishment for handling devices shall be approved if such method will accomplish the specific provisions as stated in that paragraph.
- f) Retained carcasses may be washed or trimmed provided such washing or trimming does not affect the disposition of the carcasses by removing conditions or lesions which caused the carcasses to be identified as retained.
- g) Temporary identification of retained carcasses by an official establishment shall be permitted; however, Illinois Retained tags shall be used to identify the carcasses along with any temporary identification that is used.
- h) References in the incorporated language to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.
- i) Facilities for handling and inspecting cow udders shall be as set forth in 9 CFR 416 (incorporated in Section 125.141).

(Source: Amended at 36 Ill. Reg. 14664, effective October 1, 2012)

**Section 125.260 Labeling, Marking and Containers**

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(f)(2), [317.5](#), 317.6, 317.8, 317.10 through 317.13, 317.17 through 317.24, 317.300, 317.302, 317.308, 317.309, 317.312, 317.313, 317.343, 317.344, 317.345, 317.354, 317.356, 317.360, 317.361, 317.362, 317.363, 317.369, 317.380, 317.400 (~~2004; 69 FR 34913, effective July 31, 2004; 69 FR 48799, effective November 30, 2004; 69 FR 74405, effective January 13, 2005; 71 FR 1683, effective January 11, 2006; 72 FR 9651, effective March 5, 2007; 73 FR 50701, effective September 30, 2008; 73 FR 52189, effective October 9, 2008; 73 FR 75564, effective December 12, 2008; 74 FR 11837, effective March 20, 2009; 75 FR 71344, effective November 23, 2010; 75 FR 82148, effective January 1, 2012~~).
- b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.
- c) Labeling and sketch labeling shall be approved by the Department if the label is in

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.
- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act [225 ILCS 470] and the rules adopted thereto (8 Ill. Adm. Code 600).
- f) Any Type I establishment is authorized to use generically approved labeling for meat and poultry products as defined in subsection (h) of this Section without the labeling being submitted for approval to the Department, provided the labeling is in accordance with this Section and shows all mandatory features in a prominent manner as required in 9 CFR 317.2 and 381 and is not otherwise false or misleading.
- g) The Department shall select samples of generically approved labeling from the records maintained by official establishments to determine compliance with labeling requirements. Any finding of false or misleading labeling shall institute the proceedings prescribed in 225 ILCS 650/13.
- h) Generically approved labeling is labeling that complies with the following:
  - 1) Labeling for a product that has a product standard as specified in 9 CFR 319 and 381 or the Standards and Labeling Policy Book and does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees, or is not a domestic product labeled in a foreign language;
  - 2) Labeling for single-ingredient products, such as beef steak or lamb chops, that does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees or is not a domestic product labeled with a foreign language;

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

- 3) Labeling for containers of products sold under contract specifications to federal government agencies that the product is not offered for sale to the general public, provided that the contract specifications include specific requirements with respect to labeling and are made available to the inspector-in-charge;
- 4) Labeling for shipping containers that contain fully labeled immediate containers, provided that the labeling complies with 9 CFR 316.13 and 381.127;
- 5) Labeling for products not intended for human food, provided it complies with 9 CFR 325, 381.152(c) and 381.193;
- 6) Meat inspection legends;
- 7) Inserts, tags, liners, pasters and similar devices containing printed or graphic matter and for use or to be placed within containers and coverings of products, provided the devices contain no reference to product and bear no misleading feature;
- 8) Labeling for consumer test products not intended for sale;
- 9) Labeling that was previously approved by the Department as sketch labeling, and the final labeling was prepared without modification or with the following modifications:
  - A) All features of the labeling are proportionately enlarged or reduced provided that all minimum size requirements specified in applicable regulations are met and the labeling is legible;
  - B) The substitution of any unit of measurement with its abbreviation or the substitution of any abbreviation with its unit of measurement, e.g., "lb." for "pound" or "oz." for "ounce" or of the word "pound" for "lb." or "ounce" for "oz.";
  - C) A master or stock label has been approved where the name and address of the distributor are omitted and the name and address are applied before being used (in that case, the words "prepared for" or similar statement must be shown together with the blank space

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

reserved for the insertion of the name and address when the labels are offered for approval);

- D) Wrappers or other covers bearing pictorial designs, emblematic designs or illustrations, e.g., floral arrangements, illustrations of animals, fireworks, etc., are used with approved labeling (The use of the designs will not make necessary the application of labeling not otherwise required.);
- E) A change in the language or the arrangement of directions pertaining to the opening of containers or the serving of the product;
- F) The addition, deletion or amendment of a dated or undated coupon, a cents-off statement, cooking instructions, packer product code information or the UPC product code information;
- G) Any change in the name or address of the packer, manufacturer or distributor that appears in the signature line;
- H) Any change in the net weight, provided the size of the net weight statement complies with CFR 317.2 and 318.121;
- I) The addition, deletion or amendment of recipe suggestions for the product;
- J) Any change in punctuation;
- K) Newly assigned or revised establishment numbers for a particular establishment that has been approved by the Department;
- L) The addition or deletion of open dating information;
- M) A change in the type of packaging material on which label is printed;
- N) Brand name changes, provided that there are no design changes, the brand name does not use a term that connotes quality or other product characteristics, the brand name has no geographic

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

significance, and the brand name does not affect the name of the product;

- O) The deletion of the word "new" on new product labeling;
- P) The addition, deletion or amendment of special handling statements, provided that the change is consistent with CFR 317.2(k) and 318.125(a);
- Q) The addition of safe handling instructions as required by CFR 317.2(1) and 381.125(b);
- R) Changes reflecting a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label, provided that the change in quantity of ingredients complies with any minimum or maximum limits for the use of the ingredients prescribed in CFR 318, 319 and 381.147;
- S) Changes in the color of the labeling, provided that sufficient contrast and legibility remain;
- T) A change in the product vignette, provided that the change does not affect mandatory labeling information or misrepresent the content of the package;
- U) A change in the establishment number by a corporation or parent company for an establishment under its ownership;
- V) Changes in nutrition labeling that only involve quantitative adjustments to the nutrition labeling information, except for serving sizes, provided the nutrition labeling information maintains its accuracy and consistency;
- W) Deletion of any claim, and the deletion of non-mandatory features or non-mandatory information; and
- X) The addition or deletion of a direct translation of the English language into a foreign language for products marked "for export only".

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

- i) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.
- j) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (2004)).
- k) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- l) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.
- m) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.
- n) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Amended at 36 Ill. Reg. 14664, effective October 1, 2012)

**Section 125.270 Entry into Official Establishment; Reinspection and Preparation of Product**

- a) The Department incorporates by reference 9 CFR 318.1(c) through 318.6, 318.9 through 318.10, 318.14 through 318.20, 318.22, 318.23, 318.24, 318.300 through 318.311 (~~2004; 69 FR 1862 and 69 FR 1874, effective January 12, 2004; 70 FR 53043, effective October 7, 2005; 72 FR 38700, effective October 1, 2007; 76 FR 82077, effective December 30, 2011~~).

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

- b) No meat or meat product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, a federal inspection legend, or is exempt from inspection as stated in Section 125.110. Meat and meat products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.200 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any meat and meat product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected by the inspector and passed. Wild game carcasses shall comply with Section 5(B)(4) of the Act. The official establishment shall maintain an inventory of non-meat items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.
- c) Reinspections of meat and/or meat products within the official establishment shall be performed through the use of a random digit table.
- d) Docks and receiving rooms for meat and/or meat products or other articles used by the establishment in the preparation of meat products entering an official establishment shall be approved by the inspector if the location of such docks or receiving rooms will not permit such product or article to pass through rooms containing inspected and passed products.
- e) The manner of defrosting frozen products and methods of treating to preserve products shall be in accordance with procedures as set forth in the "Meat and Poultry Inspection Manual" as adopted in Section 125.20.
- f) Casings or weasand shall be inspected and passed if it is in compliance with the specific provisions as stated in 9 CFR 318.5(i) for passage of such articles.
- g) The Department does not approve new substances to be used on meat or in meat products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used and artificial flavorings may be used if they do not adulterate the meat and/or meat product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

- h) References to exemptions from slaughter and custom slaughter shall mean those exemptions set forth in Section 125.110.
- i) References within the incorporated language to the federal Poultry Inspection Act, Section 403 of the Act, Section 7 of the Act, 9 CFR 303, and paragraph 23(a) of the Act shall be interpreted to mean in accordance with the Meat and Poultry Inspection Act and the rules of this Part.
- j) The Department does not approve thermometers for use in smokehouses, dry rooms and other compartments that are used in the treatment of pork.
- k) Disinfectants shall be those as set forth in Section 125.180.
- l) Adequate vacuum shall be determined through the use of vacuum gauges.
- m) Canned products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- n) The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 318.309.
- o) The standards and procedures for determining when ingredients of finished products are in compliance with this Section shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

(Source: Amended at 36 Ill. Reg. 14664, effective October 1, 2012)

**Section 125.280 Meat Definitions and Standards of Identity or Composition**

The Department incorporates by reference 9 CFR 319 (~~2004; 69 FR 1862, effective January 12, 2004; 69 FR 28042, effective July 31, 2004; 69 FR 34913, effective July 23, 2004; 70 FR 33803, effective January 1, 2008; 76 FR 82077, effective December 30, 2011~~). Methods for the destruction of live trichinae in pork shall be as set forth in Section 125.270 (specifically the incorporated language of 9 CFR 318.10(c)).

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 36 Ill. Reg. 14664, effective October 1, 2012)

## SUBPART C: POULTRY INSPECTION

**Section 125.380 Labeling and Containers**

- a) The Department incorporates by reference 381.115 through 381.127, 381.129 through 381.132(f), 381.133, 381.134, 381.136 through 381.140, 381.144(a) through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443; 381.444; 381.445; 381.454; 381.456, 381.460, 381.461, 381.462, 381.463, 381.469, 381.480, 381.500 (~~2004; 69 FR 28042, effective July 31, 2004; 69 FR 57899, effective November 30, 2004; 69 FR 4405, effective January 13, 2005; 71 FR 1683, effective January 11, 2006; 72 FR 9651, effective March 5, 2007; 73 FR 50701, effective September 30, 2008; 73 FR 52189, effective October 9, 2008; 73 FR 75564, effective December 12, 2008; 74 FR 11837, effective March 20, 2009; 75 FR 71344, effective November 23, 2010; 75 FR 82148, effective January 1, 2012; 76 FR 82077, effective December 30, 2011~~).
- b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.
- c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.
- d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.
- e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.
- f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600).
- g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act.
- h) The Department shall approve the manufacture of a device or label containing an

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

official mark of inspection provided the device or label is in compliance with Section 125.90.

- i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.
- k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.
- l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).
- n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.
- o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

- p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.
- r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Amended at 36 Ill. Reg. 14664, effective October 1, 2012)

**Section 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements**

- a) The Department incorporates by reference 9 CFR 381.145(b) through 381.146, 381.148, 381.150 through 381.151, 381.200, 381.300 through 381.311 (2004: [76 FR 82077](#), effective December 30, 2011).
- b) No poultry or poultry product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, the federal inspection legend, or is exempt from inspection as stated in Section 125.110. However, poultry or poultry products imported into the United States may be transported to an inspection site in accordance with the provisions of 9 CFR 381.200 for reinspection.
- c) Poultry and poultry products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.360 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any poultry and/or poultry product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected and passed by the inspector.
- d) The official establishment shall maintain an inventory of non-poultry items (e.g.,

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.

- e) Reinspections of poultry and/or poultry products within the official establishment shall be performed through the use of a random digit table.
- f) Poultry feet shall be approved for processing for human food in accordance with the procedures set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- g) The Department does not approve new substances to be used on poultry or in poultry products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used if they will not adulterate the poultry and/or poultry product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.
- h) Ready-to-heat-and-eat poultry or stuffed ready-to-roast poultry may be moved from an official establishment prior to freezing in accordance with the provisions of Section 125.330 (specifically the incorporated language in 9 CFR 381.66(f)(3)).
- i) Any method of cleaning immediate containers used for the holding of poultry and poultry products shall be approved if such method is in compliance with the sanitation requirements (see Section 125.330).
- j) Canned poultry products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- k) The inspector shall permit lots of canned poultry products to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 381.309.
- l) Disinfectants which may be used in an official establishment shall be those products on the "List of Proprietary Substances and Nonfood Compounds" as adopted by the Department in Section 125.20.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 36 Ill. Reg. 14664, effective October 1, 2012)

**Section 125.400 Definitions and Standards of Identity or Composition**

- a) The Department incorporates by reference 9 CFR 381: Subpart P (~~2004; 70 FR 33803, effective January 1, 2008; 76 FR 68058, effective January 1, 2014~~).
- b) Cooling of poultry shall be in accordance with the provisions set forth in Section 125.330.
- c) Definitions and standards of identity or composition for poultry products shall be as set forth in this Section and in Section 13(d) of the Act.

(Source: Amended at 36 Ill. Reg. 14664, effective October 1, 2012)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Motor Fuel and Petroleum Standards Act
- 2) Code Citation: 8 Ill. Adm. Code 850
- 3) Section Number: 850.60      Adopted Action: Amendment
- 4) Statutory Authority: Motor Fuel Standards Act [815 ILCS 370]
- 5) Effective Date of Rulemaking: September 24, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in *Illinois Register*: May 11, 2012; 36 Ill. Reg. 6873
- 10) Has JCAR issued a Statement of Objection to this rule? No
- 11) Difference between Proposal and Final Version: One grammatical change was made.
- 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 rulemaking currently in effect? Yes
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendment: Section 850.60 provides exceptions to the ASTM gasoline specification for gasoline-oxygenate blends sold or offered for sale in Illinois. Concern was expressed by the petroleum marketers regarding the cost and availability of compliant fuel. A delay in enforcement until May 1, 2013 will allow time for the ASTM specification to be amended for ethanol blends.
- 16) Information and questions regarding this adopted amendment shall be directed to:

---

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

Linda Rhodes  
Illinois Department of Agriculture  
P. O. Box 19281, State Fairgrounds  
Springfield, Illinois 62794-9281

Telephone: 217/785-5713  
Facsimile: 217/785-4505

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

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER s: MOTOR FUELSPART 850  
MOTOR FUEL AND PETROLEUM STANDARDS ACT

## Section

850.10	Written Complaint Required
850.20	Access to Motor Fuels and Records
850.30	Responsibility for Standards of Quality
850.40	Administrative, Laboratory and Sampling Fees
850.50	Label on Motor Fuel Dispensing Device
850.60	ASTM Standards

AUTHORITY: Implementing and authorized by the Motor Fuel Standards Act [815 ILCS 370].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 1455, effective January 12, 1984; adopted at 8 Ill. Reg. 5993, effective April 23, 1984; amended at 9 Ill. Reg. 12711, effective August 6, 1985; amended at 14 Ill. Reg. 5072, effective March 26, 1990; emergency amendment at 28 Ill. Reg. 16352, effective December 1, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1886, effective January 24, 2005; amended at 29 Ill. Reg. 5372, effective April 1, 2005; emergency amendment at 34 Ill. Reg. 301, effective December 21, 2009, for a maximum of 150 days; amended at 34 Ill. Reg. 6050, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 10532, effective July 8, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 19468, effective December 3, 2010; emergency amendment at 35 Ill. Reg. 5615, effective March 17, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 11241, effective July 1, 2011; emergency amendment at 36 Ill. Reg. 7330, effective May 1, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 14685, effective September 24, 2012.

**Section 850.60 ASTM Standards**

- a) *The standards set forth in the Annual Book of (ASTM) American Society for Testing and Materials Section 5, Volumes 05.01, 05.02, 05.03, 05.04 and 05.05 and supplements thereto, and revisions thereof are adopted unless modified or rejected by a regulation adopted by the Department. [815 ILCS 370/4]*

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

- b) The effective date for the lubricity requirement contained in Table 1 (Detailed Requirements for Diesel Fuel Oils) of D 975-04b is extended until October 1, 2005.
- c) Effective January 1, 2010, the quality of gasoline-oxygenate blends sold or offered for sale in this State shall meet the standards set forth in Section 2.1.3 of the Uniform Engine Fuels, Petroleum Products, and Automotive Lubricants Regulations as provided under the National Institute of Standards and Technology Handbook 130 (2011 edition, NIST Weights and Measures Division, 100 Bureau Drive, Stop 2600, Gaithersburg MD 20899-2600, <http://www.nist.gov/pml/wmd/pubs/hb130-11.cfm>). The previous standards set forth in ~~Sections~~Section 2.1.1.1 and 2.1.1.2 are specifically rejected and replaced by Section 2.1.3. The Department will delay enforcement of the standards in Section 2.1.3 until May 1, 2013~~May 1, 2012~~.

(Source: Amended at 36 Ill. Reg. 14685, effective September 24, 2012)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Public Accounting Act
- 2) Code Citation: 68 Ill. Adm. Code 1420
- 3) Section Numbers:        Adopted Action:  
1420.40                      Amendment  
1420.70                      Amendment
- 4) Statutory Authority: Implementing the Illinois Public Accounting Act [225 ILCS 450] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) Effective Date of Rulemaking: October 5, 2012
- 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 amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal published in *Illinois Register*: June 15, 2012, at 36 Ill. Reg. 8579
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive differences
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This adopted rulemaking amends the Continuing Education (CE) Section of this Part in order to broaden the recognition of formal and informal CE. This expansion was considered necessary based upon the American Institute of Certified Public Accountants' (AICPA) and National Association of State Boards of Accountancy's (NASBA) proposed revisions to the Statement on Standards for Continuing

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

Professional Education Programs that noted that most CPAs participate in learning activities that do not comply with all applicable CE requirements, for example, specialized industry programs offered through industry sponsors. The fee for restoration of a non-renewed license was also increased from \$20 to \$50.

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

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

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

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1420

## ILLINOIS PUBLIC ACCOUNTING ACT

## Section

1420.10	Experience
1420.20	Application for Licensure as a Certified Public Accountant
1420.25	Application for Licensure as a Registered Certified Public Accountant
1420.30	Application for Licensure-Firm
1420.35	Temporary Practice
1420.40	Fees for the Administration of the Act
1420.50	Endorsement
1420.60	Restoration
1420.70	Continuing Professional Education
1420.75	Peer Review
1420.80	Renewals
1420.90	Annual Report of the Committee
1420.100	Conduct of Hearings (Repealed)
1420.110	Granting Variances

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

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Public Accounting Act, effective June 30, 1975; codified at 5 Ill. Reg. 11058; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7748, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 14548, effective October 13, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 6179, effective April 25, 1984; amended at 9 Ill. Reg. 5708, effective April 15, 1985; amended at 9 Ill. Reg. 8738, effective May 28, 1985; amended at 9 Ill. Reg. 13360, effective August 21, 1985; amended at 10 Ill. Reg. 20739, effective December 1, 1986; amended at 11 Ill. Reg. 18276, effective October 27, 1987; transferred from Chapter I, 68 Ill. Adm. Code 420 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1420 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2944; amended at 19 Ill. Reg. 16258, effective November 28, 1995; amended at 21 Ill. Reg. 15255, effective November 17, 1997; amended at

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

24 Ill. Reg. 14005, effective August 31, 2000; amended at 29 Ill. Reg. 9853, effective August 1, 2005; emergency amendment at 30 Ill. Reg. 16435, effective September 29, 2006; amended at 31 Ill. Reg. 3475, effective February 15, 2007; amended at 35 Ill. Reg. 1957, effective January 20, 2011; amended at 36 Ill. Reg. 14689, effective October 5, 2012.

**Section 1420.40 Fees For the Administration of the Act**

The following fees shall be paid to the Division for the functions performed by the Division under the Act and shall be non-refundable:

- a) The fee for application as a licensed certified public accountant is \$120;
- b) The fee for application as a registered certified public accountant is \$90;
- c) The fee for renewal of a license as a licensed certified public accountant is \$40 per year;
- d) The fee for renewal of a license as a registered certified public accountant is \$30 per year;
- e) The fee for a license as a firm engaged in public accounting is \$120;
- f) The fee for renewal of a license as a firm engaged in public accounting is \$40 per year;
- g) The fee for restoration of a license from inactive status is the current renewal fee;
- h) The fee for restoration of a license other than from inactive status is ~~\$50~~\$20 plus all lapsed renewal fees, not to exceed \$260;
- i) The fee for certification of a licensee's record is \$20;
- j) The fee for a duplicate or replacement license is \$20;
- k) The fee for a wall certificate is the cost of production;
- l) The fee for change of name or address on a licensee's record, other than during renewal, is \$20;

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- m) The processing fee for temporary registration to practice public accounting within Illinois is \$50 for one year;
- n) The fee for a roster of licensed and/or registered certified public accountants shall be the actual cost of producing such a roster. Actual roster cost shall equal (total number of licensees in list requested) times the multiplier (cost of paper), plus fixed costs (such as personnel, handling and forms);
- o) The fee for application to be a sponsor of approved continuing education courses shall be \$150. Publicly supported colleges, universities and governmental agencies located in Illinois are exempt from payment of fees for continuing education sponsor registration and renewal;
- p) The renewal fee for sponsors of CPE shall be \$150;
- q) Upon request, one copy of the Act and Rules will be provided free of charge. Additional copies may be obtained for one dollar per copy.

(Source: Amended at 36 Ill. Reg. 14689, effective October 5, 2012)

**Section 1420.70 Continuing Professional Education**

- a) Approved continuing professional education (CPE) course, ~~or~~ program or activity(~~CPE course~~), as used in this Part, shall mean a professional development activity~~course or program~~ that complies with subsection (d) of this Section. In addition, courses sponsored or approved by other states or other state CPA societies shall be considered approved.
- b) Recognized educational or professional sponsor (sponsor), as used in this Part, shall mean:
  - 1) The American Institute of Certified Public Accountants (AICPA);
  - 2) The Illinois CPA Society/Foundation (ICPAS/F);
  - 3) A university or college approved by its governing board in the State of Illinois, or equivalent public authority governing board if in another jurisdiction, to award accounting degrees; or

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 4) The National Association of State Boards of Accountancy (NASBA) and persons, firms, associations, corporations or other groups that are members of NASBA's National Registry of CPE Sponsors or Quality Assurance Service (QAS) Program.
- c) Any other Sponsor, as used in this Part, shall mean a person, firm, association, corporation or other group responsible for coordination and presentation of an approved CPE course or program that wishes to become a recognized sponsor shall comply with subsection (1).
- d) Professional development activities are formal and informal learning opportunities. An approved CPE course or program is an organized program of formal learning that contributecontributes directly to a certified public accountant's knowledge, ability or competence to perform his/her professional responsibilities. These activities may be verifiable or non-verifiable. Verifiable activities, as used in this Part, shall mean learning opportunities that comply with subsection (f). Non-verifiable activities, as used in this Part, shall mean learning opportunities that comply with subsection (h). duties as a public accountant. Those programs and courses will qualify if they meet the following minimum requirements:
- e) Selection of professional development activities should address the CPA's current and future work environment, current knowledge and skills level, and desired or needed additional competencies to meet future opportunities and/or professional responsibilities. Courses, programs or activities shall include as their subject matter one or more of the following fields of study:
- 1) AccountingThe course or program shall include as its subject matter one or more of the following:
  - 2) Accounting (Governmental)
  - 3) Administrative Practice
  - 4) Auditing
  - 5) Auditing (Governmental)
  - 6) Behaviorial Ethics

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 7) Business Law
- 8) Business Management & Organization (including practice development)
- 9) Communications
- 10) Computer Science
- 11) Economics
- 12) Finance
- 13) Management Advisory Services
- 14) Marketing
- 15) Mathematics
- 16) Personal Development (e.g., principle-centered leadership, career planning, time management)
- 17) Personnel/HR
- 18) Production
- 19) Regulatory Ethics
- 20) Social Environment of Business
- 21) Specialized Knowledge and Applications
- 22) Statistics
- 23) Taxes
  - A) ~~Accounting and auditing~~
  - B) ~~Taxation~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- ~~C) Management services~~
- ~~D) Computer sciences~~
- ~~E) Mathematics, statistics, probability, and quantitative applications to organization~~
- ~~F) Economics~~
- ~~G) Finance~~
- ~~H) Business, securities and administrative law~~
- ~~I) Business management and employee benefits~~
- ~~J) Professional ethics for certified public accountants~~
- ~~K) Auditing public or private sector specialized industries~~
- ~~L) Administrative practice; e.g., engagement letters, fee structure and personnel management~~
- ~~M) Effective presentation techniques~~
- ~~N) Professional Writing~~
- ~~O) Decision Making~~
- ~~P) Practice development~~
- ~~Q) Ethics~~

f) Verifiable activities are learning opportunities that can be objectively confirmed by a program sponsor, including, but not limited to, attending, developing, teaching or presenting formal programs or courses. These activities will qualify if they meet the following minimum requirements:

1)2) All courses and programs shall be developed and presented by persons

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

with education and/or experience in the subject matter of the program to ensure compliance with the standards stated in this Section~~herein~~.

- ~~2)3)~~ All programs must include some mechanism by which~~whereby~~ the participants evaluate the over-all quality of the program.
- ~~3)4)~~ All courses and programs shall specify the course objectives, level of knowledge necessary for, and prerequisites to enrollment, if any, course content, any necessary advance preparation, teaching methods to be used, and the number of CPE hours that will be earned.
- ~~4)5)~~ An interactive self-study course or program is a program that uses interactive learning methodologies that simulate the classroom learning process by employing computer software, other technology or administrative systems that provide significant, ongoing, interactive feedback to the learner regarding his or her learning process.  
~~Interactive~~~~For reporting periods ending on or after September 1, 1997,~~  
~~interactive~~ self-study courses or programs shall qualify for full credit; ~~except as limited by the provisions of subsection (e)(4).~~
- ~~5)~~ A non-interactive self-study course or program is a program that does not employ interactive features. Examples include videos, books and audiotapes for which the participant must complete and submit an examination for grading without knowledge of which questions are answered incorrectly or why. Credit hours for non-interactive self-study courses or programs shall be allowed on the basis of one-half of the average completion time determined by the sponsor.
- 6) The sponsors of all courses and programs shall~~will~~ provide each participant with a certificate or other proof of attendance that,~~which~~ must include the name and address of the sponsor, the name and address of the participant, the title of the course, the number of hours actually attended in each topic, and the date the course or program was given. The sponsors shall also provide each participant with an outline of the course subject matter. If the sponsor is a public accounting firm licensed under the Act, and the course is given in-firm, the sponsor will not be required to provide certificates of attendance to the employees of the firm attending the course.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- g) Acceptable evidence of completion of verifiable activities shall include the following:
- 1) For live group programs or live internet-based programs, other than in-firm courses or programs, a certificate or other verification supplied by the program sponsor.
  - 2) For self-study programs, a certificate supplied by the program sponsor after satisfactory completion of an examination.
  - 3) For instruction credit, a certificate or other verification supplied by the program sponsor.
  - 4) For a university or college course that is successfully completed for credit, a record or transcript of the grade the participant received.
  - 5) For a university or college non-credit course, a certificate of attendance issued by a representative of the university or college.
  - 6) For published articles, books or development/review of CPE programs:
    - A) a copy of the publication (or in the case of a CPE program, course development documentation) that names the writer or author or contributor;
    - B) a statement from the writer supporting the number of CPE hours claimed; and
    - C) the name and contact information of the independent reviewers or publisher.
- h) Non-verifiable activities are independent or informal learning activities that may not be independently confirmed by a recognized educational or professional sponsor. The following non-verifiable activities shall qualify for CPE credit:
- 1) Attendance at programs or courses coordinated and presented by a person, firm, association, corporation or group, other than a recognized educational or professional sponsor.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 2) Participation and work on technical committees of an international, national or state professional association or member organization.
  - 3) Professional reading of published materials that does not provide a certificate of completion or an assessment process.
  - 4) Consultation with outside experts or research in a subject area new to the licensee (e.g., how to report discontinued operations) or when regulations or standards have changed (e.g., accounting for leases). Credit may not be claimed for repeat consultations or research in the same subject area when regulations or standards have not changed significantly.
- i) Acceptable evidence for completion of non-verifiable activities shall include the following:
- 1) For programs or courses coordinated and presented by a person, firm, association, corporation or group, other than a recognized educational or professional sponsor, acceptable evidence may include a certificate of other verification supplied by the program sponsor. If a certificate or other verification is not available, acceptable evidence shall include copies of the course agenda, program materials, or other documents attributable to the learning activity.
  - 2) For activities listed in subsections (h)(2) through (h)(4), acceptable evidence shall include the following:
    - A) The nature of the activity (e.g., research topic or specific new competency acquired) and the source.
    - B) The dates on which the learning activity was undertaken.
    - C) The number of hours attributed to the learning activity.
    - D) Details of the relevance of the learning activity to the participant's current or future professional development.
    - E) Copies of consultation memorandums, minutes or other documents attributed to the learning activity.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- ~~1)e)~~ Credit Hours – Each approved CPE course, ~~or program, or activity "hour"~~ shall ~~be measured by program length, with one include, as a minimum, 50 minute period minutes of actual class time, exclusive of time devoted by participants to pre-class or post-class preparation or study and shall~~ equal ~~to~~ one CPE course credit-hour. ~~One-half CPE credits (equal to 25 minutes) are permitted after the first credit has been earned in a given learning activity.~~ Courses that are part of the curriculum of a university, college or other educational institution shall be awarded CPE course credit at the rate of 15 credit hours for each semester hour, or 10 credit hours for each quarter hour of school credit awarded.
- 1) A licensee who serves as an instructor, speaker or discussion leader of an approved course will be allowed CPE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for repetitious presentations of the same course, and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 60 hours during any renewal period.
  - 2) CPE course credit will be allowed for actual authorship of published articles, ~~and~~ books ~~and development/review of CPE programs,~~ provided the subject matter of ~~the~~ ~~such~~ article, ~~or~~ book ~~or development/review of CPE program~~ complies with this Section. CPE course credit shall be allowed for actual time spent in writing or researching, but in no case shall credit for authorship of published articles, ~~or~~ books ~~or development/review of CPE programs~~ be given for more than 30 hours during any renewal period.
  - 3) A ~~non-interactive self-correspondence or individual~~ study course ~~or program~~ shall qualify if it meets all other requirements of ~~this Section~~ ~~these~~ rules, it indicates average completion time on the course material, and it provides some mechanism or process by which to provide evidence of satisfactory completion by the licensee beyond certification by the licensee. ~~Credit hours for a correspondence or individual study course, other than an interactive self-study course, shall be allowed on the basis of one-half of the average completion time determined by the sponsor.~~ In no case shall credit for ~~non-interactive self-study~~ ~~correspondence or individual~~ study courses ~~or programs,~~ other than an interactive self-study course, be given for more than 60 hours during any renewal period.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 4) In addition to the limitations stated in subsection ~~(j)(e)~~(3), not more than 80 hours during any renewal period may consist of a combination of interactive ~~and non-interactive~~ self-study ~~and correspondence or individual study~~ courses or programs.
  - 5) Not more than 10 hours shall be claimed for each of the non-verifiable activities listed in subsections (h)(2) through (h)(4) during any renewal period.
  - 6) In addition to the limitations stated in subsection (j)(5), not more than 60 hours during any renewal period may consist of a combination of all non-verifiable activities defined in subsection (h).
  - 7) In no case shall credit from personal development courses or programs be given for more than 24 hours during any renewal period.
  - 8) CPE course credit will be allowed for programs or courses taken toward the satisfaction of continuing education ~~requirements~~provisions in other states.
- ~~k)f~~ Recognized educational or professional sponsors, as specified in subsection (b), shall be approved upon filing a sponsor application with the Division and payment of the required fee set forth in Section 1420.40 ~~of this Part~~. Such filing shall not prevent the Division from requiring additional information to ensure full and continued compliance with the statute and this Part. The Division will require the added information when it has reason to believe that there is not full and continued compliance with the statute and this Part and the additional information is necessary to ensure compliance.
- ~~l)g~~ All other sponsors shall be approved upon application to the Division, payment of the required fee set forth in Section 1420.40 ~~of this Part~~ and submission to upon providing the Division of the following additional certification:
- 1) That all courses and programs offered by ~~thesueh~~ sponsor for CPE course credit will comply with this Section;
  - 2) That the sponsor will be responsible for verifying attendance at each course or program and will maintain attendancesueh records for not less

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

than five years; and

3) That, upon request by the Division, the sponsor will submit ~~such~~ evidence ~~as is~~ necessary to establish compliance with the requirements of this Section. ~~That~~~~Such~~ evidence will be requested when the Division has reason to believe that there is not full and continued compliance with the statute and this Part and that the information is necessary to ensure compliance.

~~m)h)~~ Upon failure of any sponsor to comply with the requirements of this Section, the Division shall issue a written notification to the sponsor that it must remedy its non-compliance prior to providing further approved courses.

~~n)i)~~ All sponsor approvals shall expire December 31 of each year and may be renewed by submitting a renewal application and the required fee set forth in Section 1420.40 ~~of this Part~~.

~~o)j)~~ The Division shall periodically audit CPE course information submitted by applicants to verify ~~thesueh~~ information, and shall verify ~~thesueh~~ information upon receipt of a written complaint or allegation that a particular applicant or group of applicants has not fully complied with the requirements of the Act or this Part.

~~p)k)~~ Any approved sponsor's courses shall be disapproved if the sponsor fails or refuses to provide information to the Division for ascertaining compliance with this Part as specified in subsections ~~(k) and (l)(f) and (g)~~.

~~t)~~ ~~Continuing Education Earned in Other Jurisdictions~~

~~1)~~ ~~If a renewal applicant will be earning or has earned CPE hours in another jurisdiction, but is not licensed in that jurisdiction and the course is not presented by an approved sponsor, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, to have the program reviewed. The Committee shall review and recommend approval or disapproval of the programs using the criteria set forth in subsection (d) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted 90 days prior to the expiration date of the license.~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 2) ~~If a licensee fails to submit an out of state CPE approval form within the required time, late approval may be obtained by submitting the application with the \$25 processing fee plus a \$10 per CPE hour late fee, not to exceed \$150. The Committee shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (d) of this Section.~~

(Source: Amended at 36 Ill. Reg. 14689, effective October 5, 2012)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting
- 2) Code Citation: 17 Ill. Adm. Code 530
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
530.80	Amendment
530.85	Amendment
530.95	Amendment
530.110	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29]
- 5) Effective date of rulemaking: September 21, 2012
- 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 rulemaking, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: June 1, 2012, 36 Ill. Reg. 8187
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In Section 530.80(d)(4), "~~\$38~~" has been stricken and replaced with "\$35".

In Section 530.95(a)(5), the paragraph has been replaced with "one of the last two Saturdays of October or the first two Sundays of November 2012. As an option to the fall date or an addition to the fall date, a youth hunt may be scheduled for the first Saturday of March 2013. When the hunt date is determined, it will be listed on the DNR website at [www.dnr.illinois.gov](http://www.dnr.illinois.gov):"

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

In Section 530.110(b)(3), "; specific dates to be listed on application" has been deleted from "Pyramid State Park – Captain Unit", "Pyramid State Park – Denmark Unit", "Pyramid State Park – East Conant Unit",

- 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 any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being amended to: update regulations for controlled permit hunting sites and youth pheasant hunting sites, raise the fees charged by public/private partnership area concessionaires, and update hunting dates and site-specific regulations at non-fee hunting sites.
- 16) Information and questions regarding this rulemaking shall be directed to:

George Sisk, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 530  
COCK PHEASANT, HUNGARIAN PARTRIDGE,  
BOBWHITE QUAIL, AND RABBIT HUNTING

Section	
530.10	Statewide General Regulations
530.20	Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30	Statewide Hungarian Partridge Regulations (Repealed)
530.40	Statewide Bobwhite Quail Regulations (Repealed)
530.50	Statewide Rabbit Regulations (Repealed)
530.60	Statewide Crow Regulations (Repealed)
530.70	Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.80	Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.85	Youth Pheasant Hunting Permit Requirements
530.90	Illinois Youth Pheasant Hunting Sites Permit Requirements (Repealed)
530.95	Youth Pheasant Hunting Regulations
530.100	Illinois Youth Pheasant Hunting Regulations (Repealed)
530.105	Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites (Repealed)
530.110	Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115	Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120	Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990, for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective August 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12397, effective August 30, 1996; amended at 21 Ill. Reg. 9042, effective June 26, 1997; amended at 22 Ill. Reg. 14762, effective August 3, 1998; amended at 23 Ill. Reg. 9012, effective July 28, 1999; amended at 24 Ill. Reg. 12496, effective August 7, 2000; amended at 25 Ill. Reg. 11119, effective August 21, 2001; amended at 26 Ill. Reg. 16210, effective October 18, 2002; amended at 27 Ill. Reg. 15381, effective September 18, 2003; amended at 28 Ill. Reg. 12835, effective September 1, 2004; amended at 29 Ill. Reg. 13813, effective August 26, 2005; amended at 30 Ill. Reg. 14478, effective August 24, 2006; amended at 31 Ill. Reg. 9175, effective June 18, 2007; amended at 32 Ill. Reg. 17455, effective October 24, 2008; amended at 33 Ill. Reg. 13871, effective September 21, 2009; amended at 34 Ill. Reg. 16429, effective October 8, 2010; amended at 35 Ill. Reg. 15212, effective September 2, 2011; amended at 36 Ill. Reg. 14704, effective September 21, 2012.

**Section 530.80 Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites**

- a) Hunting Seasons:
  - 1) The following controlled pheasant hunting areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season (except as provided in subsection (a)(4)) and on December 25.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Chain O'Lakes State Park

Des Plaines State Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Horseshoe Lake State Park – Madison County

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Kankakee River State Park

Moraine View State Park

Ramsey Lake State Park

Sand Ridge State Forest

Silver Springs State Park

Wayne Fitzgerald State Park (Rend Lake)

- 2) The following controlled pheasant hunting areas are open to the Illinois Youth Pheasant Hunting Program only on the first Sunday of the site's controlled pheasant hunting season.

Chain O'Lakes State Park

Des Plaines State Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Iroquois County State Conservation Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Lee County State Conservation Area (Green River State Wildlife Area)

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park (Rend Lake)

- 3) The controlled hunting season on the Lee County State Conservation Area (Green River) is each Friday through Sunday beginning with the Friday before the opening of the statewide upland game season through the seventh Sunday following (closed during the November and December firearm deer seasons).
- 4) Controlled pheasant hunting seasons are listed below; exceptions are in parentheses; with written authorization from the Director, captive-reared game bird hunting may be scheduled during the season authorized by statute (see 520 ILCS 5/2.6) on the following DNR operated areas:

Chain O'Lakes State Park (closed during the November 3-day firearm deer season) – the Wednesday before the first Saturday in November through the seventh Sunday following

Des Plaines State Conservation Area (closed during the November 3-day firearm deer season), Iroquois County State Conservation Area (closed during the November 3-day firearm deer season) and Moraine View State Park – the Wednesday before the first Saturday of November through the ninth Sunday following

Eldon Hazlet State Park and Wayne Fitzgerald State Park – the Wednesday following the first Saturday of November through the ninth Sunday following

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Horseshoe Lake State Park – Madison County (closed New Year's Day) – the second Wednesday of December or the first hunting day after the close of the central zone duck season, whichever occurs first, through the next following January 31

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit (closed during the November and December firearm deer seasons), Johnson-Sauk Trail State Park (closed New Year's Day), Kankakee River State Park (closed New Year's Day), Ramsey Lake State Park (closed on Wednesdays, Thursdays and Fridays during the first and second weeks after the opening date of upland game season, Saturday and Sunday during the first firearm deer season, Wednesdays and Thursdays thereafter, and New Year's Day~~November 9, 10, 16, 17, 30, December 1, 7, 8, 14, 15, New Year's Day and January 4, 5, 11, 12~~), Sand Ridge State Forest – season dates are those specified in Section 530.20

Silver Springs State Park (closed New Year's Day) – the third Saturday of October through the next following January 8

- b) Hunting hours are listed below. On Thanksgiving Day, hunting hours are 9:00 a.m.-1:00 p.m. Hunters with reservations are required to check in at the check station on the following sites at the listed times. Hunters with reservations that check in after the required check-in time may not be allowed to hunt if the site hunter quota has been filled.

<b>Site Name</b>	<b>Check-In Times</b>	<b>Hunting Hours</b>
Chain O'Lakes State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Des Plaines State Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Eldon Hazlet State Park (Carlyle Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Horseshoe Lake State Park (Madison County)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Iroquois County State Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Unit)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Johnson-Sauk Trail State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Kankakee River State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Lee County State Conservation Area (Green River State Wildlife Area)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Moraine View State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Ramsey Lake State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Sand Ridge State Forest	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Silver Springs State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Wayne Fitzgerald State Park (Rend Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.

- c) Except for Standing Vehicle Permittees with a Disabled Controlled Pheasant Hunting Permit, during the controlled pheasant hunting season when daily quotas are not filled, permits shall be issued by drawing held at the conclusion of check-in time and if daily quotas remain unfilled at the conclusion of the drawing, on a first come-first served basis until 12:00 noon unless an earlier time is posted at the site's hunter check station at the following sites:

Des Plaines State Conservation Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Eldon Hazlet State Park

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Johnson-Sauk Trail State Park

Lee County State Conservation Area (Green River)

Kankakee River State Park

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park

- d) Hunting licenses, daily "Public Hunting Grounds for Pheasants" fees and hunting permit fees collected by public/private partnership area concessionaire:
- 1) Depending on the availability of staff during the controlled pheasant hunting season, hunters may be required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card, they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
  - 2) Pursuant to 520 ILCS 5/1.13, at Lee County State Conservation Area (Green River), hunters must pay the following daily Public Hunting Grounds for Pheasants fee to the Department prior to hunting: ~~\$30~~<sup>25</sup> residents; \$35 non-residents. On the Sunday following Thanksgiving Day, hunters under 16 are not required to pay the daily Public Hunting Grounds for Pheasants fee.
  - 3) Pursuant to 520 ILCS 5/1.13, at Des Plaines State Conservation Area, Iroquois County State Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit, Johnson-Sauk Trail State Park,

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Kankakee River State Park, Moraine View State Park, Eldon Hazlet State Park (Carlyle Lake), Wayne Fitzgerald State Park and Sand Ridge State Forest, hunters must pay the following daily Public Hunting Grounds for Pheasants fee to the Department prior to hunting: ~~\$3025~~ residents; \$35 non-residents. On the Sunday following Thanksgiving Day and the Friday between Christmas Day and New Year's Day, hunters under 16 are not required to pay the daily Public Hunting Grounds for Pheasants fee.

- 4) At Chain O'Lakes State Park, Horseshoe Lake State Park (Madison County), Ramsey Lake State Park and Silver Springs State Park, hunters must pay the following hunting permit fees to be collected by the public/private partnership area concessionaire under the terms of a Controlled Pheasant Hunting Agreement with the Department prior to hunting: 2 pheasant permit – ~~\$3028~~ residents and ~~\$3538~~ non-residents; 3 pheasant permit – ~~\$4039~~; 4 pheasant permit – ~~\$5049~~. On days requested by the concessionaire and authorized by the Department, hunters under 16 are not required to pay a hunting permit fee.
- e) During the controlled pheasant hunting season, hunters must wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in possession or in their vehicle must declare it with the person in charge of the area during check-in. All game found in a hunter's possession after hunting has started on the area shall be considered illegally taken if the hunter has not declared it prior to going afield.
- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead or a non-toxic shot size ballistically equivalent to No. 5 lead or smaller may be used, except at Chain O' Lakes State Park, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River), Wayne Fitzgerald State Park and Eldon Hazlet State Park where only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size ballistically equivalent to No. 5 lead or smaller may be used or in possession. Flu flu arrows only may be used or in possession by bow and arrow hunters.
- h) Non-hunters are not allowed in the field, except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field, and except for operators of Department conveyances and Standing Vehicle Permittees and a single dog handler for the Permittee.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- i) Hunters under 16 years of age must be accompanied by an adult hunter.
- j) Daily limits – On the following areas, a permit authorizes the harvest of 2 pheasants of either sex per hunter; exceptions are in parentheses. With written authorization from the Director, the Department may issue more than one permit to a hunter and the limits provided for in 520 ILCS 5/3.28 shall apply:

Chain O'Lakes State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day)

Des Plaines State Conservation Area

Eldon Hazlet State Park

Lee County State Conservation Area (2 cock pheasants per permit hunter)

Horseshoe Lake State Park-Madison County (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, first day only, 4 quail and 2 rabbits per hunter)

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area (additionally, 8 bobwhite quail opening day through the Sunday following Thanksgiving Day and 4 rabbits per hunter)

Johnson-Sauk Trail State Park (additionally, 8 bobwhite quail, 2 Hungarian partridge and 4 rabbits per hunter)

Kankakee River State Park (additionally, 8 bobwhite quail and 4 rabbits per hunter)

Moraine View State Park

Ramsey Lake State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, 8 bobwhite quail and 4 rabbits per hunter)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Sand Ridge State Forest (additionally, 8 bobwhite quail and 4 rabbits per hunter)

Silver Springs State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day)

Wayne Fitzgerald State Park

- k) Tagging of birds.  
During the controlled pheasant hunting season, all pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- l) During the controlled pheasant hunting season, hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.
- m) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ~~10~~ten days after the citation by written request addressed to: Legal Division, Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.
- n) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 36 Ill. Reg. 14704, effective September 21, 2012)

**Section 530.85 Youth Pheasant Hunting Permit Requirements**

- a) Applicants must contact the Department of Natural Resources (Department or DNR) to obtain a permit reservation. Applications for reservations will be accepted on the first Monday of August until 24 hours before the hunt date established in Section 530.95. Methods for making reservations are available on the Department's Website at: [www.dnr.illinois.gov](http://www.dnr.illinois.gov), by email at:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

dnr.pheasant@illinois.gov or by writing to the Department's Division of Parks and Recreation. Only applications for reservations submitted by Illinois residents will be accepted during the first application period. Reservations will be confirmed. Providing false information on the application is a Class A misdemeanor (see 520 ILCS 5/2.38).

- b) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.
- c) Methods for transferring permits will be provided on the Department's Website at: [www.dnr.illinois.gov](http://www.dnr.illinois.gov), by email at: [dnr.pheasant@illinois.gov](mailto:dnr.pheasant@illinois.gov) or by writing to:

Illinois Department of Natural Resources  
Division of Parks and Recreation – Youth Pheasant Hunt  
One Natural Resources Way  
Springfield IL 62702-1271

- d) Reservations for the Illinois Youth Pheasant Hunt permits will be issued for Chain O'Lakes State Park, Clinton Lake State Recreation Area, Des Plaines Conservation Area, Edward R. Madigan State Park, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River), Moraine View State Park, Wayne Fitzgerald (Rend Lake) State Park, Mackinaw River State Fish and Wildlife Area, Horseshoe Lake State Park (Madison County), [Pere Marquette State Park/Mississippi River Area – Pool 26 State Fish and Wildlife Area](#), Sand Ridge State Forest, Sangchris Lake State Park, Jim Edgar Panther Creek State Fish and Wildlife Area-Controlled Unit and the World Shooting and Recreational Complex.

(Source: Amended at 36 Ill. Reg. 14704, effective September 21, 2012)

**Section 530.95 Youth Pheasant Hunting Regulations**

- a) At the following sites, the Illinois Youth Pheasant Hunt will be held on:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 1) the Saturday preceding the opening of the statewide upland game season:

Clinton Lake State Recreation Area

Mackinaw River State Fish and Wildlife Area

- 2) the Sunday following the opening of the statewide upland game season:

Chain O'Lakes State Park

Des Plaines State Conservation Area

Edward R. Madigan State Park

Lee County State Conservation Area (Green River)

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Moraine View State Park

Sand Ridge State Forest

Sangchris Lake State Park

- 3) the second Sunday following the opening of the statewide upland game season:

Eldon Hazlet State Park (Carlyle Lake)

Horseshoe Lake State Park (Madison County)

Wayne Fitzgerald State Park (Rend Lake)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 4) the Saturday two weeks before the opening of the statewide upland game season:

## World Shooting and Recreational Complex

- 5) one of the last two Saturdays of October or the first two Sundays of November 2012. As an option to the fall date or an addition to the fall date, a youth hunt may be scheduled for the first Saturday of March 2013. When the hunt date is determined, it will be listed on the DNR website at [www.dnr.illinois.gov](http://www.dnr.illinois.gov):

Pere Marquette State Park/Mississippi River Area – Pool 26 State Fish and Wildlife Area

- b) Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangchris Lake hunting hours are from 11:00 a.m. to 4:00 p.m., and except at Pere Marquette State Park/Mississippi River Area – Pool 26 State Fish and Wildlife Area and the World Shooting and Recreational Complex hunting hours are from 1:00 p.m. to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 and 8:00 a.m. (between 10:00 and 10:30 a.m. at Sangchris Lake State Park).
- c) All hunters must be between the ages of 10-15 inclusive and have a youth hunting permit. Stand-by permits shall be issued by drawing held at the conclusion of check-in time when daily quotas are not filled~~will not be available except at Sangchris Lake, Mackinaw River State Fish and Wildlife Area and Edward R. Madigan State Park.~~ Hunters under age 16 are not required to pay a daily fee.
- d) Depending on the availability of staff during the controlled pheasant hunting season, hunters may be required to deposit their hunting licenses in the check station while hunting. Each permit holder must be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) card, the supervisory adult is required to have a valid FOID card. Only one supervisory adult in a hunting party is required to have a valid FOID card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID card. The supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- e) Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of a least 400 square inches. Hunters must wear a back patch issued by the check station.
- f) Persons who have killed game previously and have it in their possession or in their vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after hunting has started on the area will be considered illegally taken if the hunter has not declared it prior to going afield.
- g) All hunting must be done with shotguns. Only shot shells with a shot size of #5 lead or a nontoxic shot size ballistically equivalent to No. 5 lead or smaller may be used, except at Chain O'Lakes State Park, Eldon Hazlet State Park, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River) and Wayne Fitzgerald State Park where only shot shells approved as nontoxic by the U.S. Fish and Wildlife Service with a shot size ballistically equivalent to No. 5 lead or smaller may be used.
- h) Daily Limit
  - 1) Two pheasants of either sex at Chain O'Lakes State Park, Des Plaines State Conservation Area, Eldon Hazlet State Park, Iroquois County State Conservation Area, Horseshoe Lake State Park (Madison County), Johnson-Sauk Trail State Park, Moraine View State Park, Pere Marquette State Park/Mississippi River Area – Pool 26 State Fish and Wildlife Area, Sand Ridge State Forest, Wayne Fitzgerald State Park and the World Shooting and Recreational Complex.
  - 2) Two cock pheasants only at Clinton Lake State Recreation Area, Lee County State Conservation Area (Green River) and Mackinaw River State Fish and Wildlife Area.
  - 3) Statewide upland game limits at Sangchris Lake State Park and Edward R. Madigan State Park.
  - 4) Two pheasants of either sex, eight quail and four rabbits at Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- i) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- j) Violation of this Section is a petty offense (see 520 ILCS 5/2.6).

(Source: Amended at 36 Ill. Reg. 14704, effective September 21, 2012)

**Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites**

- a) General Site Regulations
  - 1) All regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping – apply in this Section, unless this Section is more restrictive.
  - 2) Only flu flu arrows may be used by bow and arrow hunters; broadheads are not allowed.
  - 3) On sites that are indicated by (1), hunters must check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
  - 4) On sites that are indicated by (2), only nontoxic shot approved by the U.S. Fish and Wildlife Service of size #3 steel or #5 bismuth shot or smaller may be used or possessed with a shot size of #3 steel or tin, #4 bismuth, #5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.
  - 5) Site specific rules or exceptions are noted in parentheses after each site.
- b) Site Specific Regulations
  - 1) Statewide regulations apply at the following sites:
    - Anderson Lake State Conservation Area (1)
    - Apple River Canyon State Park – Salem and Thompson Units (rabbits only; closed during firearm deer season) (1)
    - Argyle Lake State Park (closed during firearm deer season) (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Banner Marsh State Fish and Wildlife Area (opens the day after the close of the central zone duck season) (1)

Big Bend State Fish and Wildlife Area (hunting for bobwhite quail will terminate at the close of legal shooting hours on December 14) (1)

Big River State Forest (closed during firearm deer season) (1)

Cache River State Natural Area (1)

Campbell Pond State Wildlife Management Area

Cape Bend State Fish and Wildlife Area (1)

Carlyle Lake State Lands and Waters (Corps of Engineers Managed Lands)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Crawford County State Conservation Area (1)

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dog Island State Wildlife Management Area (1)

Eagle Creek State Park (open only January 16-22)

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch only) (1)

Ferne Clyffe State Park (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Fort de Chartres State Historic Site (hunting with muzzleloading shotgun or bow and arrow only) (1)

Ft. Massac State Park (1)

Fulton County State Goose Management Area (opens the day after the close of the Central Illinois Quota Zone goose season) (1)

Giant City State Park (1)

Hamilton County State Conservation Area (1)

Hanover Bluff State Natural Area (1)

Horseshoe Lake State Conservation Area (Alexander County) (Public Hunting Area) (1)

Horseshoe Lake State Conservation Area (Controlled Hunting Area; closed prior to and during the Canada goose season) (1)

Jubilee College State Park (hunting for pheasant and quail will terminate at sunset on the Sunday after Thanksgiving; closed during all site firearm deer seasons) (1)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season; the defined Baldwin Lake Waterfowl Rest Area is closed) (1)

Kinkaid Lake State Fish and Wildlife Area (1)

Marseilles State Fish and Wildlife Area (closed during all site firearm deer seasons; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (1)

Marshall State Fish and Wildlife Area (closed during firearm deer season) (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Mazonia State Fish and Wildlife Area (upland season does not open until the day after the close of the site's waterfowl season; the site is closed Mondays, Tuesdays, Christmas Day and New Year's Day) (1)

Mermet Lake State Fish and Wildlife Area (1)

Mississippi River Pools 16, 17, 18

Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 21, 22, 24

Mt. Vernon Game Propagation Center (hunting from January 1 to the end of season; rabbits only) (1)

Nauvoo State Park (Max Rowe Unit only)

Oakford State Conservation Area

Peabody River King State Fish and Wildlife Area (West and North Subunits only) (1)

Rall Woods State Natural Area (1)

Ramsey Lake State Park (8:00 a.m. to 4:00 p.m.; rabbits and quail only may be hunted on Mondays and Tuesdays during the fee pheasant season) (1)

Randolph County State Conservation Area (1)

Ray Norbut State Fish and Wildlife Area (1)

Red Hills State Park (1)

Rend Lake Project Lands and Waters

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Sahara Woods State Fish and Wildlife Area (1)

Saline County State Conservation Area (1)

Sam Dale Lake State Conservation Area (8:00 a.m. to 4:00 p.m.)  
(1)

Sam Parr State Park (8:00 a.m. to 4:00 p.m.) (1)

Sangamon County State Conservation Area

Shawnee National Forest, Oakwood Bottoms (2)

Sielbeck Forest State Natural Area (1)

Skinner Farm State Habitat Area (1)

Snakeden Hollow State Fish and Wildlife Area (opens the day after  
the close of the Central Illinois Quota zone goose season) (1) (2)

Spoon River State Forest (1)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.) (1)

Tapley Woods State Natural Area (closed during firearm and  
muzzleloading rifle deer seasons) (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County State Conservation Area (Firing Line Management  
Area only) (1) (2)

Washington County State Conservation Area (1)

Weinberg-King State Park (1)

Weinberg-King State Park (Cecil White Unit)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Weinberg-King State Park (Scripps Unit) (1)

Weinberg-King State Park (Spunky Bottoms Unit) (1)

Weldon Springs/Piatt County Unit (closed during first and second firearm deer seasons) (1)

Wildcat Hollow State Forest

Winston Tunnel State Natural Area (1)

Wise Ridge State Natural Area

Witkowsky State Wildlife Area (rabbit only; opens after second firearm deer season) (1)

Wolf Creek State Park (open only January 16-22)

- 2) Statewide regulations apply at the following sites except that hunters must obtain a free site permit from site office; this permit must be in possession while hunting at the site. The permit must be returned, and harvest reported, by February 15 or the hunter will forfeit hunting privileges at the site for the following year:

Chauncey Marsh State Natural Area (obtain permit at Red Hills State Park headquarters)

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (4:00 p.m. daily closing; closed during firearm deer season)

Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Jim Edgar Panther Creek State Fish and Wildlife Area (Open Unit)

Jim Edgar Panther Creek State Fish and Wildlife Area –  
Controlled Unit (rabbit hunting only open Monday following the  
close of the controlled pheasant hunting season through the next  
following January 22)

Kickapoo State Park (4:00 p.m. daily closing; closed during  
firearm deer season)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife  
Management Area (4:00 p.m. daily closing)

Meeker State Habitat Area (obtain permit at Sam Parr State Park  
headquarters)

Middle Fork State Fish and Wildlife Area (4:00 p.m. daily closing;  
closed during firearm deer season)

Moraine View State Park (rabbit hunting permitted Mondays and  
Tuesdays during the site controlled hunting season; hunting hours  
are 8 a.m. to 4 p.m. only)

Newton Lake State Fish and Wildlife Area (closed during firearm  
deer season)

Pyramid State Park

Pyramid State Park – Galum Unit

Sanganois State Fish and Wildlife Area

Ten Mile Creek State Fish and Wildlife Area (nontoxic shot only  
on posted waterfowl rest areas)

- 3) Hunting is permitted on the following areas only on the dates listed in parentheses; or on sites indicated by (3), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November, and on each Thursday

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

and Sunday in December, through December 24. On sites indicated by (4), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November and on each Thursday and Sunday in December, through December 24, except closed during the firearm deer seasons and open December 27 and 29. Daily hunting permits filled by drawing through DNR Permit Office. Procedures for application and drawings will be publicly announced. Illinois residents will have preference. Only one permit per person will be issued. Each permit authorizes the holder to bring the number of additional hunting partners listed in parentheses for the day's hunt. The permit must be returned and harvest reported by February 15 or permit holders will forfeit hunting privileges at the sites covered in this Section for the following year:

Birkbeck Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Bradford Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Clifton Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Coffeen Lake State Fish and Wildlife Area – Upland Management Area (open every Wednesday during the upland season; daily limit of bobwhite quail is 4; rabbit hunting only after the close of the pheasant and quail season; each permit authorizes the holder to bring 2 hunting partners)

Dublin Highlands Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Eagle Creek State Park (each permit authorizes the holder to bring 3 hunting partners) (3)

Edward R. Madigan State Park (open on Mondays from the opening of upland game season until Christmas Day; each permit authorizes the holder to bring 3 hunting partners; check in required before hunting)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Finrock State Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Freeman Mine Habitat Area (open every Wednesday in November and December starting with opening day of upland game season except during firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 8 a.m. to 4 p.m.; daily bag limit is 2 cock pheasants, 4 quail, and 2 rabbits)

Franklin Creek State Natural Area – Nachusa Prairie Sand Farm (each permit authorizes the holder to bring 3 hunting partners) (3)

Gifford Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Green River State Wildlife Area (open every Monday, Wednesday and Thursday in November and December beginning with the Monday after the opening of the statewide upland season through the seventh Monday following; closed during the November and December firearm deer season only November 7, 9, 10, 14, 16, 23, 28, 30 and December 7, 8, 12, 14, 15, 19; each permit authorizes the holder to bring 5 hunting partners) (1) (2)

Hallsville Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Harry "Babe" Woodyard State Natural Area (each permit authorizes the holder to bring 3 hunting partners; 8 a.m. to 4 p.m. hunting hours) (4)

Herschel Workman Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Hindsboro Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Hurricane Creek State Habitat Area (each permit authorizes the

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

holder to bring 3 hunting partners) (4)

Ilo Dillin State Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (2)(3)

Jim Edgar Panther Creek State Fish and Wildlife Area (Upland Game Management Area) (open every Tuesday and Saturday in November, December and January starting with opening day of upland game season except during firearm deer season and December 24 and 25; rabbit hunting only after the close of pheasant and quail season; each permit authorizes holder to bring 3 hunting partners)

Little Rock Creek Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Loda Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Mackinaw State Fish and Wildlife Area (each permit authorizes the holder to bring 3 hunting partners) (4)

Manito Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Maytown Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Milks Grove Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Perdueville Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Pyramid State Park – Captain Unit (open every Saturday and Wednesday starting with opening day through the close of statewide quail season (South Zone); closed during firearm, muzzleloader and late winter deer seasons and any day that conflicts with a scheduled field trial only November 6, 9, 12, 16,

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

~~23, 26; December 7, 10, 14, 17, 21, 24; and January 4, 7, 11; each permit authorizes the holder to bring 2 hunting partners)~~

Pyramid State Park – Denmark Unit (open every Saturday and Wednesday starting with opening day through the close of statewide quail season (South Zone); closed during firearm, muzzleloader and late winter deer seasons and any day that conflicts with a scheduled field trial~~only November 5, 16, 23, 26, 30; December 7, 10, 14, 18, 21, 24, 28; and January 4, 8, 11; each permit authorizes the holder to bring 2 hunting partners)~~

Pyramid State Park – East Conant Unit (open every Saturday and Wednesday starting with opening day through the close of statewide quail season (South Zone); closed during firearm, muzzleloader and late winter deer seasons and any day that conflicts with a scheduled field trial~~only November 5, 9, 12, 16, 23, 26; December 7, 14, 17, 21, 24, 28; and January 4, 7, 11; each permit authorizes the holder to bring 2 hunting partners)~~

Sand Prairie Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Sand Ridge State Forest (Sparks Pond Land and Water Reserve Area) (open on Saturdays and Tuesdays from the opening of the upland game season through the end of December except during firearm deer season; each permit authorizes holder to bring 3 hunting partners)

Sangchris Lake State Park (open every Wednesday and Saturday in November and December after the opening day of upland game season except the Saturday of the second firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 11:00 a.m. to sunset; check in required before hunting)

Saybrook Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Sibley Pheasant Habitat Area (each permit authorizes the holder to

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

bring 5 hunting partners) (3)

Siloam Springs State Park – Buckhorn Unit (open only the first and third days of firearm deer season and every Tuesday and Saturday thereafter until close of the statewide quail season; each permit authorizes the holder to bring 3 hunting partners)

Steward Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Victoria Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Whitefield Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Willow Creek State Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Wolf Creek State Park (each permit authorizes the holder to bring 3 hunting partners) (4)

- 4) The following sites will be open for pheasant, quail, rabbit and partridge hunting following the site's controlled pheasant hunting season; pheasants of either sex may be taken; all hen pheasants must be tagged by DNR before leaving sites; hunting hours are 8:00 a.m.-4:00 p.m.; hunting dates are noted in parentheses:

Chain O'Lakes State Park (open Wednesday through Friday following permit pheasant season) (1)

Des Plaines State Conservation Area (dates are 5 days following the close of the site's permit pheasant season excluding Mondays, Tuesdays and Christmas) (1)

Eldon Hazlet State Park (no quail or rabbit hunting; controlled pheasant hunting area and for 5 consecutive days only) (1)

Iroquois County State Wildlife Management Area (open

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Wednesday through Sunday following permit pheasant season, excluding Christmas) (1)

Kankakee River State Park (no quail hunting)

Moraine View State Park (open Monday following the close of the controlled pheasant hunting season through the close of the North Zone~~northern zone~~ season) (1)

Silver Springs State Park (dates are 5 days following the close of the site's permit pheasant season, excluding Mondays and Tuesdays) (1)

- c) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 36 Ill. Reg. 14704, effective September 21, 2012)

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Domestic Violence Grants
- 2) Code Citation: 89 Ill. Adm. Code 1110
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1110.10	Amendment
1110.15	New Section
1110.20	Amendment
1110.40	Amendment
1110.50	Amendment
1110.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 6z-72 of the State Finance Act [30 ILCS 105/6z-72]
- 5) Effective Date of Amendments: September 20, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Statement of Availability: A copy of the adopted amendment is on file and is available for public inspection in the Attorney General's principal office in Chicago (12th Floor, James R. Thompson Center).
- 9) Notice of Proposal Published in Illinois Register: 36 Ill. Reg. 7745; May 25, 2012
- 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 any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: The amendments address changes required for consistency with PA 97-004, effective May 31, 2011. Specifically, the name of the fund

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

and the source of moneys for the fund are updated to reflect the changes required by PA 97-004. A new Section is added to define and clarify terms used in the rules.

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

Cynthia Hora, Chief  
Crime Victim Services Division  
Office of the Attorney General  
100 West Randolph, 13th Floor  
Chicago, IL 60601

312/814-1427

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

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IX: ATTORNEY GENERAL

PART 1110

~~MARRIED FAMILIES~~ DOMESTIC VIOLENCE GRANTS

SUBPART A: GENERAL ADMINISTRATIVE PROVISIONS

Section

- 1110.10 Administration of the ~~Married Families~~ Domestic Violence Fund
- 1110.15 Definitions of Terms
- 1110.20 Eligible Agencies
- 1110.30 Conflict of Interest
- 1110.40 Grant Application Requirements
- 1110.45 First Year Application Deadline
- 1110.50 Funding Priorities
- 1110.60 General Programming and Staffing Requirements

SUBPART B: FISCAL AND MONITORING REQUIREMENTS

Section

- 1110.100 Accounting Requirements
- 1110.110 Allowable and Non-allowable Expenses
- 1110.120 Interest
- 1110.130 Audits
- 1110.140 Grant Agreement
- 1110.150 Payment
- 1110.160 Termination of Grant Agreement
- 1110.170 Lapsed Funds
- 1110.180 Quarterly and Staff Reporting
- 1110.190 On-site Visits and Inspection of Records

AUTHORITY: Authorized by and implementing Section 6z-72 of the State Finance Act [30 ILCS 105/6z-72].

SOURCE: Adopted at 33 Ill. Reg. 7838, effective May 26, 2009; amended at 36 Ill. Reg. 14733, effective September 20, 2012.

SUBPART A: GENERAL ADMINISTRATIVE PROVISIONS

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENTS

**Section 1110.10 Administration of the ~~Married Families~~ Domestic Violence Fund**

The Illinois Attorney General (~~the "Administrator"~~) is charged with administering the disbursement of monies from the ~~Married Families~~ Domestic Violence Fund, including the selection of qualified applicants to receive funding to provide free domestic violence legal advocacy, legal assistance, or legal services to ~~married or formerly married~~ victims who have been subjected to domestic violence by a spouse or former spouse.

(Source: Amended at 36 Ill. Reg. 14733, effective September 20, 2012)

**Section 1110.15 Definitions of Terms**

As used in this Part, the term:

"Administrator" means the Illinois Attorney General.

"Domestic violence" means abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986 [750 ILCS 60].

"Domestic violence program" means any unit of local government, organization or association whose major purpose is to provide one or more of the following: information, crisis intervention, emergency shelter, referral, counseling, advocacy or emotional support to victims of domestic violence.

"Former spouse" means a person who was formerly married or formerly a party to a civil union.

"Grantee" or "grant recipient" means an agency that has been awarded a grant.

"Legal advocacy" and "legal assistance" refer to services provided by victim advocates who have undergone a minimum of 40 hours of training in domestic violence, advocacy, crisis intervention and related areas and who provide services through a domestic violence program.

"Legal services" refers to services, consultation or representation provided by an attorney licensed in Illinois or by legal support staff working under the supervision of a licensed attorney.

"Spouse" means a person who is married or is a party to a civil union.

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENTS

"Victim" means a person subjected to domestic violence by a spouse or former spouse.

(Source: Added at 36 Ill. Reg. 14733, effective September 20, 2012)

**Section 1110.20 Eligible Agencies**

The following types of agencies may apply for funding from the ~~Married Families~~-Domestic Violence Fund:

- a) An agency of the United States, the State of Illinois, or a unit of local government that provides legal advocacy, legal assistance, or legal services to victims of domestic violence.
- b) A private, nonprofit entity that provides legal advocacy, legal assistance, or legal services to victims of domestic violence, if it:
  - 1) has a tax exempt ruling from the Internal Revenue Service under section 501(c)(3) of the Internal Revenue Code (26 USC 501(c)(3)); and
  - 2) is compliant with the Charitable Trust Act [760 ILCS 55] and the Solicitations for Charity Act [225 ILCS 460] or is exempt from these Acts.

(Source: Amended at 36 Ill. Reg. 14733, effective September 20, 2012)

**Section 1110.40 Grant Application Requirements**

In order to be considered for an award of grant funds under this Part, applicants must, on or before the first Friday of March preceding the fiscal year for which funding is required, submit the following information on, or, whenwhere indicated, attached to, a properly completed grant application form provided by the Administrator:

- a) Identification of the applicant, including:
  - 1) Organization name and type, Federal Employer Identification Number, complete address, telephone number, and e-mail address;
  - 2) The agency's Illinois Charitable Trust registration number or a statement that the agency is exempt;

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENTS

- 3) The name and telephone number of the agency's chief executive officer or executive director;
  - 4) The name, telephone number and e-mail address of the agency's contact person for purposes of the grant.
- b) A description of the applicant and the services it provides, including:
- 1) A summary of the history and purpose of the applicant and the specific program for which funding is sought;
  - 2) A detailed description of the services program for which funding is sought;
  - 3) The number of clients served by applicant in the previous year;
  - 4) Applicant's past experience in providing legal advocacy, legal assistance, or legal services to victims of domestic violence;
  - 5) Applicant's current capacity to serve ~~married or formerly married~~ victims of domestic violence.
- c) A description of existing needs of the community to be served in relation to legal advocacy, legal assistance, or legal services for ~~married or formerly married~~ victims of domestic violence, including descriptions of:
- 1) Community support for and involvement with the applicant;
  - 2) Memberships in multidisciplinary organizations or coalitions;
  - 3) Agencies with which applicant has networking agreements.
- d) A proposal describing the legal advocacy, legal assistance, and legal services to be provided with grant funding. The proposal must include:
- 1) Identification of the types of civil proceedings for which services will be provided;
  - 2) A description of direct services to be provided and of any programmatic service limitations or restrictions;

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENTS

- ~~32~~) A description of the client population to be served;
  - ~~43~~) A description of the geographic area to be served, including counties and legislative districts;
  - ~~54~~) A statement of goals, objectives, and activities of the program for which funding is sought;
  - ~~65~~) A description of any memoranda of intent in place for proposed networks of working relationships, including target dates for implementation.
- e) A request for a specific dollar amount, along with a detailed budget showing income and expenses, on the forms prescribed by the Administrator, which will include the following elements:
- 1) A budget summary detailing expenses for personnel, operations (contractual services, supplies, printing, other), travel, trainings attended, trainings hosted, and any other expenses for which funding has been provided or is sought in the current fiscal year and the fiscal year for which funding is requested;
  - 2) Itemized budgets for personnel, operations, and travel and training expenses to be funded by the grant, with a narrative description of each budget item requested;
  - 3) A statement of income for the program to be funded by the grant that includes income received in the applicant's current fiscal year and anticipated to be received in the fiscal year for which funding is requested, in the following categories:
    - ~~Ai~~) State or federal government;
    - ~~Bii~~) Township or county government;
    - ~~Ciii~~) Administrator;
    - ~~Div~~) Private foundations and corporate contributions;
    - ~~E v~~) Local support;

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENTS

- | Fvi) Other contributions;
  - | Gvii) Fundraisers;
  - | Hviii) United Way;
  - | Iix) Revenue sharing.
- f) A signed certification that, with respect to each of the following items, the applicant has either put in place and is implementing written policies or that the requirement does not apply:
- 1) A reasonable accommodation policy for persons with disabilities;
  - 2) Drug free workplace policies as required by law;
  - 3) Non-discrimination;
  - 4) Client intake;
  - 5) Client rights;
  - 6) Volunteer training;
  - 7) Personnel policies and procedures;
  - 8) Conflict of interest rules;
  - 9) Fee schedule with details of charges for specific services, other than those funded by the grant (copy to be attached to the application).
- g) A description of staffing, including the total number of applicant staff members, the numbers of full- and part-time employees, the number of program staff and:
- 1) Identification of all full- or part-time compensated program staff by name and title, designating those for whom funding is requested;
  - 2) A copy of the current job description for the positions listed;

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENTS

- 3) A description of the training provided to staff for whom funding is requested;
- 4) A listing of at least one goal for each funded staff person for the next year.
- h) A description of the applicant's use of volunteers, including the numbers of full- and part-time volunteers, the job functions they perform in the operation of the program for which funding is sought, and the training provided to those who work directly with clients.
- i) A copy of the most recent fiscal audit required by Section 1110.130 or a statement that the most recent audit has been filed with the Attorney General as part of another grant application identified in the statement.
- j) At least one letter of support from a local domestic violence services agency dated no more than six months before the date of the application.
- k) A list of the members of the applicant's governing board.
- l) A certification that applicant will keep proper, complete, and accurate accounting records of all grant funds, as required by Section 11 of the Grant Funds Recovery Act [30 ILCS 705/11].
- m) A certification, signed by the authorized official of the agency, that the statements in the application are true and correct and submitted in proper format.

(Source: Amended at 36 Ill. Reg. 14733, effective September 20, 2012)

**Section 1110.50 Funding Priorities**

- a) The Administrator shall consider the following factors in determining whether and how much to fund a given applicant:
  - 1) The stated goals of the applicant, as contained in the grant application;
  - 2) The applicant's commitment and ability to provide the services sought to be funded. Evidence of commitment and ability includes: legal expertise (i.e., experience of agency staff in providing legal services relating to domestic violence), level of resources available to the agency, and past services provided;

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENTS

- 3) The number of ~~married or formerly married domestic violence victims~~ of domestic violence served;
  - 4) The extent to which the grant would expand the provision of services described in Section 1110.60;
  - 5) The extent to which the grant would serve the needs of the community by bringing services to un- or under-served areas or populations;
  - 6) Evidence of support by local domestic violence services agencies;
  - 7) The extent to which different areas of the State are served; and
  - 8) Applicant's history of compliance with reporting, accounting and other requirements pertaining to grants awarded under this Part or under any other government program.
- b) Grants will be made for a term of one year corresponding to the State's fiscal year. The number of applicants selected for funding will depend upon the amount of appropriated funds available in the ~~Married Families~~ Domestic Violence Fund for that year. Rather than award small amounts to all eligible applicants, the Administrator shall make a limited number of awards of sufficient size that the funding will make a substantial impact in the areas to be served.

(Source: Amended at 36 Ill. Reg. 14733, effective September 20, 2012)

**Section 1110.60 General Programming and Staffing Requirements**

- a) Requirements for provision of services by ~~grantees~~ Grantees.
  - 1) The services provided by virtue of a grant awarded under this Part shall be provided to ~~married or formerly married~~ victims of domestic violence without charge.
  - 2) The services provided shall be legal advocacy, legal assistance, or legal services relating to one or more of the following proceedings:
    - A) Order of protection proceedings;

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENTS

- B) Dissolution of marriage or civil union proceedings;
  - C) Declaration of invalidity of marriage or civil union proceedings;
  - D) Legal separation proceedings;
  - E) Child custody proceedings;
  - F) Visitation proceedings; and
  - G) Proceedings for civil remedies for domestic violence, including, but not limited to:
    - i) Remedies under the Safe Homes Act [765 ILCS 750];
    - ii) Remedies under the Gender Violence Act [740 ILCS 82];
    - iii) Child support enforcement remedies;
    - iv) Remedies under any federal law for violence against women; and
    - v) Remedies under the Victims of Trafficking and Violence Protection Act of 2000 (22 USC 7101).
- 3) Grant recipients must have in place written policies and procedures pertaining to client rights, including the release of information about a client. For purposes of this subsection (a)(3), the term "client rights" shall in all cases include, but not be limited to, the right to confidentiality and the right of personal privacy.
- 4) Grant recipients shall not deny services to clients on the basis of race, color, religion, sex, sexual orientation, national origin, ancestry, citizenship status, age, marital status, unfavorable military discharge, military status, or physical, mental, or perceived handicap.
- 5) Client intake policies and procedures shall be set forth in writing and be available for review by the Administrator to verify that the agency's services are being provided to the population described in the grant application.

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENTS

- 6) Grant recipients shall comply with the mandatory reporting requirements of the Abused and Neglected Child Reporting Act [325 ILCS 5].
- b) Personnel Requirements
    - 1) Grant recipients shall not discriminate in the hiring or promotion of staff based on race, color, religion, sex, sexual orientation, national origin, ancestry, citizenship status, age, order of protection status, marital status, unfavorable military discharge, military status, or physical, mental, or perceived disabilityhandicap.
    - 2) Personnel policies shall be set forth in writing and be available for review by the Administrator upon request. Those policies shall demonstrate compliance with equal employment opportunity and drug free workplace requirements.

(Source: Amended at 36 Ill. Reg. 14733, effective September 20, 2012)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number: 1010.426                      Adopted Action:  
Amendment
- 4) Statutory Authority: Chapter 3 of the Illinois Vehicle Code (625 ILCS 5/3) and authorized by Section 2-104(b) of the Illinois Vehicle Code.
- 5) Effective Date of Rulemaking: September 24, 2012
- 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 amendment including any material incorporated is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the Illinois Register: May 18, 2012, 36 Ill. Reg. 7520
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes made between proposal and adoption. All technical changes recommended by JCAR were made.
- 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 proposed rulemakings pending on this Part? Yes  

<u>Section Number:</u>	<u>Adopted Action:</u>	<u>Illinois Register Citation:</u>
1010.426	Amendment	36 Ill. Reg. 13525; August 31, 2012
- 15) Summary and Purpose of Rulemaking: The rule updates the administrative rule to reflect statutory changes to the five-day permit that increased the permit from a five-day permit to a seven-day permit.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

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

Cynthia Grant  
Assistant General Counsel  
298 Howlett Building  
Springfield, Illinois 62756

cgrant@ilsos.net

- 17) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] No

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

PART 1010  
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section	
1010.10	Owner – Application of Term
1010.20	Secretary and Department

SUBPART B: TITLES

Section	
1010.110	Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120	Salvage Certificate – Assignments and Reassignments
1010.130	Exclusiveness of Lien on Certificate of Title
1010.140	Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150	Transferring Certificates of Title Upon the Owner's Death
1010.160	Repossession of Vehicles by Lienholders and Creditors
1010.170	Junking Notification
1010.180	Specially Constructed Vehicles – Defined
1010.185	Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190	Issuance of Title and Registration Without Standard Ownership Documents – Bond

SUBPART C: REGISTRATION

Section	
1010.200	Homemade Trailers – Title and Registration
1010.210	Application for Registration
1010.220	Vehicles Subject to Registration – Exceptions
1010.230	Refusing Registration or Certificate of Title
1010.240	Registration Plates To Be Furnished by the Secretary of State
1010.245	Electronic Registration and Titling (ERT) Program Provisions

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND  
CANCELLATION OF REGISTRATION

## Section

1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any  
Registration  
1010.310 Improper Use of Evidences of Registration  
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards  
and Titles  
1010.330 Operation of Vehicle Without Proper Illinois Registration  
1010.350 Suspension or Revocation  
1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

## Section

1010.410 Temporary Registration – Individual Transactions  
1010.420 Temporary Permit Pending Registration In Illinois  
1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the  
Secretary of State  
1010.425 Non-Resident Drive-Away Permits  
1010.426 ~~Seven~~Five Day Permits  
1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for  
Compensation and Tow Trucks  
1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment  
1010.450 Special Plates  
1010.451 Purple Heart License Plates  
1010.452 Special Event License Plates  
1010.453 Retired Armed Forces License Plates  
1010.454 Gold Star License Plates  
1010.455 Collectible License Plates  
1010.456 Sample License Plates For Motion Picture and Television Studios  
1010.457 Korean War Veteran License Plates  
1010.458 Collegiate License Plates  
1010.460 Special Plates for Members of the United States Armed Forces Reserves  
1010.465 Requests for General Issuance Specialty License Plates  
1010.470 Dealer Plate Records  
1010.480 State of Illinois In-Transit Plates

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

## SUBPART F: FEES

## Section

1010.510	Determination of Registration Fees
1010.520	When Fees Returnable
1010.530	Circuit Breaker Registration Discount
1010.540	Fees
1010.550	Determining Age of Vehicle

## SUBPART G: MISCELLANEOUS

## Section

1010.610	Unlawful Acts, Fines and Penalties
1010.620	Change of Engine

## SUBPART H: SECOND DIVISION VEHICLES

## Section

1010.705	Reciprocity
1010.710	Vehicle Proration
1010.715	Proration Fees
1010.720	Vehicle Apportionment
1010.725	Trip Leasing
1010.730	Intrastate Movements, Foreign Vehicles
1010.735	Interline Movements
1010.740	Trip and Short-term Permits
1010.745	Signal 30 Permit for Foreign Registration Vehicles (Repealed)
1010.750	Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
1010.755	Mileage Tax Plates
1010.756	Suspension or Revocation of Illinois Mileage Weight Tax Plates
1010.760	Transfer for "For-Hire" Loads
1010.765	Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
1010.770	Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775	Certificate of Safety

1010.APPENDIX A	Uniform Vehicle Registration Proration and Reciprocity Agreement
1010.APPENDIX B	International Registration Plan
1010.APPENDIX C	Affirmation Supporting Salvage Certificate
1010.APPENDIX D	Specialty License Plates Request Form

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

**AUTHORITY:** Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

**SOURCE:** Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended at 34 Ill. Reg. 3673, effective March 5, 2010; amended at 34 Ill. Reg. 10202, effective June 29, 2010; amended at 35 Ill. Reg. 1652, effective January 13, 2011; amended at 35 Ill. Reg. 8240, effective May 16, 2011; amended at 36 Ill. Reg. 7674, effective May 2, 2012; amended at 36 Ill. Reg. 14745, effective September 24, 2012.

## SUBPART E: SPECIAL PERMITS AND PLATES

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

**Section 1010.426 SevenFive Day Permits**

- a) For the purpose of this Section, the following ~~definitions~~definition shall apply:

"Authorized Agent" – a licensed remittance agent or dealer who has made application for and received SevenFive Day Permits from the Secretary of State for issuance to subsequent permit purchasers.

"SevenFive Day Permit" – a temporary registration permit as provided in Section 3-403 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code ~~[625 ILCS 5/3-403](Ill. Rev. Stat. 1989, ch. 95½, pars. 3-403)~~ issued to an Illinois resident for operation of a non-registered vehicle within the State of Illinois for up to ~~7~~five (5) days. In addition, the permit can be issued to a person whose registration ~~has a renewal hold~~is suspended for non-compliance with the emissions program. This will allow the person to drive to an emissions testing station or repair facility. The permit can be issued by a licensed dealer ~~or~~; remittance agent or at most Secretary of State facilities.

"Permit Purchaser" – an Illinois resident purchasing a SevenFive Day Permit for his/her non-registered vehicle.

"Secretary of State" – Secretary of State of Illinois.

"IVC" – Illinois Vehicle Code.

- b) If a permit purchaser obtains a SevenFive Day Permit at a Secretary of State facility:
- 1) ~~The permit purchaser shall complete a Vehicle Permit Application.~~–The appropriate fee must accompany the ~~transaction~~application as provided in ~~IVC Section 3-403 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code.~~
  - 2) The permit purchaser shall provide proof that he/she owns the vehicle. Acceptable ownership documents include, but are not limited to:
    - A) a title issued in the permit purchaser's name;

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- B) a title assigned to the permit purchaser;
  - C) a Manufacturer's Certificate of Origin issued or assigned to the permit purchaser;
  - D) a registration identification card thatwhich has been expired less than one ~~(1)~~ year; or
  - E) verification through the Secretary of State computer file.
- 3) The Secretary of State employee shall attach a photocopy of the proof of ownership to the second part of the permit (the agent's copy). If ownership is verified through the Secretary of State's ~~database computer file~~, the information shall be written on the agent's copy.
- 4) The permits shall be issued in numerical sequence and completed in full containing the following information:
- A) the issuance date and expiration date of the permit;
  - B) the name and address of the permit purchaser;
  - C) the year, make and vehicle identification number of the vehicle;
  - D) the name and address of the Secretary of State issuing facility; and
  - E) the signature of the Secretary of State employee.
- c) If a dealer or remittance agent wishes to obtain permits for issuance as an authorized agent of the Secretary of State:
- 1) The dealer/remittance agent shall submit an application accompanied by the appropriate fee as provided in IVC Section 3-403 ~~of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code~~ for each permit to the Secretary of State thatwhich contains the following information:
    - A) the name and address of the authorized agent and his/her license number;

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- B) the type and quantity of permits being requested; and
  - C) the signature of the authorized agent.
- d) The sale of permits by an authorized agent is as follows:
- 1) If a permit purchaser obtains a permit from an authorized agent rather than a Secretary of State facility, he/she shall provide proof of ownership to the authorized agent as provided in subsection (b)(2)-(A) through (D).
  - 2) The authorized agent shall attach a photocopy of the proof of ownership to the second part of the permit (agent's copy as provided in subsection (b)(3)) and complete the ~~Seven~~Five Day Permit in full as provided in subsection (b)(4). The only difference is being that the permit will contain the name, address, and signature of the authorized agent rather than the Secretary of State facility address and the Secretary of State employee's signature.
  - 3) The authorized agent shall issue the permits in numerical order. The authorized agent shall maintain records of the permits issued for ~~three (3)~~ years. The Secretary of State or his or her representative~~representative~~ shall have the authority to inspect~~free access to~~ the records of any such authorized agent issuing ~~Seven~~Five Day Permits.
- e) The permit shall be displayed in the ~~upper~~lower left ~~corner~~side of the rear window of the vehicle. License plates are not to be displayed on the vehicle if the permit is being used. The permit can be issued to both first~~First~~ and second~~division~~~~Second Division~~ vehicles, but second division vehicles must~~shall~~ be operated on empty weight. When properly displayed, the permit is an official document recognized by law enforcement agencies.
- f) ~~Seven~~Five Day Permits may be issued for a variety of situations, including, but not limited to, the following:
- 1) test driving a vehicle being sold by a non-dealer without current registration;
  - 2) driving a homemade trailer to a Secretary of State facility for inspection pursuant to IVC Section 3-104(1);

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- 32) driving a vehicle ~~that~~which has ~~a registration renewal hold due to its own license plates suspended because of~~ failure to comply with the emissions requirements to an EPA testing station; and
- 43) ~~if the registration of a vehicle has expired.~~driving a vehicle that must be inspected to an authorized inspection site pursuant to IVC Section 3-308 or 13-101.

(Source: Amended at 36 Ill. Reg. 14745, effective September 24, 2012)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1030.22	Amendment
1030.80	Amendment
1030.94	Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104; 625 ILCS 5/6-109; 625 ILCS 5/6-521
- 5) Effective Date of Amendments: September 18, 2012
- 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 amendments, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.
- 9) Notices of Proposed Published in Illinois Register: 36 Ill. Reg. 8227, June 1, 2012
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference 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? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendment: Current rule limits the written test for the issuance of a driver's license to 35 questions, which includes testing the applicant's ability to read and understand official traffic control devices and knowledge of safe driving practices and the traffic laws of this state. This rulemaking will remove the maximum limitation and instead set a minimum of 35 questions. This rulemaking also clarifies

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

which questions on the driver's license application need to be answered when applying for a duplicate or corrected driver's license, as well as removes redundant language regarding the issuance of a duplicate driver's license. This rulemaking also clarifies the procedure to be used when a CDL driver submits an acceptable medical examiner's certificate after his or her CDL was cancelled for failure to submit such a report.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jennifer Egizii  
Office of the Secretary of State  
Driver Services Department  
2701 South Dirksen Parkway  
Springfield, Illinois 62723

217/557-4462

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

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.22	Medical Examiner's Certificate – CDL Holders
1030.25	Safe Driver License Renewals
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers (Repealed)
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
- 1030.91 Disabled Person Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Endorsement or Instruction Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

**AUTHORITY:** Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

**SOURCE:** Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11,

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19,

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012.

**Section 1030.22 Medical Examiner's Certificate – CDL Holders**

- a) Every person who holds a CDL on or after January 30, 2012 must meet the requirements set forth in 49 CFR 383.71(a)(2) through (a)(9) and (h) (2011) and self-certify with the Department prior to January 30, 2014 as one of the following:
  - 1) Non-excepted interstate (NI) – Operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 CFR 391 (2011), and is required to obtain a medical examiner's certificate by 49 CFR 391.45 (2011);
  - 2) Excepted interstate (EI) – Operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.68 or 398.3 (2011) from all or parts of the qualification requirements of 49 CFR 391 (2011), and is therefore not required to obtain a medical examiner's certificate by 49 CFR 391.45 (2011);
  - 3) Non-excepted intrastate (NA) – Operates only in intrastate commerce and is subject to State driver qualification requirements and is therefore not

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

required to obtain a medical examiner's certificate by 49 CFR 391.45 (2011); or

- 4) Excepted intrastate (EA) – Operates in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the State driver qualification requirements and is therefore not required to obtain a medical examiner's certificate by 49 CFR 391.45 (2011).
- b) Effective January 30, 2012, every applicant for a CDL or CDL permit, including a renewal, ~~duplicate, corrected~~ and upgraded CDL or CDL permit, must self-certify as set forth in subsection (a).
- c) Failure, by a current CDL holder, to self-certify with the Department by January 30, 2014 will result in the cancellation of the CDL privileges.
- d) Pursuant to 49 CFR 383.73(a)(5) (2011), the Department shall require a CDL holder to submit a medical examiner's certificate when the driver self-certifies to non-excepted interstate (NI) driving operations.
- e) The medical examiner's certificate must be submitted on a form approved by the Department and contain the following information:
  - 1) Signature of medical examiner;
  - 2) Medical examiner's telephone number;
  - 3) Date of issuance of the medical examiner's certificate;
  - 4) Medical examiner's full name;
  - 5) Medical examiner's specialty;
  - 6) Medical examiner's license/certificate number and issuing state;
  - 7) Driver's signature;
  - 8) Driver's license number and issuing state;
  - 9) Driver's residence address;

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 10) Expiration date of the medical examiner's certificate;
- 11) If the driver changes self-certification status after the original certification, the medical examiner's certificate must also contain the following information:
  - A) Self-certification of driver;
  - B) Driver's signature and date of self-certification;
- f) The Department shall require a CDL holder to submit a medical variance when the medical examiner's certificate indicates a medical variance is required.
- g) Within 10 calendar days after the receipt of a medical examiner's certificate, medical variance or notification from FMCSA that a medical variance was removed or rescinded, the Department shall update the CDLIS driver record.
- h) If the Department receives notification that a CDL holder has been granted a medical variance and the most recent medical certificate on file with the Department does not contain a medical variance, the CDL holder shall be required to submit a current medical examiner's certificate reflecting the variance and to appear at a CDL facility to have a corrected CDL issued. If, within 20 days after notification by the Department, the CDL holder fails to submit an updated medical examiner's certificate or to have a corrected CDL issued, the driver's CDL privileges will be cancelled pursuant to IVC Section 6-201(a)(12).
- i) All CDL holders who have certified to non-excepted interstate (NI) driving must maintain on file with the Department a current medical examiner's certificate and, if applicable, a medical variance.
  - 1) The Department shall notify the driver in writing at least 90 days prior to the expiration of his or her medical examiner's certificate and/or medical variance that a new certificate and/or variance must be filed with the Department. The notice may include a blank medical examiner's certificate.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 2) The Department shall, within 10 days after the expiration of the driver's medical examiner's certificate and/or medical variance, update the medical certification status to "not certified".
- 3) Failure of the CDL holder to submit a new medical examiner's certificate and/or medical variance within 30 days after the expiration date of the most recent medical examiner's certificate and/or medical variance on file will result in the cancellation of the CDL privileges pursuant to IVC Section 6-201(a)(12).
  - A) The cancellation shall take effect on the 31<sup>st</sup> day after the expiration of the medical examiner's certificate and/or medical variance.
  - B) The cancellation order shall remain in effect until the driver:
    - i) Provides a current and completed medical examiner's certificate and, if applicable, a medical variance; or
    - ii) Appears at a CDL facility, downgrades to a non-CDL license and has a corrected driver's license issued; or
    - iii) Changes the self-certification to excepted interstate, excepted intrastate or non-excepted intrastate.
- 4) If the commercial driving privileges are cancelled and a current and completed medical examiner's certificate and/or medical variance is subsequently received, the cancellation shall be ~~rescinded~~cleared.
- j) If the Department receives notification from FMCSA that it has removed or rescinded a medical variance, the Department shall change the medical certification status to "not certified" on the CDLIS driving record and immediately cancel the CDL privileges.
  - 1) The Department shall notify the driver that one of the following requirements must be met in order to clear the cancellation:
    - A) Provide a current and completed medical examiner's certificate that indicates a variance is no longer necessary; or

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- B) Appear at a CDL facility, downgrade to a non-CDL license and have a corrected driver's license issued; or
  - C) Change self-certification to excepted interstate, excepted intrastate or non-excepted intrastate.
- 2) If the commercial driving privileges are cancelled and a current and completed medical examiner's certificate and medical variance is subsequently received, the cancellation shall be ~~rescinded~~cleared.
- k) If the Department receives notification from FMCSA that it has removed or rescinded a medical examiner's certificate, the Department shall change the medical certification status to "not certified" on the CDLIS driving record and immediately cancel the CDL privileges.
- 1) The Department shall notify the driver that one of the following requirements must be met in order to clear the cancellation:
    - A) Provide a current and completed medical examiner's certificate; or
    - B) Appear at a CDL facility, downgrade to a non-CDL license and have a corrected driver's license issued; or
    - C) Change self-certification to excepted interstate, excepted intrastate or non-excepted intrastate.
  - 2) If the commercial driving privileges are cancelled and a current and completed medical examiner's certificate and, if applicable, medical variance is subsequently received, the cancellation shall be ~~rescinded~~cleared.
- l) The Department shall not accept an incomplete medical examiner's certificate. If a driver submits an incomplete medical examiner's certificate, the Department shall ~~require the driver to provide a completed medical examiner's certificate~~notify the driver, in writing, that the submitted medical examiner's certificate was incomplete and direct the driver to provide a completed medical examiner's certificate. Failure of the CDL holder to submit a completed medical examiner's certificate to the Department within 30 days will result in the

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

cancellation of the CDL privileges pursuant to IVC Section 6-201(a)(12). The cancellation order shall take effect on the 31<sup>st</sup> day and shall remain in effect until the driver:

- 1) Provides a current and completed medical examiner's certificate and, if applicable, a medical variance; or
  - 2) Appears at a CDL facility, downgrades to a non-CDL license and has a corrected driver's license issued; or
  - 3) Changes the self-certification to excepted interstate, excepted intrastate or non-excepted intrastate.
- m) The Department shall require a CDL holder to obtain a corrected driver's license with a restriction if the CDL holder submits a medical examiner's certificate that indicates the driver is medically approved to operate a CMV conditioned upon a restriction.
- 1) Failure to appear at a CDL Facility within 20 days to add the proper restriction to the CDL and pay the appropriate fee for a corrected driver's license will result in the cancellation of CDL privileges pursuant to IVC Section 6-201(a)(11).
  - 2) If the CDL privileges are canceled and the driver subsequently appears at a CDL facility, has the restriction added to the driver's license and has a corrected CDL issued, the cancellation shall be cleared.

(Source: Amended at 36 Ill. Reg. 14755, effective September 18, 2012)

**Section 1030.80 Driver's License Testing/Written Test**

Any applicant for an initial or renewal driver's license who is required to take a written test pursuant to IVC Section 6-109 shall comply with the following provisions:

- a) Classification of licenses is established in Sections 1030.30 through 1030.40.
- b) An applicant for a Class D license shall be required to take a written test consisting of a minimum of~~not more than~~ 35 questions, of which 80% percent must be answered correctly in order to be eligible for a Class D license.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- c) An applicant for a Class C, B, A or L-M license shall be required to take the written test as set forth in subsection (b). The applicant shall also take a written test established by the Secretary of State for the classifications and/or endorsements applied for. The number of questions required to be answered is dependent upon the classifications and/or endorsements applied for. Each written classification and/or endorsement test shall consist of ~~a minimum of~~ ~~not more than~~ 35 questions, of which 80% percent must be answered correctly in order for the applicant to be eligible for the classifications and/or endorsements applied for.
- d) The written tests set forth in subsections (b) and (c) shall be in the English language, and may be in any other languages deemed necessary by the Secretary of State, based upon an identifiable demand.
- e) An applicant who is illiterate may be given the written test orally.
- f) An applicant who cannot read or write in the English language, or other available foreign language, shall be eligible to take the written test. The Driver Services Facility supervisor or designee may provide or recommend use of an interpreter for the applicant's language if an interpreter is readily available. If an interpreter is not readily available, it will be the responsibility of the applicant to obtain the services of an interpreter. The CDL knowledge test shall be administered only in the English language. An interpreter shall not be used when the applicant is attempting to complete the CDL knowledge tests.
- g) An applicant shall demonstrate the ability to read and understand official traffic control devices.
- h) Any licensee who wants to change a classification and/or endorsements prior to renewal of a license shall be required to take the written test for the classification or classifications and/or endorsements the applicant wants to obtain.
- i) Prior to obtaining a commercial driver instruction permit, an applicant must successfully complete the appropriate CDL knowledge tests specific to the instruction permit classification.
- j) An applicant for a permit to operate a school bus must have in his/her possession an application for Illinois School Bus Driver's Permit Letter of Intent or its superseding form. The applicant shall be given a special test consisting of not

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

more than 24 questions, of which 22 or 90% must be answered correctly in order to be eligible for a permit.

- k) Any person found cheating on any portion of a written test will be deemed to have failed that portion of the test. In addition, that person will be prohibited from retaking the written test for a period of 30 days. For purposes of this subsection, "cheating" shall be defined as receiving or using unauthorized assistance in the taking of any portion of a test. This includes, but is not limited to, the use of any notes, books or written information.
- l) All persons with a valid out-of-state CDL applying for an Illinois CDL shall be required to successfully complete the written tests set forth in subsections (b) and (c), pursuant to IVC Section 6-508(a)(1).

(Source: Amended at 36 Ill. Reg. 14755, effective September 18, 2012)

**Section 1030.94 Duplicate or Corrected Driver's License or Instruction Permit**

- a) A duplicate driver's license or instruction permit shall be issued by the Department when a driver's license or instruction permit has been lost, stolen, or mutilated.
- b) Upon an applicant's request or the Department's determination that an error was made or the license or permit was mutilated, a corrected driver's license or instruction permit shall be issued by the Department if a change of information is necessary on a driver's license or instruction permit that is being surrendered. The license or permit shall indicate that it has been corrected by displaying "COR" as the type of license.
- c) When there is no driver's license or instruction permit to be surrendered to the Department, the license or permit issued shall be a duplicate. This shall be indicated on the license or permit by displaying "DUP" as the type of license.
- d) The applicant shall pay a fee in accordance with IVC Section 6-118 for a duplicate driver's license, corrected driver's license or instruction permit. For a six month period after the issuance of a driver's license or permit, there shall be no fee charged to correct an error made by personnel at the Driver Services Facility. There shall be no fee charged for a duplicate if the license or permit was lost by the Department. If a license or permit is lost by a state, local or federal

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

law enforcement agency or state or federal court, there shall be no fee charged for a duplicate upon written notification from that agency or court. ~~Pursuant to IVC Section 6-118(a), there shall be no fee charged for a duplicate license or permit issued to any person age 60 or older who presents the Department with a police report showing that the license was stolen.~~

- e) In order to obtain a duplicate or corrected license or permit, an application form provided by the Department as described in IVC Section 6-106(b) shall be completed by a Driver Services Facility employee. The Non-CDL applicant shall answer the first ~~3~~<sup>two</sup> questions on the application and the CDL applicant shall answer the first 3 questions, in addition to questions 8, 9 and 10 on the application (see Appendix A). After the form has been completed and the fee paid, the applicant, if necessary, shall have a photograph taken as provided in Section 1030.90.

(Source: Amended at 36 Ill. Reg. 14755, effective September 18, 2012)

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Contested Cases and Other Formal Hearings
- 2) Code Citation: 23 Ill. Adm. Code 475
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
475.10	Repealed
475.15	Repealed
475.20	Repealed
475.30	Repealed
475.40	Repealed
475.50	Repealed
475.60	Repealed
475.70	Repealed
475.80	Repealed
475.90	Repealed
475.100	Repealed
- 4) Statutory Authority: 5 ILCS 100/5-10(a)(i)
- 5) Effective Date of Repealer: September 21, 2012
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, 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 Illinois Register: March 9, 2012; 36 Ill. Reg. 3782
- 10) Has JAR issued a Statement of Objection to this repealer? 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 by JCAR, and no agreements letter was issued.
- 13) Will this repealer replace any emergency repealer currently in effect? No

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED REPEALER

- 14) Are there any other proposed rulemakings pending on this Part? Yes. SBE is repealing this Part and adopting new replacement rules at the same Part number.
- 15) Summary and Purpose of Repealer: The overall goal of the repeal of Part 475 and its replacement with new language is to ensure a timely administration of cases and application of due process in order to provide a fair hearing and just outcome. A companion rulemaking has been conducted to revise Part 475 to update it in keeping with several changes that were effected by P.A. 96-431, to improve and streamline the State Superintendent's ability to investigate allegations of misconduct by license holders and, where warranted, to initiate an action before the State Educator Preparation and Licensure Board (SEPLB) to suspend or revoke a teaching license.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Jessica Riddick, Assistant General Counsel  
Office of the General Counsel  
Illinois State Board of Education  
100 West Randolph, Suite 14-300  
Chicago, Illinois 60601

312/814-2223

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

- 2) Heading of the Part: Contested Cases and Other Formal Hearings
- 2) Code Citation: 23 Ill. Adm. Code 475
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
475.10	New Section
475.20	New Section
475.30	New Section
475.40	New Section
475.50	New Section
475.60	New Section
475.70	New Section
475.80	New Section
475.90	New Section
475.100	New Section
475.110	New Section
475.120	New Section
475.210	New Section
475.220	New Section
475.230	New Section
475.240	New Section
475.250	New Section
475.260	New Section
475.270	New Section
475.280	New Section
475.290	New Section
475.300	New Section
475.310	New Section
475.320	New Section
- 4) Statutory Authority: 5 ILCS 100/5-10(a)(i)
- 5) Effective Date of Rulemaking: September 21, 2012
- 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.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

9) Notice of Proposal published in the *Illinois Register*: March 9, 2012; 36 Ill. Reg. 3803

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version:

Section 475.80(i) was amended to substitute "granting" of a motion in place of "filing" of a motion.

Section 475.90(b) was amended to delete the reference to written interrogatories.

Section 475.90(c)(1)(A) was amended to delete references to any documentary evidence that would indicate the relevant knowledge of the individual to be deposed. Language was added to clarify that the individual to be deposed had not previously testified in a trial or other hearing.

Language was added to Section 475.90(c)(1)(E) to clarify that a party desiring to take the discovery deposition of a witness must state the subject matter concerning which the witness is expected to testify for the purpose of allowing the hearing officer to determine if the deposition should be pursued.

Section 475.90(c)(2)(A), which had allowed the hearing officer to consider the lack of documentary evidence indicating the relevant knowledge of the individual to be deposed, was deleted. In addition, Section 475.90(c)(2)(B) – now subsection (2)(A) - was amended to delete references to any relevant knowledge of the individual to be deposed. Language was added in the same subsection to clarify that the individual to be deposed had not previously testified in a trial or other hearing.

Language was added to Section 475.90(e) to state that depositions may be taken by contemporaneous transmission from a different location (via video conference technology) by agreement of the parties.

Section 475.110(j) was amended to delete a reference to the responsibility of the State Educator Preparation and Licensure Board (SEPLB) for making an expeditious decision.

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 rulemaking currently in effect? No

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

- 14) Are there any other proposed rulemakings pending on this Part? Yes. SBE is adopting a repeal of its old Part 475 rules and replacing them with these new rules.
- 15) Summary and Purpose of Rule: The overall goal of the repeal of Part 475 and its replacement with new language is to ensure a timely administration of cases and application of due process in order to provide a fair hearing and just outcome. Part 475 (Subpart A) required revision to update it in keeping with several changes that were effected by PA 96-431, to improve and streamline the State Superintendent's ability to investigate allegations of misconduct by license holders and, where warranted, to initiate an action before the State Educator Preparation and Licensure Board (SEPLB) to suspend or revoke an educator license.

Sections in Subpart A have been reordered to reflect the chronological flow of a contested case, from the Issuance of a Notice of Opportunity for Hearing (the charges or complaint filed against an educator) through the final decision issued by the SEPLB and applicable reporting of that decision and sanction to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse. The reorder should also assist an educator who is charged with misconduct to better understand the process in which he or she will be involved.

The following procedural changes have been made to conform Part 475 to the law:

- The State Superintendent (the complainant) will serve the complaint on the educator, a change from the former practice of having the SEPLB serve the complaint;
- Electronic filing of most documents associated with the hearing process (with the exception of the Notice of Opportunity for Hearing) is allowed and encouraged;
- The process for the filing of and responses to motions, and the resolution of all pre-hearing matters, has been set forth more clearly;
- The hearing officer is required to hold at least one pre-hearing conference;
- The discovery process has been limited. The State Superintendent will disclose his or her investigative file (minus privileged documents) as a matter of course, but the process for evidence, discovery and expert witness depositions and all other written discovery has been clarified:
  1. Evidence depositions will be allowed by application to the hearing officer showing that the witness will be unavailable to testify at hearing;
  2. Discovery depositions will be allowed by application to the hearing officer and limited to witnesses who have not previously testified on the relevant evidence or charges;

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

3. Expert witness depositions will be allowed with notice to the other party and hearing officer; and
  4. Interrogatories and requests to produce will be allowed with certain limitations;
- Obtaining testimony by witness via video conference for good cause and with adequate safeguards has been incorporated in conformance with new Illinois Supreme Court Rule 241;
  - The grounds on which the SEPLB can reject settlement or consent agreements entered into by the parties have been limited; and
  - The timelines under which the hearing officer must issue his or her recommendation, and by which the SEPLB must issue an order for its decision, have been specified.

These changes to the process should improve the State Superintendent's ability to initiate charges against educators and to resolve these cases in a timelier manner, using agency resources judiciously.

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

Jessica Riddick, Assistant General Counsel  
Office of the General Counsel  
Illinois State Board of Education  
100 West Randolph, Suite 14-300  
Chicago, Illinois 60601

312/814-2223

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULE

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER n: DISPUTE RESOLUTION

PART 475

CONTESTED CASES AND OTHER FORMAL HEARINGS

SUBPART A: HEARINGS BEFORE THE STATE  
EDUCATOR PREPARATION AND LICENSURE BOARD

Section

- 475.10 Authority and Applicability
- 475.20 Filing and Form of Documents
- 475.30 Requirements for Service of Documents
- 475.40 Notice of Opportunity for Hearing
- 475.50 Hearing Officer: Qualifications, Powers and Duties, and Appointment
- 475.60 Appearance of Parties
- 475.70 Pre-Hearing Conferences
- 475.80 Motions
- 475.90 Discovery
- 475.100 Notice of Hearing
- 475.110 Hearings
- 475.120 Orders

SUBPART B: HEARINGS FOR OTHER CONTESTED CASES

Section

- 475.210 Authority and Applicability
- 475.220 Filing and Form of Documents
- 475.230 Requirements for Service of Documents
- 475.240 Notice of Opportunity for Hearing
- 475.250 Hearing Officer: Qualifications, Powers and Duties, and Appointment
- 475.260 Appearance of Parties
- 475.270 Pre-Hearing Conferences
- 475.280 Motions
- 475.290 Depositions and Discovery
- 475.300 Notice of Hearing
- 475.310 Hearings
- 475.320 Orders

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

**AUTHORITY:** Implementing Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and Sections 21B-15 and 21B-75 of the School Code [105 ILCS 5/21B-15 and 21B-75] and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)].

**SOURCE:** Old Part repealed at 36 Ill. Reg. 14766, effective September 21, 2012; new Part adopted at 36 Ill. Reg. 14771, effective September 21, 2012.

SUBPART A: HEARINGS BEFORE THE STATE  
EDUCATOR PREPARATION AND LICENSURE BOARD

**Section 475.10 Authority and Applicability**

- a) This Subpart A is authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)].
- b) This Subpart A shall apply to all administrative cases under the jurisdiction of the State Educator Preparation and Licensure Board (SEPLB) pursuant to Section 21B-15 or Section 21B-75 [105 ILCS 5/21B-15 or 21B-75] of the School Code, except as provided in this subsection (b) or in subsection (c) of this Section. Administrative cases pursuant to Section 21B-15 of the School Code heard under this Subpart A shall be limited to those in which an individual is alleged to have knowingly altered or misrepresented his or her teaching qualifications in order to acquire a license.
- c) Pursuant to Section 21B-15 of the School Code, the State Superintendent may recommend that any other license held by an individual alleged to have knowingly altered or misrepresented his or her teaching qualifications in order to acquire a license be suspended or revoked by the SEPLB depending on the severity of the alleged alteration or misrepresentation. Pursuant to Section 21B-75 of the School Code, the State Superintendent may recommend that a license be revoked or suspended, or that professional development be required in lieu of or in addition to revocation or suspension, for those bases set forth in Section 21B-75. For purposes of this Subpart A, "revocation" shall mean the permanent removal of a license and "suspension" shall mean the temporary removal of a license for a period of up to five calendar years.
- d) When statutes or other rules applicable to the Illinois State Board of Education (ISBE) or the SEPLB contain practices different from those set forth in this Subpart A, then those separate statutes and rules shall apply. Examples include,

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

but are not limited to, proceedings related to the renewal of licenses under Section 21-14 of the School Code [105 ILCS 5/21-14(h)(2)] and pursuant to 23 Ill. Adm. Code 25 (Certification).

- e) For the purposes of this Subpart A, all references to "license" shall be understood to mean a certificate issued under Article 21 of the School Code [105 ILCS 5/Art. 21], a license issued under Article 21B of the School Code [105 ILCS 5/Art. 21B], or a paraprofessional approval issued by the ISBE in accordance with 23 Ill. Adm. Code 25.510 (Paraprofessionals; Teacher Aides).

**Section 475.20 Filing and Form of Documents**

- a) Documents and requests permitted or required to be filed with the SEPLB or hearing officer appointed by the SEPLB in connection with a hearing pursuant to this Subpart A shall be addressed and mailed or personally delivered to the Secretary of the SEPLB, 100 North First Street, Springfield, Illinois 62777, unless another address or an alternative means of filing (such as electronic transmission or submission of facsimile copies) is designated in any order of the SEPLB or hearing officer appointed by the SEPLB. The office of the SEPLB is open for filing of documents from 8:00 a.m. to 5:00 p.m., Monday through Friday, except on federal and State legal holidays. Except as otherwise provided, a copy of all documents, including notices, motions, and petitions, shall be simultaneously filed with the designated hearing officer, if any, and the General Counsel to the ISBE (General Counsel) at 100 North First Street, Springfield, Illinois 62777 and to litigation counsel for the State Superintendent.
- b) Documents shall clearly state a title for the proceedings in connection with which they are filed. Documents shall be presented in letter-quality print on one side only of letter-sized paper, and one copy of each document filed shall be signed by the party or by the party's authorized representative.
- c) Computation of any period of time prescribed by this Subpart A or any other applicable requirement shall begin with the first ISBE business day following the date of filing of the document with the Secretary of the SEPLB and shall run until the end of the last day, or the next following ISBE business day if the last day is a Saturday, Sunday or legal holiday. The date of filing for any notice referenced in this Subpart A shall be determined in accordance with Section 1.25 of the Statute on Statutes [5 ILCS 70/1.25].

**Section 475.30 Requirements for Service of Documents**

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

a) Unless otherwise provided for in this Subpart A, service of any documents may be made by personal delivery; by delivery through the United States Postal Service, postage prepaid, addressed to the last known address of the party; or by electronically using the party's email address. Service by electronic mail is preferred. Parties having access to email are encouraged to serve documents via email. The hearing officer shall set any parameters for the use of email to serve documents to ensure the service is completed properly.

b) The person serving the document shall certify to the manner and date of service in the following form:

I certify that I served the foregoing by  (state method of delivery)  on \_\_\_\_\_, 20 \_\_\_\_, addressed to the following at the address shown:

\_\_\_\_\_  
Signature

c) If service is made by a non-attorney, the certificate of manner and date of service shall be subscribed and sworn to before a notary public.

**Section 475.40 Notice of Opportunity for Hearing**

a) All actions conducted under the jurisdiction of the SEPLB shall be initiated when the State Superintendent of Education issues a written Notice of Opportunity for Hearing. The Notice shall be served by the State Superintendent or designee upon the licensee and the Secretary of the SEPLB.

b) The Notice of Opportunity for Hearing shall include:

1) A Statement of Charges alleged against the licensee, which shall consist of:

A) a short and plain statement of the material allegations asserted,

B) the citations to the statutes and rules that the licensee allegedly violated, and

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

- C) the sanction recommended by the State Superintendent of Education;
  - 2) The legal authority and jurisdiction under which the hearing is to be held;
  - 3) The address to which a licensee shall send the request for hearing in accordance with subsection (e) of this Section;
  - 4) A statement that failure to request a hearing within 10 days after receipt of the Notice of Opportunity for Hearing shall result in the recommended sanction set forth in the Notice immediately taking effect; and
  - 5) A statement that upon the final order of the SEPLB to revoke or suspend a license, the SEPLB or its designee shall report the final disposition of the licensee to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse or its agent.
- c) The service of a Notice of Opportunity for Hearing on the licensee shall be complete when it has been:
- 1) served in person; or
  - 2) sent by certified or registered United States Mail, addressed to the last known address of the licensee; or
  - 3) if service as described in subsection (c)(1) or (c)(2) of this Section cannot be perfected, then a Notice of Opportunity for Hearing shall be sent via regular United States Mail to the last known address of the licensee, and the State Superintendent shall cause publication to be made in some newspaper published in the county of the last known address of this person. If there is no newspaper published in that county, then the publication shall be in a newspaper published in an adjoining county in this State having a circulation in the county in which action is pending. The publication shall contain, at a minimum, notice of the pendency of the State Superintendent's action; reference to the SEPLB as the relevant tribunal; the name of the Secretary of the SEPLB; the name of the licensee; and the date on or after which default may be entered against the licensee. Pursuant to this subsection (c)(3), and for purposes of subsection (d) of this Section, receipt shall be deemed to occur upon publication.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

- d) If and once a licensee has requested a hearing in accordance with subsection (e) of this Section, any subsequent documents related to the matter that are served via regular United States Mail shall be sent to the address provided by the licensee on his or her written request.
- e) If a licensee receiving a Notice of Opportunity for Hearing wishes to request a hearing, then he or she must file a written request for hearing within 10 days after receipt.
  - 1) The written request for hearing shall be addressed to the State Superintendent of Education or designee, 100 North First Street, Springfield, Illinois 62777, unless another address or an alternative means of filing (such as electronic transmission or submission of facsimile copies) is designated in the Notice of Opportunity for Hearing.
  - 2) *If the State Superintendent does not receive from an individual a request for a hearing within 10 days after the individual receives notice, the suspension or revocation shall immediately take effect in accordance with the notice. [105 ILCS 5/21B-75]*
- f) When the request for hearing is received, the State Superintendent or designee shall notify the Secretary of the SEPLB and request a hearing officer be designated in accordance with Section 475.50 of this Part.

**Section 475.50 Hearing Officer: Qualifications, Powers and Duties, and Appointment**

- a) When a hearing is requested in accordance with Section 475.40(e) of this Part, the SEPLB or its designee may appoint a hearing officer.
- b) For the purposes of this Subpart A, a "hearing officer" is defined as either the individual so appointed by the SEPLB or, when none is appointed, the SEPLB as a whole. The hearing officer shall be an attorney licensed to practice law in Illinois (see 5 ILCS 100/10-20) and, at the direction of the SEPLB, may either preside over the hearing in the presence of the SEPLB or conduct an independent hearing. When a hearing officer is appointed, the parties shall be notified. When no hearing officer is appointed, all authority to conduct the hearing pursuant to this Subpart A shall be exercised by the SEPLB.
- c) The hearing officer shall have all powers necessary and appropriate to conduct a fair, full and impartial hearing, including without limitation the following:

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

- 1) To exercise the power of the State Superintendent of Education to issue subpoenas pursuant to any applicable statute;
  - 2) To initiate, schedule, and conduct pre-hearing conferences, and issue related orders, pursuant to Section 475.70 of this Part;
  - 3) To rule upon requests by either party for discovery in accordance with Section 475.90 of this Part;
  - 4) To hold conferences for the settlement or simplification of the issues;
  - 5) To regulate the course of the hearing and the conduct of the parties and their counsel during the hearing;
  - 6) To administer oaths and affirmations;
  - 7) To receive offers of proof and relevant evidence;
  - 8) To consider and rule upon procedural requests;
  - 9) To rule upon motions, objections, and evidentiary questions;
  - 10) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify; and
  - 11) To make decisions in accordance with applicable law and rules.
- d) *Except in the disposition of matters that agencies are authorized by law to entertain or dispose of on an ex parte basis, no agency employee or hearing officer shall, after notice of hearing pursuant to this Part, communicate, directly or indirectly, in connection with any issue of fact, with any person or party, or in connection with any other issue with any party or representative except upon notice and opportunity for all parties to participate. However, an agency member may communicate with other members of the agency, and an agency member or hearing officer may have the aid and advice of one or more personal assistants. [5 ILCS 100/10-60]*

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

- e) Disqualification
  - 1) When a hearing officer deems himself or herself disqualified to preside over a particular hearing, he or she shall withdraw by notice on the record directed to the Secretary of the SEPLB.
  - 2) The SEPLB, on its own motion or the motion of any party, may disqualify a hearing officer for bias or conflict of interest as provided under Section 10-30(b) of the Illinois Administrative Procedure Act [5 ILCS 100/10-30(b)], for physical or mental incapacity, or for persistent failure to meet statutory or other timelines. A party's motion shall be supported by affidavits setting forth the alleged grounds for disqualification. A motion by the SEPLB shall state the alleged grounds for disqualification.
  - 3) In the event that a hearing officer is disqualified, the SEPLB or its designee shall appoint a new hearing officer in accordance with subsection (b) of this Section.
- f) Failure or Refusal to Appear or to Obey the Rulings of a Hearing Officer
  - 1) Contumacious or improper conduct at any hearing before the hearing officer may be grounds for exclusion from the hearing.
  - 2) If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to provide or to permit discovery, then the hearing officer may make any orders with regard to the refusal as are just and appropriate, including an order regulating the contents of the record of the hearing or recommending the sanction recommended by the State Superintendent in the Notice of Opportunity for Hearing.
- g) At the request of any party, the hearing officer shall exclude all witnesses from the hearing room, except that, at any time, one representative of each party in addition to counsel shall be allowed to be present, even if that representative is also a witness. Individuals who are not witnesses are not affected by this subsection (g).
- h) On any procedural question not regulated by this Subpart A, the appropriate Act, or the Illinois Administrative Procedure Act [5 ILCS 100], a hearing officer may be guided to the extent practicable by any pertinent provisions of the Illinois Supreme Court Rules or the Illinois Code of Civil Procedure [735 ILCS 5].

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

**Section 475.60 Appearance of Parties**

Any person entitled to participation in the proceedings may appear as follows:

- a) A natural person may appear on his or her own behalf or by an attorney designated in writing; and
- b) An attorney appearing on behalf of a party shall file a written notice of appearance.

**Section 475.70 Pre-Hearing Conferences**

- a) Convening a Conference: Within 10 ISBE business days following the appointment of the hearing officer, the hearing officer shall contact the parties or their counsel for the purpose of scheduling an initial pre-hearing conference with the hearing officer that shall take place within the next 30 ISBE business days to consider:
  - 1) Simplification of the issues;
  - 2) The date by which the licensee shall file an Answer to the Statement of Charges, if the licensee intends to do so in accordance with Section 475.80(a) of this Part;
  - 3) A schedule for each party to file requests for any applicable discovery;
  - 4) Necessity or desirability of amendment to documents for purposes of clarification, simplification or limitation;
  - 5) Stipulations, admissions of fact and of contents, and authenticity of documents;
  - 6) Limitation of the number of witnesses;
  - 7) Prior mutual exchange between and among the parties who have prepared testimony or exhibits; and
  - 8) Other matters as may tend to expedite disposition of the proceedings and assure a just conclusion of the proceedings.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

- b) Subsequent pre-hearing conferences may be held upon the hearing officer's own motion or the motion of a party.
- c) Record of Conference: The hearing officer shall make an order that recites the action taken at any conference held, the amendments allowed to any documents that have been filed, and the agreements made between the parties as to any of the matters considered. This order shall limit the issues for hearing to those not disposed of by admissions or agreements, and the order, when entered, shall control the subsequent course of the hearing unless modified by subsequent order of the hearing officer to prevent manifest injustice.

**Section 475.80 Motions**

- a) A written answer to the Statement of Charges is not required; however, if a licensee desires to file a written answer, then he or she shall file that answer by the deadline set in any scheduling order established by the hearing officer at the initial pre-hearing conference (see Section 475.70(a) of this Part). Failure to file an answer shall be deemed a general denial of matters asserted.
- b) Unless made orally on the record during a hearing, or unless the hearing officer directs otherwise, a motion shall be in writing. A written brief may be filed in support of a motion, and a response to a motion may take the form of a written brief, stating the arguments and authorities relied upon. Any written brief shall be accompanied by any affidavits or other evidence relied upon and, when appropriate, by a proposed order. Motions and any supporting briefs shall be filed and served in accordance with Sections 475.20 and 475.30 of this Part.
- c) Within seven days after service of a written motion, or other period of time as the hearing officer may prescribe, owing to the complexity of the issues involved, a party may file a response in support of or in opposition to the motion, accompanied by affidavits or other evidence.
- d) Any motions contesting jurisdiction or otherwise seeking dismissal of a matter shall be filed no later than 21 days prior to the date of the hearing.
- e) No oral argument shall be heard on a motion unless the hearing officer directs otherwise. If oral argument is permitted, then the hearing officer shall issue an order setting a date, time, and place for the argument. The hearing officer, in his or her sole discretion, may select the mode of communication for any such oral argument (e.g., telephone conference, video-conference, in-person).

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

- f) A written motion shall be disposed of by written order by the hearing officer, with notice to all parties.
- g) Prior to the commencement of any hearing, the State Superintendent may file a written motion seeking to amend the Statement of Charges. This motion may be granted by the hearing officer for reasons including, but not limited to, the discovery of new evidence. If the State Superintendent is granted leave by the hearing officer to file an amended Statement of Charges, then, unless otherwise agreed to by the parties, any hearing date previously set shall be stricken and re-set for a new date at least 30 days after the amended Statement of Charges is received by the licensee. The hearing officer, in the order granting leave to the State Superintendent to amend the Statement of Charges, shall include any changes to the pre-hearing schedule resulting from an amended Statement of Charges.
- h) The hearing officer shall rule upon all motions prior to the presentation of evidence or testimony at the hearing, except that a hearing officer shall have no authority to dismiss or decide a hearing on the merits without granting all parties to the proceeding a right to be heard and to establish a record. A hearing officer shall submit any recommendation on a licensee's motion for dismissal to the SEPLB, with a copy submitted to the parties of record, setting forth his or her legal and factual bases for the recommendation. Each party of record shall be allowed 14 days from receipt of the recommendation in which to submit exceptions to the recommendation and to present a brief to the hearing officer in support of the position of the party. If a party files an exception within 14 days, the other party shall be permitted seven days from the date the first party filed the exception to file its own exception. If the SEPLB denies the hearing officer's recommendation to dismiss, then it shall order the hearing officer to continue with the hearing in accordance with Section 475.110 of this Part. If the SEPLB grants a party's motion to dismiss, then it shall enter an appropriate order.
- i) Subject to the granting of a motion to amend the Statement of Charges, as referenced in subsection (g) of this Section, and unless otherwise ordered by the hearing officer, the filing of an answer or granting of a motion shall not stay the proceeding or extend the time for the performance of any act.
- j) A hearing may be postponed or continued for good cause by the hearing officer upon the hearing officer's own motion or upon motion of a party to the hearing. The motion of the party shall set forth facts attesting that the request for

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

continuance is not for the purpose of undue delay. Notice of any postponement or continuance shall be given in writing to all parties to the hearing within a reasonable time in advance of the previously scheduled hearing date. All parties involved in a hearing shall attempt to avoid undue delay caused by repeated postponements or continuances so that the subject matter may be resolved expeditiously.

**Section 475.90 Discovery**

- a) Within 14 business days after a hearing officer has been appointed, the State Superintendent shall provide the licensee the full investigative file pertaining to the matters at issue, excluding only documents that are protected by a specific privilege. Parties shall exchange, and provide a copy to the hearing officer of, the documents or exhibits to be used at the hearing and list of witnesses to be called at the hearing no later than 14 days prior to the hearing, or by a deadline otherwise set by the hearing officer.
- b) Evidence depositions may be taken with approval of the hearing officer for reasons of unavailability or for other good cause shown. The depositions may be taken orally before any person designated by the hearing officer and having the power to administer oaths. Any party desiring to take the evidence deposition of a witness shall make application in writing to the hearing officer, supported by affidavit, setting forth:
  - 1) The reasons why the deposition should be taken, including the reasons why the evidence deposition should be allowed in lieu of live testimony at the hearing; that is, a statement as to why the witness shall be unavailable to testify at hearing, or what other good cause exists to allow the witness to testify through an evidence deposition rather than live testimony at the hearing;
  - 2) The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken;
  - 3) The name and address of each witness; and
  - 4) The subject matter concerning which the witness is expected to testify.
- c) Discovery depositions may be taken with approval of the hearing officer, under the following circumstances.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

- 1) A party desiring to take the discovery deposition of a witness may make application in writing to the hearing officer, setting forth:
  - A) the reasons why the deposition should be taken, including that, to the best of the party's knowledge, the individual to be deposed has not testified previously in a related matter such as a trial or other hearing;
  - B) that the deposition is necessary for a just disposition of any issue in a hearing;
  - C) the time when, the place where, and the name and post office address of the person before whom the deposition is to be taken;
  - D) the name and address of each witness; and
  - E) the subject matter concerning which the witness is expected to testify, for the purpose of allowing the hearing officer to determine if the deposition should be pursued.
- 2) The hearing officer may allow a party to take a discovery deposition upon a finding that:
  - A) the individual to be deposed has not testified previously in a related matter such as a trial or other hearing; and
  - B) the deposition is necessary for a just disposition of any issue in a hearing.
- d) Notwithstanding anything to the contrary in subsection (c) of this Section, the parties shall have the right to conduct a deposition of an expert witness (only if the expert witness has been identified as a witness who will testify at the hearing) and may do so by providing notice to the other party and the hearing officer, setting forth:
  - 1) The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken; and
  - 2) The name and address of the expert witness.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

- e) Any depositions shall be conducted pursuant to the Illinois Code of Civil Procedure [735 ILCS 5]. Depositions may be taken by contemporaneous transmission from a different location (i.e., video-conference technology) by agreement of the parties. Any notice of deposition shall be given by the party taking the deposition to every other party.
- f) The hearing officer shall allow for interrogatories and requests for production of documents, provided that:
  - 1) A party may not serve more than 30 interrogatories, including subparts on any other party, except upon agreement of the parties or leave of the hearing officer granted upon a showing of good cause; and
  - 2) Interrogatories and requests for production shall be restricted to the subject matter of the Statement of Charges or defense and shall avoid placing undue detail, excessive burden, or expense on the answering party.
- g) The hearing officer may allow for other discovery if appropriate to a just disposition of any issue in a hearing.

**Section 475.100 Notice of Hearing**

- a) A Notice of Hearing shall be issued by the hearing officer and shall be served no fewer than 30 days before the day designated for the hearing, unless otherwise agreed to by all parties to a matter.
- b) A Notice of Hearing served under this Section shall include:
  - 1) The time and location of the hearing.
    - A) The location of the hearing shall be *in the educational service region where the educator is or was last employed* [105 ILCS 5/21B-75].
    - B) Alternatively, upon request by the licensee, the location of the hearing may be held in a location agreed upon by all of the parties to the hearing.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

- 2) The name of the hearing officer, if any, to preside over the hearing, and the hearing officer's address.

**Section 475.110 Hearings**

- a) The location of the hearing shall be the location included on the Notice of Hearing (see Section 475.100(b)(1) of this Part). All hearings shall be public unless required by statute or if the hearing officer determines, in his or her sole discretion, that the circumstances at any hearing warrant closure of the hearing in whole or in part.
- b) The following shall be the order of proceedings of all hearings, subject to modification by the hearing officer for good cause:
  - 1) Presentation, argument, and disposition of motions preliminary to a hearing on the merits of the matters raised in the Notice of Opportunity for Hearing and Statement of Charges or answer;
  - 2) Presentation of the State Superintendent's opening statement;
  - 3) Presentation of the licensee's opening statement;
  - 4) The State Superintendent's case;
  - 5) The licensee's case;
  - 6) The State Superintendent's rebuttal, if any;
  - 7) The licensee's rebuttal, if any;
  - 8) The State Superintendent's closing statement;
  - 9) The licensee's closing statement;
  - 10) Presentation and argument of all motions prior to final order;
  - 11) Presentation of written briefs pursuant to subsection (j) of this Section;  
and

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

- 12) Filing of proposed findings of fact and conclusions of law, and recommendations of the hearing officer.
- c) The State Superintendent of Education shall have the burden of proof. *The standard of proof for any administrative hearing held pursuant to this Subpart A shall be by the preponderance of the evidence.* [105 ILCS 5/21B-75]
- d) Failure of a party to appear on the date set for the hearing or failure to proceed at the hearing as ordered by the hearing officer may, at the sole discretion of the hearing officer, constitute a default. In the case of a default, the hearing officer shall enter the findings, opinions, and recommendations as are appropriate based on the pleadings and evidence received into the record.
- e) Evidence
  - 1) A party shall be entitled to present the party's case or defense and oral or documentary evidence, to submit rebuttal evidence, and to conduct any cross-examination as may be required for full and true disclosure of the facts. Any oral or documentary evidence may be received but a presiding hearing officer may exclude evidence that is *irrelevant, immaterial or unduly repetitious.* *The rules of evidence and privileges applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under those rules of evidence may be admitted, except where excluded by statute, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.* *Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a hearing officer may allow evidence to be received in written form.* [5 ILCS 100/10-40]
  - 2) The testimony of a witness shall be under oath or affirmation administered by the hearing officer or a certified court reporter.
  - 3) If a party objects to the admission or rejection of any examination, or to the failure to limit its scope, then the party shall state briefly the grounds for the objection. Rulings on all objections shall appear in the record. When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the hearing officer shall admit the evidence subject to the right of the hearing officer to strike the evidence from the record either during the hearing or as a part of the proposed findings of fact and conclusions of law if the hearing officer determines

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

that it was improperly admitted, in which case it shall not be considered in making proposed findings of fact, conclusions of law, and recommendations.

- 4) Formal exception to an adverse ruling is not required.
- 5) A hearing officer may, for good cause shown in compelling circumstances and upon appropriate safeguards, permit presentation of testimony at hearing by contemporaneous transmission from a different location (i.e., video-conference technology).
  - A) Good cause or compelling circumstances include when a witness is unexpectedly unable to attend the hearing, such as due to accident or illness, but is still able to testify remotely. Good cause can be established by agreement between the parties, and advance notice should be required.
  - B) Adequate safeguards are necessary to ensure accurate identification of the witness and protect against influences by other people present with the witness.
- f) Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of this fact. *In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of the SEPLB. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the facts so noticed. The SEPLB's expertise, technical competence and specialized knowledge of the SEPLB may be utilized in the evaluation of the evidence.* [5 ILCS 100/10-40(c)]
- g) Hostile or Adverse Witness
  - 1) If the hearing officer determines that a witness is hostile or unwilling or adverse, then the witness may be examined by the party calling the witness as if under cross-examination.
  - 2) The party calling an occurrence witness, upon the showing that the party called the witness in good faith and is surprised by the witness' testimony, may impeach the witness by proof of prior inconsistent statements.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

- h) *Oral proceedings or any part thereof shall be recorded* [5 ILCS 100/10-35(b)] by a certified court reporter. These records shall be transcribed either:
- 1) upon written application filed with the reporter or hearing officer by any party and upon the payment of fees at the rate provided in the agreement with the reporter or as established by the State Superintendent of Education, or
  - 2) upon receipt of summons in administrative review or an order of a court, with payment of fees when allowed or required by statute. Any recording or transcription shall be retained through and including the time allotted for appeal, revision, re-hearing, or other manner of review, prior to final disposition as provided for by the SEPLB or by law.
- i) The official record of each hearing conducted pursuant to this Subpart A shall consist of the items enumerated in Section 10-35(a) of the Illinois Administrative Procedure Act [5 ILCS 100/10-35(a)] and shall be maintained by the Secretary of the SEPLB.
- j) The hearing officer shall allow parties to submit written briefs within 21 days after the close of the hearing or any other reasonable time as the hearing officer shall determine.

**Section 475.120 Orders**

- a) Consent Orders: At any time, the parties shall be afforded a reasonable opportunity to negotiate a settlement agreement containing consent findings and a rule or order disposing of the whole or any part of the proceedings. The parties shall notify the hearing officer that they have entered into settlement discussions or negotiations or have entered into an agreement disposing of the proceedings. Consent orders may constitute an agreement by the State Superintendent to amend the charges against the licensee, including the facts alleged and the recommendation for sanction, and shall constitute an agreement by the licensee to waive his or her request for a hearing.
- 1) Any agreement containing consent findings and rules or orders disposing of a proceeding shall also provide:

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

- A) That the rule or order shall have the same force and effect as if made after a full hearing;
  - B) That the entire record on which any rule or order may be based shall consist solely of the Statement of Charges and the agreement;
  - C) A waiver of any further procedural steps before the hearing officer; and
  - D) Waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.
- 2) Any agreement reached by the parties in a case under this Subpart A shall be submitted as a consent order to the hearing officer for approval. Subject to subsection (a)(3) of this Section, upon approval of the agreement, the hearing officer shall forward it to the Secretary of the SEPLB for approval by the SEPLB.
  - 3) The hearing officer and the SEPLB shall approve an agreement entered into by the parties unless the hearing officer or the SEPLB has evidence that one or more of the parties did not understand the terms of the agreement or was unduly influenced to enter into the agreement, or if the agreement is otherwise in violation of applicable law. Should either the hearing officer or the SEPLB reject a proposed consent order in accordance with this subsection (a)(3), the hearing officer or SEPLB must provide a written order explaining the basis for the rejection.
- b) Hearing Officer's Recommendations
- 1) Initial Recommendations: Within 30 days after the later of the close of a hearing or the filing of written closing briefs, the hearing officer shall issue proposed findings of fact and conclusions of law, and make recommendations by way of a proposed order that complies with Section 10-45 of the Illinois Administrative Procedure Act [5 ILCS 100/10-45]. These recommendations shall be made upon consideration of the record as a whole or any portion of the record as may be supported by competent, material and substantial evidence.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

- 2) Opportunity to File Exceptions: The hearing officer shall forward a copy of the proposed findings of fact, conclusions of law, and recommendations to each party of record in the hearing and each party of record shall be allowed 21 days from the date the decision is sent via certified or electronic mail in which to submit exceptions to the findings of fact, conclusions of law, and recommendations of the hearing officer and to present a brief to the hearing officer in support of the position of the party. If a party files an exception within 21 days, then the other party shall be permitted 14 days from the date the first party filed the exception to file its own exception.
- c) Final Order: The hearing officer shall present his or her proposed order in person to the SEPLB at either the first or the second next regularly scheduled meeting immediately following the last date by which a party is permitted to file an exception to the hearing officer's initial recommendation. Upon the hearing officer's presentation of his or her proposed order to the SEPLB, the SEPLB shall review the record and the hearing officer's findings of fact, conclusions of law, and recommendations, together with any exceptions thereto and briefs in support thereof, and shall, within 30 days from the hearing officer's presentation, issue a final order that complies with Section 10-50 of the Illinois Administrative Procedure Act [5 ILCS 100/10-50], accepting, rejecting or modifying the hearing officer's recommendation. The Secretary of the SEPLB is authorized to sign final orders on behalf of the SEPLB. The parties shall be immediately notified either personally or by mail, postage paid, certified or registered, addressed to the last known address of each party. A copy of the order shall be delivered or mailed to each party and to the attorney of record for that party. Each agency order shall specify whether it is final and, if so, that it is subject to the Administrative Review Law [735 ILCS 5/Art. III].
- d) Parties to the hearing are permitted to be present at the hearing officer's presentation to the SEPLB and may address the SEPLB during any public participation segment of the SEPLB meeting for a period of up to five minutes.
- e) Upon final order of the SEPLB to revoke or suspend a license, the Secretary of the SEPLB or his or her designee shall report the final disposition of the license to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse or its agent.

## SUBPART B: HEARINGS FOR OTHER CONTESTED CASES

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

**Section 475.210 Authority and Applicability**

- a) This Subpart B is authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)].
- b) This Subpart B shall apply to any contested case before the State Board of Education or State Superintendent of Education that is not conducted pursuant to Subpart A of this Part, except as provided in subsection (c) of this Section.
- c) When statutes or other rules applicable to the ISBE contain practices different from those set forth in this Subpart B, then those separate statutes and rules shall apply insofar as they differ from this Subpart B.
- d) In implementing the requirements of Subpart A referenced under this Subpart B, references to the "State Educator Preparation and Licensure Board" shall be understood to mean the "State Superintendent of Education". References to "licensee" shall be understood to mean the "party to the action".

**Section 475.220 Filing and Form of Documents**

All of the requirements set forth in Section 475.20 of this Part shall apply.

**Section 475.230 Requirements for Service of Documents**

All of the requirements set forth in Section 475.30 of this Part shall apply.

**Section 475.240 Notice of Opportunity for Hearing**

- a) All hearings conducted under the jurisdiction of the ISBE or the State Superintendent shall be initiated by issuance by the State Superintendent of Education of a written Notice of Opportunity for Hearing, which shall be served upon all known parties to the hearing.
- b) The Notice of Opportunity for Hearing shall include:
  - 1) The legal authority and jurisdiction under which the hearing is to be held;
  - 2) A reference to the particular Section of the statutes and rules involved;

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

- 3) A short and plain statement of the matters asserted, except when a more detailed statement is otherwise provided by law;
  - 4) The address to which the recipient of the Notice shall send the request for hearing in accordance with Section 475.40(e) of this Part; and
  - 5) A statement that failure to request a hearing within 10 days after receipt of the Notice of Opportunity for Hearing shall result in the recommended action immediately taking effect as provided in the Notice.
- c) Any recipient of a Notice of Opportunity for Hearing must file a written request for hearing within 10 days after receipt, which shall be addressed to the State Superintendent of Education, 100 North First Street, Springfield, Illinois 62777, unless another address or an alternative means of filing (such as electronic transmission or submission of facsimile copies) is designated in the Notice.

**Section 475.250 Hearing Officer: Qualifications, Powers and Duties, and Appointment**

All of the requirements set forth in Section 475.50 of this Part shall apply.

**Section 475.260 Appearance of Parties**

Any person entitled to participation in proceedings may appear as follows.

- a) A natural person may appear on his/her own behalf or by a representative designated in writing.
- b) An association or other business, nonprofit or government organization may appear by any bona fide officer, employee or representative designated in writing.
- c) A designated representative appearing on behalf of a party shall file a written notice of appearance with the hearing officer designated by the State Superintendent.

**Section 475.270 Pre-Hearing Conferences**

All of the requirements set forth in Section 475.70 of this Part shall apply.

**Section 475.280 Motions**

In addition to the requirements set forth in Section 475.80 of this Part, the following shall apply.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

- a) In the interest of convenient, expeditious and complete determination of matters, the hearing officer may consolidate or sever hearing proceedings involving any number of parties and may order additional parties to be joined.
- b) Upon timely written application, the hearing officer may permit any party to intervene in a hearing proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when any of the following conditions is met:
  - 1) The party is so situated as to be adversely affected by a final order arising from the hearing;
  - 2) The party has an unconditional statutory right to intervene in the proceedings; or
  - 3) The party's circumstances and the hearing proceeding have a question of law or fact in common.
- c) Two copies of a petition for intervention shall be filed with the General Counsel of ISBE at the address set forth in Section 475.20(a) of this Part, one copy shall be filed with the hearing officer, and one copy shall be served on each party no later than 48 hours prior to the date set for hearing of matters set forth in the Notice of Hearing. The hearing officer may permit later intervention when there is a good cause shown for the delay.
- d) An intervenor shall have all the rights of an original party, except that the hearing officer may, in the order allowing the intervention, provide that the party shall not raise issues that might more properly have been raised at an earlier stage of the proceeding; that the party shall not raise new issues or add new parties; or that, in other respects, the party shall not interfere with the conduct of the hearing, as justice and the avoidance of undue delay might require.

**Section 475.290 Depositions and Discovery**

All of the requirements set forth in Section 475.90 of this Part shall apply, provided, however, that discovery depositions are prohibited.

**Section 475.300 Notice of Hearing**

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULE

The requirements set forth in Section 475.100 of this Part apply, provided, however, that the location of the hearing shall be either the State Board of Education's Springfield or Chicago office, chosen at the sole discretion of the State Board of Education, but taking into account the convenience of the other party or parties to the action.

**Section 475.310 Hearings**

All of the requirements set forth in Section 475.110 of this Part shall apply, provided, however, that each party has only one hour to present its case unless the hearing officer determines that more time is needed for any party to present adequate evidence and testimony.

**Section 475.320 Orders**

All of the requirements set forth in Section 475.120 of this Part shall apply.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED REPEALER

- 3) Heading of the Part: Appeal Proceedings before the State Teacher Certification Board
- 2) Code Citation: 23 Ill. Adm. Code 485
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
485.10	Repeal
485.20	Repeal
485.30	Repeal
485.40	Repeal
485.50	Repeal
485.60	Repeal
485.70	Repeal
485.80	Repeal
- 4) Statutory Authority: 105 ILCS 5/21-13
- 5) Effective Date of Repealer: September 21, 2012
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, 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 Illinois Register: March 9, 2012; 36 Ill. Reg. 3831
- 10) Has JCAR issued a Statement of Objection to this repealer? 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 by JCAR, and no agreements letter was issued.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Repealer: Public Act 96-431 removed the hearing authority previously held by the regional superintendent to initiate and hear certificate suspension cases (up to one year), and the authority of the State Superintendent to hear certificate suspension cases up to five years, making the requirements of Part 485 unnecessary. Therefore, Part 485 has been repealed.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Jessica Riddick, Assistant General Counsel  
Office of the General Counsel  
Illinois State Board of Education  
100 West Randolph, Suite 14-300  
Chicago, Illinois 60601

312/814-2223

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Charter Schools
- 2) Code Citation: 23 Ill. Adm. Code 650
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
650.10	Amendment
650.20	Amendment
650.30	Amendment
650.40	Amendment
650.50	Amendment
650.60	Repeal
650.70	New Section
650.100	New Section
650.110	New Section
- 4) Statutory Authority: 105 ILCS 5/Art. 27A
- 5) Effective Date of Rulemaking: September 20, 2012
- 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 amendments, 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 *Illinois Register*: June 1, 2012; 36 Ill. Reg. 8063
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The introduction to Section 650.50 was modified to authorize the State Superintendent rather than the State Board to certify revisions to or renewal of a charter.

Section 650.70(a) now provides that, except in the case of an emergency as defined in the rules, a notice of closure must be provided 60 days (rather than 14 days) before the end of the school year for any charter school that is closing involuntarily or before the scheduled closing date for a charter school that voluntarily closes.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

Section 650.70(b) was clarified to differentiate between charter schools authorized by a board of education and those authorized by the Commission when the charter school is disposing of assets.

The rule at Section 650.100(e) was made explicit in that the Commission may request additional material either from a party submitting an appeal or one submitting a request for consideration of a charter proposal due to a district's untimely action.

Other technical and wording changes were made in response to JCAR.

- 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 by JCAR, and no agreements letter was issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: P.A. 97-152, effective July 20, 2011, amended Article 27A of the School Code [105 ILCS 5/Art. 27A] to create the State Charter School Commission to assume some of the responsibilities of the State Board of Education relative to charter schools. In particular, the nine-member Commission is charged with considering appeals from charter school developers of new applications denied by local school boards, charter schools that have had their renewal requests rejected by their authorizing school boards, and charter schools whose charters have been revoked by their authorizing school boards.

Given the shift in responsibilities, Part 650 was changed to clearly articulate the responsibilities of the State Board of Education and those of the Commission. To that end, the amendments contain separate subparts that set forth the actions of each entity. Subpart B addresses the actions of the State Board of Education in receiving reports of action from local school boards relative to charter school applications that they have considered. The subpart continues to provide a process for an approved charter to be certified by the agency. Minor revisions in existing regulatory provisions permit electronic submission of documents to the State Board (Section 650.30) and to acknowledge the responsibilities of the State Board to certify charters upon which the Commission has acted (Section 650.40).

Additionally, the rules include the process to be used by charter schools should they

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

close. Although closures are not a part of the changes to Article 27A resulting from P.A. 97-152, staff recognize that certain protections are needed for students and employees, with a view toward minimizing the risk they accept when they form or enroll in a charter school. The amendments address notice requirements, disposition of the school's assets and records, and the handling of students' school records.

Subpart C outlines the procedures for the Commission's consideration of appeals from charter school developers and charter schools or requests for consideration when a school board fails to act in a timely manner (Sections 650.100 and 650.110). The rules mirror closely the steps of the appeal process used by the State Board and set forth in Section 650.60, which is now repealed. Under the Commission's procedures, opportunities will be provided for charter school developers and charter schools to meet with Commission staff and authorized representatives in advance of the public meeting held to consider the request for consideration or appeal. The amendments include timelines for action to ensure that the Commission meets its statutory obligation to render a decision on the request for consideration or appeal within 30 days after the public meeting is held.

16) Information and questions regarding this rulemaking shall be directed to:

Jen Saba, Assistant General Counsel  
Legal Division  
Illinois State Board of Education  
100 West Randolph Street  
Suite 14-300  
Chicago, Illinois 60601

312/814-2223

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

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER 6: MISCELLANEOUS

## PART 650

## CHARTER SCHOOLS

SUBPART A: GENERAL PROVISIONS

## Section

650.10 Definitions

650.20 Purpose

SUBPART B: ACTIONS OF THE STATE BOARD OF EDUCATIONSection650.30 Submission to the State Board of Education650.40 Review by the State Superintendent of Education of Local or Commission  
Approvals by State Board

650.50 Revision and Renewal of Charters

650.60 Appeal of Local School Board Decisions (Repealed)650.70 Procedures for Closing a Charter SchoolSUBPART C: ACTIONS OF THE STATE CHARTER SCHOOL COMMISSIONSection650.100 Appeals to, and Requests for Consideration by, the Commission650.110 Review of Appeals and Requests for Consideration; Decision

AUTHORITY: Implementing and authorized by Article 27A of the School Code [105 ILCS 5/Art. 27A].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 6329, effective April 23, 1996, for a maximum of 150 days; emergency expired; emergency amendment at 20 Ill. Reg. 8677, effective June 25, 1996, for a maximum of 150 days; new Part adopted at 20 Ill. Reg. 15284, effective November 15, 1996; emergency amendments at 22 Ill. Reg. 1479, effective January 1, 1998, for a maximum of 150 days; emergency expired; emergency amendment at 22 Ill. Reg. 5104, effective February 27, 1998, for a maximum of 150 days; emergency expired; amended at 22 Ill.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

Reg. 16455, effective September 3, 1998; amended at 36 Ill. Reg. 14801, effective September 20, 2012.

SUBPART A: GENERAL PROVISIONS**Section 650.10 Definitions**

"Article 27A of the School Code" or the "Charter Schools Law" means 105 ILCS 5/Art. 27A ~~(see P.A. 89-450, effective April 10, 1996).~~

"Commission" has the meaning set forth in Section 27A-3 of the School Code.

"Day" means calendar day, unless otherwise specified in this Part. The time within which any action required under this Part must occur shall be determined in accordance with the provisions of Section 1.11 of the Statute on Statutes [5 ILCS 70/1.11].

(Source: Amended at 36 Ill. Reg. 14801, effective September 20, 2012)

**Section 650.20 Purpose**

Article 27A of the School Code sets forth the requirements for a charter school and the procedure for consideration of a charter school proposal by local boards of education, by two or more local boards of education pursuant to Section 27A-4(e) of the School Code, or by the Commission. ~~Pursuant to Section 27A-4(e) of the School Code, two or more local boards of education may jointly submit a proposal for a single charter school.~~ This Part sets forth the procedures applicable to reporting to the State Board of Education by local school boards and the Commission of the submission of charter school proposals, as required by ~~Sections~~ Section 27A-8(f) and 27A-9(f) of the School Code. Further, this Part sets forth procedures for appeals to the Commission of local board of education decisions under Section 27A-9 of the School Code and for the orderly closing of charter schools.

(Source: Amended at 36 Ill. Reg. 14801, effective September 20, 2012)

SUBPART B: ACTIONS OF THE STATE BOARD OF EDUCATION**Section 650.30 Submission to the State Board of Education**

Local ~~boards~~ board(s) of education shall submit a final report to the State Board of Education as

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

to the action by the local ~~boards~~board(s) of education with regard to an application for, revision of, renewal of, or revocation of a charter. A copy of the report shall be provided to the applicant or charter holder at the same time that the report is submitted to the State Board of Education.

~~The report shall include a notice to the applicant or charter holder to the effect that a denial, revocation or non-renewal of a charter school application or revision may be appealed to the State Board of Education within 14 days after the postmark date that the report is submitted to the State Board of Education.~~ Reports shall be submitted as follows:

- a) The local board of education shall submit the report to the State Board of Education either by electronic mail or U.S. mail to the address in subsection (e) of this Section not later than seven days after the date of the public meeting at which the board acted on the charter request.
  - 1) For reports submitted by U.S. mail, the report must bear a postmark date of not later than seven days following the meeting date.
  - 2) In case of separate public meetings by each school board involved, the seven days shall begin when the last school board votes on the matter.
- b) Reports of approved applications, revisions, or renewals shall be accompanied by a form to be supplied by the State Board that attests to the local board of education's. ~~The form shall include a certification as to~~ compliance with all of the procedural requirements and application components set forth in Article 27A of the School Code. The form and the proposed contractual agreement shall be signed by the ~~president~~president(s) of ~~each~~the local school board that is a party to the application~~board(s)~~ and the appropriate officers of the charter school governing body. Section 27A-6 of the School Code provides that a *proposed contract between the governing body of a proposed charter school and the local school board must be submitted to and certified by the State Board before it can have effect.*
- c) Reports of denials, revocations or non-renewals shall consist of the charter proposal or current charter contract voted upon by each of the local ~~boards~~board(s) of education; ~~and~~ a copy of each board's resolution setting forth the board's action and its reasons for the action; a notice to the applicant or charter holder to the effect that a denial, revocation or non-renewal of a charter school application or revision may be appealed to the Commission within 30 days from the date that the school board voted to deny the application or revoke or not renew a contract; and any other documents upon which the board relied in denying the

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

current proposal or revoking or not renewing the contract.

~~d)e)~~ Each submission under subsection (b) or (c) of this Section also shall include aA certification of publication and a copy of the printed notice of the public meeting for each local board of education involved, as required by Section 27A-8(d) of the School Code, ~~must be submitted with all reports.~~

~~e)d)~~ Reports shall be submitted via electronic submission to charter@isbe.net or by certified mail, return receipt requested, addressed to:

Illinois State Board of Education  
Charter Schools  
100 West Randolph Street  
Suite 14-300  
100 North First Street  
ChicagoSpringfield, Illinois 6060162777

~~No electronic or facsimile transmissions will be accepted.~~

~~f)e)~~ Reports and other documentation pertaining to denials, revocations or non- renewals also shall be submitted to the Commission within the timeframe set forth in subsection (a) of this Section via electronic submission to Jeanne.Nowaczewski@Illinois.gov or by certified mail, return receipt requested, addressed to:

State Charter School Commission  
Michael A. Bilandic Building  
160 North LaSalle Street, 6<sup>th</sup> Floor  
Chicago, Illinois 60601

~~Reports must be postmarked no later than 7 calendar days following the date of public meeting of the local board(s) of education at which the vote occurred and must include proof of service of the report upon the applicant or charter holder. In cases of separate public meetings by each school board involved, the 7 days shall begin when the last school board votes on the matter.~~

(Source: Amended at 36 Ill. Reg. 14801, effective Septmeber 20, 2012)

**Section 650.40 Review by the State Superintendent of Education of Local or Commission**

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

**Approvals**~~State Board~~

- a) The State ~~Superintendent~~~~Board~~ shall review each report of an approved application, revision or renewal to determine whether the statutory requirements have been followed and the proposed contractual agreement is complete and compliant with the provisions of Article 27A of the School Code. Proposed contractual agreements ~~that~~~~which~~ are complete and compliant with the provisions of Article 27A of the School Code shall be certified by the State Superintendent until the maximum authorized numbers of charter schools have been reached. ~~The State Superintendent shall send a~~A certification of the charter ~~shall be sent to each~~the local school ~~board that is a party to the application or the Commission, as applicable,~~~~board(s)~~ and the charter school governing body.
- b) If a report is incomplete or a proposed contractual agreement fails to comply with any applicable law, the State ~~Superintendent~~~~Board~~ shall so notify ~~each~~the submitting school ~~board or the Commission, as applicable,~~~~board(s)~~ and the applicant or charter holder, identifying the ~~area~~~~area(s)~~ of deficiency that must be remedied before the proposal can be considered for certification.
- c) The State Superintendent shall notify ~~each~~the local school ~~board that is a party to the application or the Commission, as applicable,~~~~board(s)~~ and the applicant or charter holder as to a determination made with respect to a report of an approved application, renewal or revision by certified mail within ~~30~~14 days after receipt of the report (Section 27A-8(f) of the School Code).

(Source: Amended at 36 Ill. Reg. 14801, effective Septmeber 20, 2012)

**Section 650.50 Revision and Renewal of Charters**

*No material revision to a previously certified contract or a renewal shall be effective unless and until the State ~~Superintendent~~~~Board~~ certifies that the revision or renewal is consistent with the provisions of Article 27A (Section 27A-6(e) of the School Code). Proposed revisions or renewals of a charter shall be submitted to the State Board ~~of~~ Education in the manner set forth in this Part.*

- a) The following revisions to a certified contract or a renewal are considered material for purposes of this Section. Any proposed revision not listed in this subsection (a), except those set forth in subsection (b) of this Section, should be

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

presumed material and shall be submitted to the State Board for certification before it may take effect.

- 1) Enrollment growth beyond 20 percent or expansion beyond the grade levels listed in the certified charter.
  - 2) Transferring the charter to another non-profit entity.
  - 3) Altering the mission of the charter or the targeted student population.
  - 4) Employing or terminating a management company.
  - 5) Any change to the charter with respect to the National School Lunch Program (7 CFR 210.10 (2012)).
  - 6) Any change to the charter with respect to the provision of student transportation.
- b) The following revisions to a certified contract are not considered material for purposes of this Section.
- 1) Bylaws.
  - 2) Relocation.
  - 3) The name of the charter school.
  - 4) The articles of incorporation.
  - 5) Class sizes as stated in the application.
  - 6) Length of school day and/or academic year.
  - 7) Curriculum changes.

(Source: Amended at 36 Ill. Reg. 14801, effective September 20, 2012)

**Section 650.60 Appeal of Local School Board Decisions (Repealed)**

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- a) ~~An applicant for a charter or a charter holder may appeal to the State Board of Education a local school board report which denies, revokes or refuses to renew a charter. The appeal must state the reasons why the decision of the school board should be reversed and must be postmarked no later than 14 calendar days following the postmark date of the report's submission to the State Board of Education. The appeal must be submitted in writing by certified mail, return receipt requested, to the following address, with a copy sent by certified mail to the school board:~~

~~Illinois State Board of Education  
Charter Schools  
100 North First Street  
Springfield, Illinois 62777~~

~~No electronic or facsimile transmissions will be accepted. Appeals postmarked later than 14 calendar days following the postmark date of submission of the report shall not be processed.~~

- b) ~~The parties shall submit to the State Board such additional information as the State Board determines is necessary to decide the appeal.~~
- e) ~~The applicant, charter holder, or school board may request an opportunity to make an oral presentation to staff of the State Board of Education designated by the State Superintendent of Education.~~
- 1) ~~An applicant or charter holder shall request an oral presentation in the appeal document submitted pursuant to this Section.~~
  - 2) ~~If an applicant or charter holder does not request an oral presentation, the school board may request an oral presentation by mailing a written request to the State Board, with a copy sent to the applicant or charter holder, within seven days after the postmark date of the appeal.~~
  - 3) ~~Staff of the State Board of Education will schedule the presentation after giving no less than seven days' notice to each party, unless the State Superintendent can determine from the school board's report that the school or proposal, as a matter of law, does not comply with the Charter Schools Law.~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- ~~4) If either party has requested and is entitled to an oral presentation, each party shall be given 45 minutes to make a presentation.~~
- ~~5) If neither party requests an oral presentation, staff of the State Board may request that the parties make an oral presentation after giving no less than seven days' notice to each party.~~
- d) ~~Staff of the State Board of Education shall submit a recommendation to the State Superintendent of Education:~~
- ~~1) If the State Superintendent determines that the appeal is untimely or that the school or proposal, as a matter of law, does not comply with the Charter Schools Law, he shall issue a final decision to the parties containing his findings and denying the appeal. Otherwise the State Superintendent shall submit his findings and recommendation to the State Board of Education for a final decision.~~
- ~~2) A copy of the final decision shall be sent by certified mail to each party within 60 days after receipt of the appeal, receipt of any additional information requested under subsection (b) of this Section, or the date of an oral presentation made pursuant to this Section, whichever occurs last.~~

(Source: Repealed at 36 Ill. Reg. 14801, effective September 20, 2012)

**Section 650.70 Procedures for Closing a Charter School**

The governing body of a charter school that is closing, whether voluntarily or involuntarily, shall be subject to the requirements of this Section.

- a) Required Notices
- 1) Except in the case of an emergency, when the health, safety, or education of the charter school's students is at risk, any notice of a charter school's closing required under subsection (a)(2) shall be provided:
- A) at least 60 days before the end of the school year in which the closure will take place for a charter school that is closing involuntarily (i.e., has had its charter revoked or not renewed); or



## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

funds shall be returned to the school district or districts from which the charter school draws enrollment, at no cost to the receiving district or districts, subject to each district's acceptance of the asset. Any unspent public funds or other assets received by the charter school directly from any State or federal agency shall be refunded to or revert back to that State or federal agency, respectively.

- 2) When a charter school is authorized by the Commission, the governing body or its designee shall refund all unspent public funds to the State Board of Education. The charter school's other assets shall be dissolved under the provisions of the charter application and contract. If the contract is silent or ambiguous as to the disposition of any of the school's assets, all assets of the charter school purchased with public funds shall be returned to the school district or districts from which the charter school draws its enrollment, at no cost to the receiving district or districts, subject to each district's acceptance of the asset. Any unspent public funds or other assets provided by a State agency other than the State Board of Education or by a federal agency shall be refunded to or revert back to that State or federal agency, respectively.

c) Student Records

The governing body or its designee shall transfer its students' permanent and temporary records (see 23 Ill. Adm. Code 375.10; Definitions) to the school's chartering entity or entities, as set forth in 23 Ill. Adm. Code 375.75 (Public and Nonpublic Schools: Transmission of Records for Transfer Students), except that, if the Commission is the chartering entity, each student's permanent record shall be transferred to his or her district of residence.

d) Other Records

The governing body or its designee shall prepare all the school's records for transfer to the chartering entity or entities. These records shall include, but need not be limited to:

- 1) the minutes of the meetings of the governing body;
- 2) the school's policy manual;
- 3) the manuals setting forth the school's administrative, accounting, and personnel-related procedures;

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 4) all personnel files, including service records and information regarding teachers' certification;
  - 5) all teachers' schedules;
  - 6) all inventory records for fixed assets (i.e., tangible property used in operating the charter school);
  - 7) bank statements, including any canceled checks returned by the financial institution;
  - 8) corporate credit card statements and invoices;
  - 9) accounting reports, budgets, journals, ledgers, and registers;
  - 10) annual financial reports prepared by independent auditors;
  - 11) all agreements, contracts, and records of arrangements, including any exhibits, amendments, or other supporting documentation;
  - 12) all Internal Revenue Service forms used and any supporting documentation;
  - 13) all Teachers' Retirement System forms used and any supporting documentation;
  - 14) purchase requisitions and purchase vouchers, including supporting documentation such as vendors' invoices, store receipts, or travel itineraries;
  - 15) vouchers for reimbursement of staff expenses, including travel, with any supporting documentation; and
  - 16) all electronic files containing financial records pertaining to the school.
- e) Requirements for Inventory Records

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

For each fixed asset of the charter school (i.e., land, buildings, machinery, equipment, furniture, and fixtures), the inventory record shall include the following information:

- 1) a description of the fixed asset;
  - 2) a manufacturer's serial number, model number, federal or national stock number, or other identifying number, if applicable;
  - 3) an indication as to whether local, State, and/or federal funds were used to acquire the asset, along with information from which the percentage of State and/or federal participation can be calculated;
  - 4) whether title to the asset vests in the charter school, an agency of State government, or the federal government;
  - 5) the acquisition date (or the date received, if the asset was furnished by a donor) and cost;
  - 6) the location and condition of the fixed asset and the date as of which this information was last reported (e.g., the date of the last physical inventory taken by representatives of the charter school);
  - 7) information as to the ultimate disposition of the fixed asset, including the date of disposal and sale price, or, when the charter school has compensated a State or federal agency for its share in the asset, the method used to determine the current fair market value.
- f) Final Financial Accountability
- 1) The governing body or its designee shall cause a final audit of the charter school to be performed by an independent auditor after all the school's assets have been liquidated and its accounts payable have been settled. The governing body or its designee shall provide a copy of the audit report to the chartering entity.
  - 2) If the governing body has been unable to liquidate all the school's accounts payable, the governing body or its designee shall inform the chartering entity or entities of any outstanding obligations. The chartering

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

entity shall not, however, be responsible for any obligation of a charter school not specified in the charter agreement.

- 3) The governing body shall designate an individual who will complete any expenditure reports or other fiscal documentation that may be required by the State Board of Education.

(Source: Added at 36 Ill. Reg. 14801 effective Septmeber 20, 2012)

SUBPART C: ACTIONS OF THE STATE CHARTER SCHOOL COMMISSIONSection 650.100 Appeals to, and Requests for Consideration by, the Commission

- a) An applicant for a charter or a charter holder may appeal to the Commission a local school board report that denies, revokes or refuses to renew a charter. An applicant for a charter also may submit its proposal to the Commission for consideration in situations in which the local school board fails to act on the proposal within a timely manner. (See Section 27A-8(d) and (e) of the School Code.) Any appeal or request for consideration shall be submitted to the Commission no later than 30 days after:
  - 1) the date that the school board voted to deny the application; or
  - 2) the date by which the school board was to, but did not, hold a public meeting (see Section 27A-8(d) of the School Code); or
  - 3) the date by which the school board was to, but did not, vote on the charter request (see Section 27A-8(e) of the School Code).
- b) The appeal or request for consideration must be submitted electronically to the Commission at [Jeanne.Nowaczewski@Illinois.gov](mailto:Jeanne.Nowaczewski@Illinois.gov), with a copy sent by certified mail or electronic mail to the school board.
- c) Appeals of School Board Decisions to Deny, Revoke or not Renew a Charter  
The applicant, to the extent possible, must state the reasons why the decision of the school board should be reversed.
- d) Consideration of Requests Due to Local Inaction

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) The applicant shall state the reasons why the proposal should be granted.
- 2) The applicant shall list the date the charter school proposal was submitted to the school board for consideration and, if a public meeting was held in accordance with Section 27A-8(c) of the School Code, the date of the public meeting and a statement that the school board failed to vote on the request within 30 days after the meeting being held.
- e) The parties shall submit to the Commission any additional information that the Commission determines is necessary to decide the appeal or consider a request submitted due to the local board's inaction.
- f) Any appeal or request for consideration not submitted within the applicable deadline specified in subsection (a) of this Section shall not be considered, and the Commission shall provide notification to the applicant to this effect.

(Source: Added at 36 Ill. Reg. 14801, effective September 20, 2012)

**Section 650.110 Review of Appeals and Requests for Consideration; Decision**

- a) Within seven days after receiving an appeal or a request to consider due to a school board's inaction, the Commission shall inform each party (i.e., charter school applicant and school district) of the following:
  - 1) the time, date and location of the public meeting to hear the appeal or consider the request that is scheduled no later than 45 days after the Commission received the appeal or request for consideration;
  - 2) a notice provided to both parties that either party may provide a written request for an opportunity to make an oral presentation before the Commission during the public meeting at which the Commission shall hear the appeal or consider the request. This request shall be submitted no later than seven days prior to the date set for the meeting; and
  - 3) the time, date and location of any interviews the Commission may wish to schedule with the parties in advance of the public meeting.
- b) When practicable, the Commission's designees (e.g., Commission staff, independent evaluators assigned by the Commission) shall conduct any interviews

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

in the presence of both parties. Unless otherwise required by Illinois law, the interviews shall not be open to the public.

- c) In addition to the timeline provided under subsection (a) of this Section, the Commission shall provide each party with a reminder notice at least five days in advance of the public meeting to be held to hear the appeal or consider the request. A public meeting conducted under this subsection (c) shall comply with the Open Meetings Act [5 ILCS 120].
- 1) If either party has requested an oral presentation, the Commission shall provide each party with an equal amount of time to make the oral presentation to the body and to respond to the Commission's questions.
  - 2) The Commission shall reserve time at the public meeting to take testimony or comments from the public.
  - 3) In so far as possible, the Commission shall hold the public meeting at or near the school district involved in the appeal or request for consideration.
- d) The Commission shall render a decision no later than 30 days after the conclusion of the public meeting and shall announce that decision either during the public meeting held to consider the appeal or request for consideration or during another publicly scheduled meeting held within the required 30-day timeline.
- 1) In reviewing appeals or whether to grant a charter due to a school district's inaction, the Commission shall consider whether the charter proposal *is in compliance with Article 27A of the School Code and is in the best interests of the students the charter school is designed to serve. (Section 27A-8(h) of the School Code)* In order to determine whether a proposal satisfies both prongs under Section 27A-8(h), the Commission shall conduct a de novo review of the proposal and the district's response. Pursuant to this review, the Commission shall not give deference to any finding of fact or conclusion of law made by the local board of education with respect to the proposal or any information provided by the charter school applicant.
  - 2) If the appeal or request for consideration, as a matter of law, does not comply with the Charter Schools Law, or if the charter proposal is not in the best interest of the students, the Commission shall issue a final

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

decision to the parties containing the Commission's reasons for denying the appeal or request for consideration.

3) If the Commission finds that the charter school proposal complies with Article 27A of the School Code and is in the best interest of the students to be served, it shall issue a final decision to the parties containing the Commission's reasons for approving the appeal or request for consideration.

4) A copy of any decision rendered pursuant to subsection (d)(2) or (d)(3) of this Section shall be provided to each party by certified mail within the timeline set forth in this subsection (d).

e) The decision of the Commission is final unless reviewed under the Administrative Review Law [735 ILCS 5/Art. III], as provided in Section 27A-8(h) of the School Code.

(Source: Added at 36 Ill. Reg. 14801, effective Septmeber 20, 2012)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) 

<u>Section Numbers</u> :	<u>Emergency Action</u> :
140.442	Amendment
140.443	Amendment
140.445	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and PA 97-6899
- 5) Effective Date: September 21, 2012
- 6) This emergency rulemaking expires, as authorized by the SMART Act, on June 30, 2013.
- 7) Date Filed with the Index Department: September 21, 2012
- 8) A copy of the emergency amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: PA 97-689 (Save Medicaid Access and Resources Together (SMART) Act,) gives any agency in charge with implementing a provision or initiative in SMART, the ability to adopt rules through emergency rulemaking in order to provide for the expeditious and timely implementation of SMART. The adoption of this emergency rulemaking is deemed to be necessary for the public interest, safety, and welfare. Pursuant to PA 97-689, the 150-day limitation of the effective period of emergency rules does not apply and the effective period of rules necessary to implement SMART may continue through 6/30/13. These emergency rules are necessary to implement the provisions and initiatives of SMART.
- 10) Complete Description of the Subjects and Issues Involved: This rulemaking implements changes, improvements and efficiencies to enhance Medicaid program integrity to prevent client and provider fraud; imposes controls on use of Medicaid services to prevent over-use or waste; expands cost-sharing by clients; and makes rate adjustments and reductions to update rates or reflect budget realities.
- 11) Are there any other rulemakings pending on this Part? Yes

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
140.445	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.523	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.539	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.570	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.1001	Amendment	36 Ill. Reg. 8081; June 1, 2012
140.400	Amendment	36 Ill. Reg. 8594; June 15, 2012
140.438	Amendment	36 Ill. Reg. 8594; June 15, 2012
140.5	Amendment	36 Ill. Reg. 9650; July 6, 2012
140.642	Amendment	36 Ill. Reg. 9650; July 6, 2012
140.643	Amendment	36 Ill. Reg. 9650; July 6, 2012

- 12) Statement of Statewide Policy Objective: This emergency rulemaking neither creates nor expands any State mandate affecting units of local government.
- 13) Information and questions regarding this amendment shall be directed to:

Jeanette Badrov  
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 Emergency Amendments begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

EMERGENCY

140.3 Covered Services Under Medical Assistance Programs

EMERGENCY

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

EMERGENCY

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

EMERGENCY

140.12 Participation Requirements for Medical Providers

EMERGENCY

140.13 Definitions

EMERGENCY

140.14 Denial of Application to Participate in the Medical Assistance Program

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## EMERGENCY

140.15 Suspension and Denial of Payment, and Recovery of Money and Penalties

## EMERGENCY

140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

## EMERGENCY

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 Associated with Vendor

## EMERGENCY

140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

140.20 Submittal of Claims

## EMERGENCY

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

## EMERGENCY

140.31 Emergency Services Audits

140.32 Prohibition on Participation, and Special Permission for Participation

## EMERGENCY

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

## EMERGENCY

140.45 Withholding of Payments Upon Provider Audit, Quality of Care Review, Credible

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## Allegation of Fraud or Failure to Cooperate

## EMERGENCY

- 140.55 Recipient Eligibility Verification (REV) System
- 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

## EMERGENCY

- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 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)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 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)
- 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
- EMERGENCY
- 140.403 Telehealth Services
- 140.405 Non-Institution Rate Reductions
- EMERGENCY
- 140.410 Physicians' Services
- 140.411 Covered Services By Physicians
- 140.412 Services Not Covered By Physicians
- 140.413 Limitation on Physician Services
- EMERGENCY
- 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers
- EMERGENCY

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 140.416 Optometric Services and Materials  
140.417 Limitations on Optometric Services  
EMERGENCY  
140.418 Department of Corrections Laboratory  
140.420 Dental Services  
EMERGENCY  
140.421 Limitations on Dental Services  
140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items –  
Dentists (Repealed)  
140.425 Podiatry Services  
EMERGENCY  
140.426 Limitations on Podiatry Services  
140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry  
(Repealed)  
140.428 Chiropractic Services  
EMERGENCY  
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  
140.436 Limitations on Advanced Practice Nurse Services  
140.438 Diagnostic Imaging Services  
140.440 Pharmacy Services  
EMERGENCY  
140.441 Pharmacy Services Not Covered  
EMERGENCY  
140.442 Prior Approval of Prescriptions  
| EMERGENCY  
140.443 Filling of Prescriptions  
| EMERGENCY  
140.444 Compounded Prescriptions  
140.445 Legend Prescription Items (Not Compounded)  
| EMERGENCY  
140.446 Over-the-Counter Items  
140.447 Reimbursement  
140.448 Returned Pharmacy Items

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

140.449 Payment of Pharmacy Items

EMERGENCY

140.450 Record Requirements for Pharmacies

140.451 Prospective Drug Review and Patient Counseling

140.452 Mental Health Services

140.453 Definitions

140.454 Types of Mental Health Services

140.455 Payment for Mental Health Services

140.456 Hearings

140.457 Therapy Services

EMERGENCY

140.458 Prior Approval for Therapy Services

EMERGENCY

140.459 Payment for Therapy Services

140.460 Clinic Services

140.461 Clinic Participation, Data and Certification Requirements

140.462 Covered Services in Clinics

140.463 Clinic Service Payment

140.464 Hospital-Based and Encounter Rate Clinic Payments

140.465 Speech and Hearing Clinics (Repealed)

140.466 Rural Health Clinics (Repealed)

140.467 Independent Clinics

140.469 Hospice

EMERGENCY

140.470 Eligible Home Health Care, Nursing and Public Health Providers

EMERGENCY

140.471 Description of Home Health Care Services

EMERGENCY

140.472 Types of Home Health Care Services

EMERGENCY

140.473 Prior Approval for Home Health Care Services

EMERGENCY

140.474 Payment for Home Health Care Services

EMERGENCY

140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices

140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which  
Payment Will Not Be Made

140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices

EMERGENCY

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations
- 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
- 140.482 Family Planning Services
- 140.483 Limitations on Family Planning Services
- 140.484 Payment for Family Planning Services
- 140.485 Healthy Kids Program
- 140.486 Illinois Healthy Women
- 140.487 Healthy Kids Program Timeliness Standards
- 140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
- 140.490 Medical Transportation
- 140.491 Limitations on Medical Transportation
- EMERGENCY
- 140.492 Payment for Medical Transportation
- 140.493 Payment for Helicopter Transportation
- 140.494 Record Requirements for Medical Transportation Services
- 140.495 Psychological Services
- 140.496 Payment for Psychological Services
- 140.497 Hearing Aids
- 140.498 Fingerprint-Based Criminal Background Checks
- EMERGENCY

## SUBPART E: GROUP CARE

- Section
- 140.500 Long Term Care Services
- 140.502 Cessation of Payment at Federal Direction
- 140.503 Cessation of Payment for Improper Level of Care
- 140.504 Cessation of Payment Because of Termination of Facility
- 140.505 Informal Hearing Process for Denial of Payment for New ICF/MR
- 140.506 Provider Voluntary Withdrawal
- 140.507 Continuation of Provider Agreement
- 140.510 Determination of Need for Group Care
- 140.511 Long Term Care Services Covered By Department Payment
- 140.512 Utilization Control
- 140.513 Notification of Change in Resident Status
- 140.514 Certifications and Recertifications of Care (Repealed)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 140.515 Management of Recipient Funds – Personal Allowance Funds
- 140.516 Recipient Management of Funds
- 140.517 Correspondent Management of Funds
- 140.518 Facility Management of Funds
- 140.519 Use or Accumulation of Funds
- 140.520 Management of Recipient Funds – Local Office Responsibility
- 140.521 Room and Board Accounts
- 140.522 Reconciliation of Recipient Funds
- 140.523 Bed Reserves
- 140.524 Cessation of Payment Due to Loss of License
- 140.525 Quality Incentive Program (QUIP) Payment Levels
- 140.526 County Contribution to Medicaid Reimbursement (Repealed)
- 140.527 Quality Incentive Survey (Repealed)
- 140.528 Payment of Quality Incentive (Repealed)
- 140.529 Reviews (Repealed)
- 140.530 Basis of Payment for Long Term Care Services
- 140.531 General Service Costs
- 140.532 Health Care Costs
- 140.533 General Administration Costs
- 140.534 Ownership Costs
- 140.535 Costs for Interest, Taxes and Rent
- 140.536 Organization and Pre-Operating Costs
- 140.537 Payments to Related Organizations
- 140.538 Special Costs
- 140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
- 140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
- 140.541 Salaries Paid to Owners or Related Parties
- 140.542 Cost Reports – Filing Requirements
- 140.543 Time Standards for Filing Cost Reports
- 140.544 Access to Cost Reports (Repealed)
- 140.545 Penalty for Failure to File Cost Reports
- 140.550 Update of Operating Costs
- 140.551 General Service Costs Updates
- 140.552 Nursing and Program Costs
- 140.553 General Administrative Costs Updates
- 140.554 Component Inflation Index (Repealed)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 140.651 Decertification of Day Programs
- 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)

SUBPART F: FEDERAL CLAIMING FOR STATE AND  
LOCAL GOVERNMENTAL ENTITIES

## Section

- 140.850 Reimbursement of Administrative Expenditures
- 140.855 Administrative Claim Review and Reconsideration Procedure
- 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)
- 140.896 Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
- 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)
- 140.906 Reconsiderations (Recodified)
- 140.907 Midnight Census Report (Recodified)
- 140.908 Times and Staff Levels (Recodified)
- 140.909 Statewide Rates (Recodified)
- 140.910 Referrals (Recodified)
- 140.911 Basic Rehabilitation Aide Training Program (Recodified)
- 140.912 Interim Nursing Rates (Recodified)

## SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## Section

140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)

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)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
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)
140.982	Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## 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
140.993	Care Management Fees
140.994	Panel Size and Affiliated Providers
140.995	Mandatory Enrollment
140.996	Access to Health Care Services
140.997	Payment for Services

## SUBPART J: ALTERNATE PAYEE PARTICIPATION

Section	
140.1001	Registration Conditions for Alternate Payees
140.1002	Participation Requirements for Alternate Payees
140.1003	Recovery of Money for Alternate Payees
140.1004	Conditional Registration for Alternate Payees
140.1005	Revocation of an Alternate Payee

## SUBPART K: MANDATORY MCO ENROLLMENT

140.1010	Mandatory Enrollment in MCOs
----------	------------------------------

## SUBPART L: UNAUTHORIZED USE OF MEDICAL ASSISTANCE

Section	
140.1300	Definitions
140.1310	Recovery of Money
140.1320	Penalties
140.1330	Enforcement
140.TABLE A	Criteria for the Approval of Non-Emergency Ambulance Transportation
EMERGENCY	
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

140.TABLE D EMERGENCY	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F EMERGENCY	Podiatry Service Schedule (Repealed)
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	HSA Grouping (Repealed)
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

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,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; preemptory 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 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.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

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 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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

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 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,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

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. 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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

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 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;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

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 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 maximum 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,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

effective January 1, 2008, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; preemptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. 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 and emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 14, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to JCAR action on Sections 140.442(e)(4) and 140.443(h), and emergency amendment to Section 140.445 at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013.

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

**Section 140.442 Prior Approval of Prescriptions****EMERGENCY**

- a) The Department may require prior approval for the reimbursement of any drug, except as provided in this Section. Determinations of whether prior approval for any drug is required shall be made in the following manner:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 1) The Department shall consult with individuals or organizations which possess appropriate expertise in the areas of pharmacology and medicine. In doing so, the Department shall consult with organizations composed of physicians, pharmacologists, or both, and shall, to the extent that it consults with organizations, limit its consultations to organizations which include within their membership physicians practicing in all of the representative geographic areas in which recipients reside and practicing in a majority of the areas of specialization for which the Department reimburses physicians for providing care to recipients.
- 2) The Department shall consult with a panel from such organizations (the panel is selected by such organizations) to review and make recommendations regarding prior approval. The panel shall meet not less than four times a year for the purpose of the review of drugs. The actions of the panel shall be non-binding upon the Department and can in no way bind or otherwise limit the Department's right to determine in its sole discretion those drugs which shall be available without prior approval.
- 3) Upon U.S. Food and Drug Administration approval of a new drug, or when post-marketing information becomes available for existing drugs requiring prior approval, the manufacturer shall be responsible for submitting materials to the Department which the Department and the consulting organization shall consider in determining whether reimbursement for the drug shall require prior approval.
- 4) New dosage strengths and new dosage forms of products currently included in the list of drugs available without prior approval (see Section 140.440(e)) shall be available without prior approval upon the request of the manufacturer, unless otherwise designated by the Director. In such a case, the Director shall submit the new dosage strength, or new form, to the prior approval procedures described in this Section.
- 5) Upon receipt of the final agenda established for each meeting of the panel created under subsection (a)(2), the Department shall promptly review materials and literature supplied by drug manufacturers. Additional literature may be researched by the Department to assist the panel in its review of the products on the agenda. The Department shall make comments and, within ten working days after receipt of the agenda,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

transmit such comments either in person or in writing to the panel. This shall be done for each meeting of the above described panel.

- 6) The consulting organization shall transmit its recommendations to the Department in writing.
- 7) Upon receipt of this transmittal letter, the Department shall, within 15 business days, notify all interested parties, including pharmaceutical product manufacturers, of all recommendations of the consulting organization accepted or rejected by the Director. Notifications to pharmaceutical manufacturers of the Director's decision to require prior approval shall include reasons for the decision. Decisions requiring prior approval of new drug products not previously requiring prior approval shall become effective no sooner than ten days after the notification to providers and all interested parties, including manufacturers. The Department shall maintain a mailing list of all interested parties who wish to receive a copy of applicable notices.
- 8) Drug manufacturers shall be afforded an opportunity to request reconsideration of products recommended for prior approval. The Drug manufacturers may submit whatever information they deem appropriate to support their request for reconsideration of the drug product. All reconsideration requests must be submitted in writing to the Department and shall be considered at the next regularly scheduled meetings of the expert panel created under subsection (a)(2) convened by the consulting organization.
- 9) The Department shall provide that the following types of drugs are available without prior approval:
  - A) ~~Drugs for the treatment of Acquired Immunodeficiency Syndrome (AIDS) which the Federal Food and Drug Administration has indicated is subject to a treatment investigational new drug application;~~
  - AB) Contraceptive drugs and products; and
  - C) ~~Oncolytic drugs; and~~

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- ~~BD~~) Non-innovator products, listed in the State of Illinois Drug Product Selection Program's current Illinois Formulary, when the innovator product is available without prior approval.
- b) Except as provided in subsection (c), prior approval shall be given for drugs requiring such authorization if:
- 1) The drug is a legend item (requires a prescription); and
  - 2) The drug is used in accordance with predetermined standards consistent with the compendia consisting of the American Hospital Formulary Service Drug Information, the United States Pharmacopeia – Drug Information and the American Medical Association Drug Evaluations, as well as the peer-reviewed medical literature; and
  - 3) Either:
    - A) The drug is necessary to prevent a higher level of care, such as institutionalization; or
    - B) The prescriber has determined that the drug is medically necessary.
- ~~e) For recipients covered by the General Assistance Medical Program, prior approval shall be given for drugs requiring such authorization if:~~
- ~~1) The drug is a legend item (requires a prescription); and~~
  - ~~2) The drug is used in accordance with predetermined standards consistent with the compendia consisting of the American Hospital Formulary Service Drug Information, the United States Pharmacopeia Drug Information and the American Medical Association Drug Evaluations, as well as the peer-reviewed medical literature; and~~
  - ~~3) The physician has documented that the requested item is necessary to prevent a life threatening situation and that items covered under the basic health protection plan are not effective to maintain the patient's life or to avoid the life threatening situation.~~
- ~~cd~~) Decisions on all requests for prior approval by telephone or other

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

telecommunications device and, upon the Department's receipt of such request, shall be made by the same time of the Department's next working day. In an emergency situation, the Department shall provide for the dispensing of at least a 72-hour supply of a covered prescription drug.

de) In accordance with subsection ~~(d)(e)~~(2), the Department may require prior approval prior to reimbursement for a brand name prescription drug if the patient for whom the drug is prescribed has already received three brand name prescription drugs in the preceding 30-day period, and is 21 years of age or older.

1) For purposes of this subsection ~~(d)(e)~~, brand name prescription drugs in the following therapeutic classes shall not count towards the limit of three brand name prescription drugs and shall not be subject to prior approval requirements because a patient has received three brand name prescription drugs in the preceding 30 days.

A) Antiretrovirals;

B) Antineoplastics; and

C) Anti-Rejection Drugs;

~~D) Antipsychotics;~~

~~E) Anticonvulsants;~~

~~F) Insulin; and~~

~~G) Anti-Hemophilic Factor Concentrates.~~

2) Brand name prescription drugs are exempt from the prior approval requirements of subsection (de) if:

A) there are no generic therapies for the condition treated within the same therapeutic drug class; or

B) the Department determines that the brand name prescription drug is cost effective.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- e) The Department may require prior approval prior to reimbursement for a prescription drug if the patient for whom the drug is prescribed has already received four prescription drugs in the preceding 30-day period. For purposes of subsection (d) of this Section, prescription drugs in the following therapeutic classes shall not count towards the limit of four prescription drugs and shall not be subject to prior approval requirements because a patient has received four prescription drugs in the preceding 30 days:
- 1) Antiretrovirals;
  - 2) Antineoplastics; and
  - 3) Anti-Rejection Drugs; and
  - 4) Antibiotics.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013)

**Section 140.443 Filling of Prescriptions****EMERGENCY**

- a) The prescription must contain the information required under Section 3(e) of the Pharmacy Practice Act of 1987 [225 ILCS 85/3(e)], 68 Ill. Adm. Code 1330 and 42 USC 1936(i)(23) and also contain the prescriber's:
- 1) Drug Enforcement Administration (DEA) Number; or
  - 2) National Provider Identifier (NPI); or
  - 3) Medical Assistance Program Provider Number; or
  - 4) Illinois State License Number.
- b) To the extent required by federal law, effective with new prescriptions executed on or after April 1, 2008, for clients covered under Title XIX of the Social Security Act, a non-electronic prescription must be written on a tamper-resistant prescription pad to be eligible for reimbursement. This requirement applies to all prescriptions regardless of whether the Department is the primary payor.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Non-electronic prescriptions are prescriptions that are not transmitted from the prescriber to the pharmacy via telephone, telefax, electronic prescribing (e-prescribing) mechanism, or other means of electronic transmission.
- 2) Effective April 1, 2008, a prescription form is considered tamper-resistant when it contains any of the following characteristics and, effective October 1, 2008, to be considered tamper-resistant, a prescription form must contain all of the following characteristics:
  - A) one or more industry-recognized features designed to prevent unauthorized copying of a completed or blank form;
  - B) one or more industry-recognized features to prevent the erasure or modification of information written on the prescription by the prescriber;
  - C) one or more industry-recognized features designed to prevent the use of counterfeit prescription forms.
- 3) If a patient presents at a pharmacy with a prescription written on a prescription pad that is not tamper-resistant, and the pharmacist contacts the prescriber via telephone, telefax, or other electronic communication device, and the prescriber or the prescriber's agent verifies the validity of the prescription, the prescription is then considered "electronic" and, therefore, exempt from the requirement that the prescription be written on a tamper-resistant pad. In such cases, the pharmacist shall note on the original prescription that the prescriber was contacted and the prescriber or the prescriber's agent verified the validity of the prescription.
- 4) If a patient presents at a pharmacy with a non-electronic prescription written on a pad that is not tamper-resistant, and the pharmacist is unable to contact the prescriber or the prescriber's agent to verify the validity of the prescription, and the pharmacist, in using his or her professional judgment, determines that not filling the prescription poses a health risk to the patient, the pharmacist may fill the prescription and the Department will reimburse for the prescription, provided that the patient is eligible for coverage of the drug and provided that the drug is covered by the

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

Department. The pharmacist must obtain from the prescriber or the prescriber's agent a verbal, faxed, electronic or compliant written prescription within 72 hours after the date on which the prescription was filled.

- c) Pharmacies shall not accept blank, presigned prescription forms.
- d) If a drug is available by generic name and the identical drug is prescribed by trade name, payment will be based on cost of the generic product unless prior authorization has been obtained for reimbursement based upon the innovator product, or unless the Department determines that the innovator product, reimbursed at the brand name pricing methodology, is more cost-effective than the generic equivalent.
- e) The Department shall not pay for dispensed items in excess of the maximum quantity established by the Department, unless prior approval has been granted to dispense an amount in excess of the maximum. The Department shall pay for no more than one month's supply of the item dispensed.
- f) The Department shall pay for refills only if the prescribing practitioner authorized refills on the original prescription in accordance with State law.
- g) Pharmacies may use a unit dose system in the dispensing of drugs when such a system is in compliance with all applicable State and Federal laws. The total quantity dispensed on one prescription cannot exceed the quantity prescribed or the maximum allowable quantity.
- h) Effective January 1, 2013, brand-name, solid, oral drugs dispensed to clients residing in any facility that provides medical group care services as defined in Section 140.500, except Intermediate Care Facilities for the Developmentally Disabled (ICF/DD), must be dispensed in 14-day supplies. Exceptions: Solid oral doses of antibiotics and drugs that are dispensed in their original container as indicated in the Food and Drug Administration Prescribing Information or are customarily dispensed in their original packaging to assist patients with compliance (for example, oral contraceptives), may be dispensed in days' supplies greater than 14 days.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

**Section 140.445 Legend Prescription Items (Not Compounded)****EMERGENCY**

Effective ~~July 1~~February 1, 2012, for legend (prescription) drugs, the Department shall pay the lower of:

- a) the pharmacy's usual and customary charge to the general public; or
  - b) the Department's maximum price plus the established dispensing fee of \$5.50  
~~\$6.35~~ for generic drugs and ~~\$2.40~~\$3.40 for brand name drugs. The Department shall pay only one dispensing fee per 30 days' supply for those drugs dispensed in accordance with Section 140.443(h). If the generic dispensing rate during the quarter ending June 30, 2014 is not 2% higher than the generic dispensing rate during the quarter ending December 31, 2011, then effective January 1, 2015, the dispensing fee shall be \$4.60 for generic drugs and \$3.40 for brand name drugs.
- 1) For generic drugs, the Department's maximum price is calculated as the lowest of:
    - A) Wholesale Acquisition Cost (WAC); or Suggested Wholesale Price (SWP) minus 25%; or
    - B) the Federal upper limit as established under section 1927(e)(4) of the Social Security Act (42 USC 1396r-8(e)(4)); or
    - C) the State upper limit.
  - 2) For brand name drugs, the Department's maximum price is calculated as the lowest of:
    - A) WAC plus 1%; or
    - B) the State upper limit.
  - 3) These rates supercede any rates in effect as a result of any rulemaking filed prior to the effective date of this emergency rulemaking.

---

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

(Source: Emergency amended at 36 Ill. Reg. 14820, effective September 21, 2012, through June 30, 2013)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Hospital Services
  - 2) Code Citation: 89 Ill. Adm. Code 148
  - 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
148.140	Amendment
148.190	Amendment
  - 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
  - 5) Effective Date: September 21, 2012
  - 6) This emergency rulemaking expires, as authorized by the SMART Act, on June 30, 2013.
  - 7) Date Filed with the Index Department: September 21, 2012
  - 8) A copy of the emergency amendments, including any materials incorporated by reference, are on file in the agency's principal office and is available for public inspection.
  - 9) Reason for Emergency: PA 97-689, Save Medicaid Access and Resources Together (SMART) Act, gives any agency in charge with implementing a provision or initiative in SMART, the ability to adopt rules through emergency rulemaking in order to provide for the expeditious and timely implementation of SMART. The adoption of this emergency rulemaking is deemed to be necessary for the public interest, safety, and welfare. Pursuant to PA 97-689, the IAPA 50-day limitation of the effective period of emergency rulemakings does not apply and the effective period of rules necessary to implement SMART may continue through June 30, 2013. These emergency rules are necessary to implement the provisions and initiatives of SMART.
  - 10) Complete Description of the Subjects and Issues Involved: These administrative rules are authorized by SMART, which mandates adjustments to co-pays and any rate of reimbursement for services or other payments or alteration of any methodologies authorized by the Public Aid Code to reduce any rate of reimbursement for services or other payments.
  - 11) Are there any other proposed rulemakings pending on this Part? Yes
- SectionNumbers:      Proposed Action:      Illinois Register Citation:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

148.70	Amendment	36 Ill. Reg. 8117; June 1, 2012
148.800	New Section	36 Ill. Reg. 13780; September 7, 2012
148.810	New Section	36 Ill. Reg. 13780; September 7, 2012
148.820	New Section	36 Ill. Reg. 13780; September 7, 2012
148.830	New Section	36 Ill. Reg. 13780; September 7, 2012
148.840	New Section	36 Ill. Reg. 13780; September 7, 2012
148.850	New Section	36 Ill. Reg. 13780; September 7, 2012
148.860	New Section	36 Ill. Reg. 13780; September 7, 2012
148.870	New Section	36 Ill. Reg. 13780; September 7, 2012
148.880	New Section	36 Ill. Reg. 13780; September 7, 2012

12) Statement of Statewide Policy Objective: This emergency rulemaking neither creates nor expands any State mandate, affecting units of local government.

13) Information and questions regarding these emergency amendments shall be directed to:

Jeanette Badrov  
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 Emergency Amendments begins on the next page:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 148

## HOSPITAL SERVICES

## SUBPART A: GENERAL PROVISIONS

## Section

- 148.10 Hospital Services
- 148.20 Participation
- 148.25 Definitions and Applicability
- 148.30 General Requirements
- 148.40 Special Requirements
- 148.50 Covered Hospital Services
- 148.60 Services Not Covered as Hospital Services
- 148.70 Limitation On Hospital Services

## EMERGENCY

## SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

## Section

- 148.80 Organ Transplants Services Covered Under Medicaid (Repealed)
- 148.82 Organ Transplant Services
- 148.85 Supplemental Tertiary Care Adjustment Payments
- 148.90 Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
- 148.95 Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
- 148.100 Outpatient Rural Hospital Adjustment Payments
- 148.103 Outpatient Service Adjustment Payments
- 148.105 Psychiatric Adjustment Payments
- 148.110 Psychiatric Base Rate Adjustment Payments
- 148.112 High Volume Adjustment Payments
- 148.115 Rural Adjustment Payments
- 148.117 Outpatient Assistance Adjustment Payments

## EMERGENCY

- 148.120 Disproportionate Share Hospital (DSH) Adjustments
- 148.122 Medicaid Percentage Adjustments
- 148.126 Safety Net Adjustment Payments

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## EMERGENCY

148.130 Outlier Adjustments for Exceptionally Costly Stays

148.140 Hospital Outpatient and Clinic Services

EMERGENCY

148.150 Public Law 103-66 Requirements

148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million

148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act

148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act

148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting

148.190 Copayments

EMERGENCY

148.200 Alternate Reimbursement Systems

148.210 Filing Cost Reports

148.220 Pre September 1, 1991, Admissions

148.230 Admissions Occurring on or after September 1, 1991

148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements

## EMERGENCY

148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals

148.260 Calculation and Definitions of Inpatient Per Diem Rates

148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals

148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements

148.285 Excellence in Academic Medicine Payments (Repealed)

## EMERGENCY

148.290 Adjustments and Reductions to Total Payments

148.295 Critical Hospital Adjustment Payments (CHAP)

## EMERGENCY

148.296 Tertiary Care Adjustment Payments

148.297 Pediatric Outpatient Adjustment Payments

148.298 Pediatric Inpatient Adjustment Payments

148.300 Payment

148.310 Review Procedure

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

148.320	Alternatives
148.330	Exemptions
148.340	Subacute Alcoholism and Substance Abuse Treatment Services
148.350	Definitions (Repealed)
148.360	Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.368	Volume Adjustment (Repealed)
148.370	Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.380	Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.390	Hearings
148.400	Special Hospital Reporting Requirements
148.402	Medicaid Eligibility Payments (Repealed)
148.404	Medicaid High Volume Adjustment Payments (Repealed)
148.406	Intensive Care Adjustment Payments (Repealed)
148.408	Trauma Center Adjustment Payments (Repealed)
148.410	Psychiatric Rate Adjustment Payments (Repealed)
148.412	Rehabilitation Adjustment Payments (Repealed)
148.414	Supplemental Tertiary Care Adjustment Payments (Repealed)
148.416	Crossover Percentage Adjustment Payments (Repealed)
148.418	Long Term Acute Care Hospital Adjustment Payments (Repealed)
148.420	Obstetrical Care Adjustment Payments (Repealed)
148.422	Outpatient Access Payments (Repealed)
148.424	Outpatient Utilization Payments (Repealed)
148.426	Outpatient Complexity of Care Adjustment Payments (Repealed)
148.428	Rehabilitation Hospital Adjustment Payments (Repealed)
148.430	Perinatal Outpatient Adjustment Payments (Repealed)
148.432	Supplemental Psychiatric Adjustment Payments (Repealed)
148.434	Outpatient Community Access Adjustment Payments (Repealed)
148.440	High Volume Adjustment Payments
148.442	Inpatient Services Adjustment Payments
148.444	Capital Needs Payments
148.446	Obstetrical Care Payments
148.448	Trauma Care Payments
148.450	Supplemental Tertiary Care Payments
148.452	Crossover Care Payments
148.454	Magnet Hospital Payments
148.456	Ambulatory Procedure Listing Increase Payments
148.458	General Provisions

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## EMERGENCY

- 148.460 Catastrophic Relief Payments
- 148.462 Hospital Medicaid Stimulus Payments

## SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

## Section

- 148.500 Definitions
- 148.510 Reimbursement

## EMERGENCY

## SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

## Section

- 148.600 Definitions
- 148.610 Scope of the Program
- 148.620 Assistance Level and Reimbursement
- 148.630 Criteria and Information Required to Establish Eligibility
- 148.640 Covered Services

## SUBPART E: INSTITUTION FOR MENTAL DISEASES PROVISIONS FOR HOSPITALS

## Section

- 148.700 General Provisions

- 148.TABLE A Renal Participation Fee Worksheet
- 148.TABLE B Bureau of Labor Statistics Equivalence
- 148.TABLE C List of Metropolitan Counties by SMSA Definition

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, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; emergency expired September 6, 2006; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency amendment at 31 Ill. Reg. 1602, effective January 1, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 5596, effective April 1, 2007; amended at 31 Ill. Reg. 8123, effective May 30, 2007; amended at 31 Ill. Reg. 8508, effective June 1, 2007; emergency amendment at 31 Ill. Reg. 10137, effective July 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11688, effective August 1, 2007; amended at 31 Ill. Reg. 14792, effective October 22, 2007; amended at 32 Ill. Reg. 312, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 518, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 2993, effective February 16, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8718, effective May 29, 2008; amended at 32 Ill. Reg. 9945, effective June 26, 2008; emergency amendment at 32 Ill. Reg. 10517, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 33 Ill. Reg. 501, effective December 30, 2008; preemptory amendment at 33 Ill. Reg. 1538, effective December 30, 2008; emergency

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

amendment at 33 Ill. Reg. 5821, effective April 1, 2009, for a maximum of 150 days; emergency expired August 28, 2009; amended at 33 Ill. Reg. 13246, effective September 8, 2009; emergency amendment at 34 Ill. Reg. 15856, effective October 1, 2010, for a maximum of 150 days; emergency expired February 27, 2011; amended at 34 Ill. Reg. 17737, effective November 8, 2010; amended at 35 Ill. Reg. 420, effective December 27, 2010; amended at 35 Ill. Reg. 10033, effective June 15, 2011; amended at 35 Ill. Reg. 16572, effective October 1, 2011; emergency amendment at 36 Ill. Reg. 10326, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 148.70(g) suspended at 36 Ill. Reg. 13737 and emergency amendment to Section 148.140(b)(1)(F) suspended at 36 Ill. Reg. 13739, effective August 14, 2012; suspension withdrawn from Section 148.140(b)(1)(F) at 36 Ill. Reg. 14530, September 11, 2012; emergency amendments to Sections 148.140(b) and 148.190(a)(2) in response to JCAR action at 36 Ill. Reg. 14851, effective September 21, 2012 through June 30, 2013.

## SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

**Section 148.140 Hospital Outpatient and Clinic Services****EMERGENCY**

- a) Fee-For-Service Reimbursement
  - 1) Reimbursement for hospital outpatient services shall be made on a fee-for-service basis, except for:
    - A) Those services that meet the definition of the Ambulatory Procedure Listing (APL) as described in subsection (b) of this Section.
    - B) End stage renal disease treatment (ESRDT) services, as described in subsection (c) of this Section.
    - C) Those services provided by a Certified Pediatric Ambulatory Care Center (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D).
    - D) Those services provided by a Critical Clinic Provider as described in subsection (e) of this Section.
  - 2) Except for the procedures under the APL groupings described in subsection (b) of this Section, fee-for-service reimbursement levels shall

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

be at the lower of the hospital's usual and customary charge to the public or the Department's statewide maximum reimbursement screens. Hospitals will be required to bill the Department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) that pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.

- 3) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rate described in subsection (a)(2) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
  - A) The reimbursement rates described in subsection (a)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
  - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- 4) Maternal and Child Health Program rates, as described in 89 Ill. Adm. Code 140, Table M, shall be paid to Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(A), Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and Section 148.25(b)(5)(B), and Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C), and Section 148.25(b)(5)(C). Maternal and Child Health Program rates shall also be paid to Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), for covered services as described in 89 Ill. Adm. Code 140.462(e)(3), that are provided to non-assigned Maternal and Child Health Program clients, as described in 89 Ill. Adm. Code 140.464(b)(1).
- 5) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b)(2) for assigned clients.

- 6) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- 7) With the exception of the retrospective adjustment described in subsection (a)(3) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this Section.

b) Ambulatory Procedure Listing (APL)

Effective ~~July 1, 2012~~January 1, 2006, the Department will reimburse hospitals for certain hospital outpatient procedures as described in subsection (b)(1) of this Section.

1) APL Groupings

Under the APL, a list was developed that defines those technical procedures that require the use of the hospital outpatient setting, its technical staff or equipment. These procedures are separated into separate groupings based upon the complexity and historical costs of the procedures. The groupings are as follows:

A) Surgical Groups

- i) Surgical group 1(a) consists of intense surgical procedures. Group 1(a) surgeries require an operating suite with continuous patient monitoring by anesthesia personnel. This level of service involves advanced specialized skills and highly technical operating room personnel using high technology equipment. The rate for this surgical procedure group shall be \$1,794.00.
- ii) Surgical group 1(b) consists of moderately intense surgical procedures. Group 1(b) surgeries generally require the use of an operating room suite or an emergency room treatment suite, along with continuous monitoring by anesthesia personnel and some specialized equipment. The rate for

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

this surgical procedure group shall be \$1,049.00.

- iii) Surgical group 1(c) consists of low intensity surgical procedures. Group 1(c) surgeries may be done in an operating suite or an emergency room and require relatively brief operating times. Such procedures may be performed for evaluation or diagnostic reasons. The rate for this surgical procedure group shall be \$752.00.
- iv) Surgical group 1(d) consists of surgical procedures of very low intensity. Group 1(d) surgeries may be done in an operating room or emergency room, have a low risk of complications, and include some physician-administered diagnostic and therapeutic procedures. Certain dental procedures performed by dentists are included in this group. In order for a dental procedure to be eligible for reimbursement in the outpatient setting, the following criteria must be met: patient requires general anesthesia or conscious sedation; patient has a medical condition that places the patient at an increased surgical risk, such as, but not limited to, cardiopulmonary disease, congenital anomalies, history of complications associated with anesthesia, such as hyperthermia or allergic reaction, or bleeding diathesis; or the patient cannot be safely managed in an office setting because of behavioral, developmental, or mental disorder. The rate for this surgical procedure group shall be \$287.00.

B) Diagnostic and Therapeutic Groups

- i) Diagnostic and therapeutic group 2(a) consists of advanced or evolving technologically complex diagnostic or therapeutic procedures. Group 2(a) procedures are typically invasive and must be administered by a physician. The rate for this surgical procedure group shall be \$941.00.
- ii) Diagnostic and therapeutic group 2(b) consists of technologically complex diagnostic and therapeutic procedures that are typically non-invasive. Group 2(b)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

procedures typically include radiological consultation or a diagnostic study. The rate for this procedure group shall be \$304.00.

- iii) Diagnostic and therapeutic group 2(c) consists of other diagnostic tests. Group 2(c) procedures are generally non-invasive and may be administered by a technician and monitored by a physician. The rate for this procedure group shall be \$176.00.
- iv) Diagnostic and therapeutic group 2(d) consists of therapeutic procedures. Group 2(d) procedures typically involve parenterally administered therapeutic agents. Either a nurse or a physician is likely to perform such procedures. The rate for this procedure group shall be \$136.00.

C) Group 3 reimbursement for services provided in a hospital emergency department will be made in accordance with one of the three levels described in this Section. Emergency Services mean those services that are for a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, possessing an average knowledge of medicine and health, could reasonably expect that the absence of immediate attention would result in placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions or serious dysfunction of any bodily organ or part. The determination of the level of service reimbursable by the Department shall be based upon the circumstances at the time of the initial examination, not upon the final determination of the client's actual condition, unless the actual condition is more severe.

- i) Emergency Level I refers to Emergency Services provided in the hospital's emergency department for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries that pose an immediate significant threat to life or physiologic function or requires an intense

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

level of physician or nursing intervention. An "intense level" is defined as more than two hours of documented one-on-one nursing care or interactive treatment. The rate for this service shall be \$181.00.

- ii) Emergency Level II refers to Emergency Services that do not meet the definition in this Section of Emergency Level I care, but that are provided in the hospital emergency department for a medical condition manifesting itself by acute symptoms of sufficient severity. The rate for this service shall be \$67.00.
  - iii) Non-Emergency/Screening Level means those services provided in the hospital emergency department that do not meet the requirements of Emergency Level I or II stated in this Section. For such care, the Department will reimburse the hospital either applicable current FFS rates for the services provided or a screening fee, but not both. The rate for this service shall be \$26.00.
- D) Group 4 for observation services is established to reimburse such services that are provided when a patient's current condition does not warrant an inpatient admission but does require an extended period of observation in order to evaluate and treat the patient in a setting that provides ancillary resources for diagnosis or treatment with appropriate medical and skilled nursing care. The hospital may bill for both observation and other APL procedures but will be reimbursed only for the procedure (group) with the highest reimbursement rate. Observation services will be reimbursed under one of three categories:
- i) for at least 60 minutes but less than six hours and 31 minutes of services, the rate shall be \$74.00;
  - ii) for at least six hours and 31 minutes but less than 12 hours and 31 minutes of services, the rate shall be \$222.00; or
  - iii) for at least 12 hours and 31 minutes or more of services, the rate shall be \$443.00.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- E) Group 5 for psychiatric treatment services is established to reimburse for certain outpatient treatment psychiatric services that are provided by a hospital that is enrolled with the Department to provide inpatient psychiatric services. Under this group, the Department will reimburse, at different rates, Type A and Type B Psychiatric Clinic Services, as defined in Section 148.40(d)(1). A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
- i) The rate for Type A psychiatric clinic services shall be \$68.00.
  - ii) The rate for Type A psychiatric clinic services provided by a Children's Hospital shall be \$102.00.
  - iii) The rate for Type B psychiatric clinic services shall be \$101.00.
  - iv) The rate for Type B psychiatric clinic services provided by a Children's Hospital shall be \$102.00.
- F) Effective July 1, 2012, subject to 89 Ill. Adm. Code 152.100, Group 6 for physical rehabilitation services shall no longer be in effect and outpatient physical rehabilitation services provided by a hospital shall be reimbursed through the non-institutional payment system, but will be reimbursed as a hospital service at the following rates of reimbursement: ~~Group 6 for physical rehabilitation services is established to reimburse for certain outpatient physical rehabilitation services. Under this group, the Department will reimburse for services provided by a hospital enrolled with the Department to provide outpatient physical rehabilitation services at a different rate than will be reimbursed for physical rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation services. A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(e)(3)(A).~~

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- i) The rate for rehabilitation services provided by a hospital enrolled with the Department to provide outpatient physical rehabilitation shall be \$130.00.
  - ii) The rate for rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation shall be \$115.00.
  - iii) The rate for rehabilitation services provided by Children's Hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(3)(A), shall be \$130.00.
- 2) Each of the groups described in subsection (b)(1) of this Section will be reimbursed by the Department considering the following:
- A) The Department will provide cost outlier payments for specific devices and drugs associated with specific APL procedures. Such payments will be made if:
    - i) The device or drug is on an approved list maintained by the Department. In order to be approved, the Department will consider requests from medical providers and shall base its decision on medical appropriateness of the device or drug and the costs of such device or drug; and
    - ii) The provision of such devices or drugs is deemed to be medically appropriate for a specific client, as determined by the Department's physician consultants.
  - B) Additional payment for such devices or drugs, as described in subsection (b)(2)(A) of this Section, will require prior authorization by the Department unless it is determined by the Department's professional medical staff that prior authorization is not warranted for a specific device or drug. When such prior authorization has been denied for a specific device or drug, the decision may be appealed as allowed by 89 Ill. Adm. Code 102.80(a)(7) and in accordance with the provisions for assistance appeals at 89 Ill. Adm. Code 104.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- C) The amount of additional payment for devices or drugs, as described in subsection (b)(2)(A) of this Section, will be based on the following methodology:
- i) The product of a cost to charge ratio that, in the case of cost reporting hospitals as described in Section 148.130(d), or in the case of other non-cost reporting providers, equals 0.5 multiplied by the provider's total covered charges on the qualifying claim, less the APL payment rate multiplied by four;
  - ii) If the result of subsection (b)(2)(C)(i) of this Section is less than or equal to zero, no additional payment will be made. If the result is greater than zero, the additional payment will equal the result of subsection (b)(2)(C)(i) of this Section, multiplied by 80 percent. In such cases, the provider will receive the sum of the APL payment and the additional payment for such high cost devices or drugs.
- D) For county-owned hospitals located in an Illinois county with a population greater than three million, reimbursement rates for each of the reimbursement groups shall be equal to the amounts described in subsection (b)(1) of this Section multiplied by a factor of 2.72<sub>5</sub>, ~~except that physical rehabilitation services provided by a general care hospital not enrolled with the Department to provide outpatient physical rehabilitation services shall be reimbursed at a rate of \$230.00 and the reimbursement rate for Type B psychiatric clinic services shall be \$224.00.~~
- E) Reimbursement rates for hospitals not required to file an annual cost report with the Department may be lower than those listed in this Section.
- F) Reimbursement for each APL group described in this subsection (b) shall be all-inclusive for all services provided by the hospital, regardless of the amount charged by a hospital. No separate reimbursement will be made for ancillary services or the services of hospital personnel. Exceptions to this provision are that hospitals shall be allowed to bill separately, on a fee-for-service

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

basis, for professional outpatient services of a physician providing direct patient care who is salaried by the hospital; and chemotherapy services provided in conjunction with radiation therapy services; and physical rehabilitation, occupational or speech therapy services provided in conjunction with any APL group described in this subsection (b); and occupational or speech therapy services provided in conjunction with rehabilitation services as described in subsection (b)(1)(F) of this Section. For the purposes of this Section, a salaried physician is a physician who is salaried by the hospital; a physician who is reimbursed by the hospital through a contractual arrangement to provide direct patient care; or a group of physicians with a financial contract to provide emergency department care. Under APL reimbursement, salaried physicians do not include radiologists, pathologists, nurse practitioners, or certified registered nurse anesthetists and no separate reimbursement will be allowed for such providers.

- 3) The assignment of procedure codes to each of the reimbursement groups in subsection (b)(1)(A through (b)(1)(E)) of this Section are detailed in the Department's Hospital Handbook and in notices to providers.
- 4) A one-time fiscal year 2000 payment will be made to hospitals. Payment will be based upon the services, specified in this Section, provided on or after July 1, 1998, and before July 1, 1999, which were submitted to the Department and determined eligible for payment (adjudicated) by the Department on or prior to April 30, 2000, excluding services for Medicare/Medicaid crossover claims and claims that resulted in a zero payment by the Department. A one-time amount of:
  - A) \$27.75 will be paid for each service for procedure code W7183 (Psychiatric clinic Type A for adults).
  - B) \$24.00 will be paid for each service for APL Group 5 (Psychiatric clinic Type A only) provided by a children's hospital as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
  - C) \$15.00 will be paid for each service for APL Group 6 (Physical rehabilitation services) provided by a children's hospital as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 5) County Facility Outpatient Adjustment
- A) Effective for services provided on or after July 1, 1995, county owned hospitals in an Illinois county with a population of over three million shall be eligible for a county facility outpatient adjustment payment. This adjustment payment shall be in addition to the amounts calculated under this Section and are calculated as follows:
- i) Beginning with July 1, 1995, hospitals under this subsection shall receive an annual adjustment payment equal to total base year hospital outpatient costs trended forward to the rate year minus total estimated rate year hospital outpatient payments, multiplied by the resulting ratio derived when the value 200 is divided by the quotient of the difference between total base year hospital outpatient costs trended forward to the rate year and total estimated rate year hospital outpatient payments divided by one million.
  - ii) The payment calculated under this subsection (b)(5)(A) may be adjusted by the Department to ensure compliance with aggregate and hospital specific federal payment limitations.
  - iii) The county facility outpatient adjustment under this subsection shall be made on a quarterly basis.
- B) County Facility Outpatient Adjustment Definition. The definitions of terms used with reference to calculation of the county facility outpatient adjustment are as follows:
- i) "Base Year" means the most recently completed State fiscal year.
  - ii) "Rate Year" means the State fiscal year during which the county facility adjustment payments are made.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- iii) "Total Estimated Rate Year Hospital Outpatient Payments" means the Department's total estimated outpatient date of service liability, projected for the upcoming rate year.
  - iv) "Total Hospital Outpatient Costs" means the statewide sum of all hospital outpatient costs derived by summing each hospital's outpatient charges derived from actual paid claims data multiplied by the hospital's cost-to-charge ratio.
- 6) Critical Access Hospital Rate Adjustment  
Hospitals designated by the Illinois Department of Public Health as Critical Access Hospital (CAH) providers in accordance with 42 CFR 485.subpart F shall be eligible for an outpatient rate adjustment for services identified in subsections (b)(1)(A) through (b)(1)(~~E~~)(~~F~~), excluding services for Medicare/Medicaid crossover claims. This adjustment shall be calculated as follows:
- A) An annual distribution factor shall be calculated as follows:
    - i) The numerator shall be \$33 million.
    - ii) The denominator shall be the RY 2011 total outpatient cost coverage deficit calculated in accordance with 89 Ill. Adm. Code 148.115, less the RY 2011 Rural Adjustment Outpatient Payments calculated in accordance with 89 Ill. Adm. Code 148.115, plus the annual outpatient supplemental payment calculated in accordance with 89 Ill. Adm. Code 148.456.
  - B) Hospital Specific Adjustment Value  
For each hospital qualified under this subsection (b)(6) the hospital specific adjustment value shall be the product of each hospital's specific cost coverage deficit calculated in subsection (b)(6)(A)(ii) and the distribution factor calculated in subsection (b)(6)(A):
  - C) Effective for dates of service on or after July 1, 2012, the final ~~Final~~ APL Rate Adjustment Values shall be the quotient of:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- i) The hospital specific adjustment value identified in subsection (b)(6)(B) divided by
  - ii) The total outpatient services identified in subsections (b)(1)(A) through (b)(1)(~~E~~)(F), excluding services for Medicare/Medicaid crossover claims for calendar year 2009, adjudicated and contained in the Department's paid claims database as of December 31, 2010.
- D) Non-State Government Owned Provider Adjustment  
Final APL rates for hospitals identified in non-State government owned or operated providers in the State's Upper Payment Limits demonstration shall be adjusted when necessary to assure compliance with federal upper payment limits as stated in 42 CFR 447.304.
- E) Applicability  
The rates calculated in accordance with subsection (b)(6)(A) shall be effective for dates of service beginning January 1, 2011 and shall be adjusted each State fiscal year beginning July 1, 2011.
- i) For State fiscal year 2011, the rate year shall begin January 1, 2011 and end June 30, 2011.
  - ii) For State fiscal year 2012 and beyond, the rate year shall be for dates of services beginning July 1 through June 30 of the subsequent year.
  - iii) For purposes of this adjustment, a children's hospital identified in Section 149.50(c)(3)(B) shall be combined with the corresponding general acute care parent hospital.
  - iv) Beginning with State fiscal year 2012 and each subsequent State fiscal year thereafter, the adjustment to the FY 2011 final APL Rate adjustment shall be limited to 2% in accordance with spending limits in 35 ILCS 5/201.5.
- 7) No Year-End Reconciliation  
With the exception of the retrospective rate adjustment described in

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

subsection (b)(9) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (b).

- 8) **Rate Adjustments**

With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in subsection (b)(5) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

    - A) The reimbursement rates described in subsection (b)(5) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
    - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
  - 9) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) that pertain to the service billed are applicable to hospitals reimbursed under the Ambulatory Care Program in the same manner as to encounter rate hospitals and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.
  - 10) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- c) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(c) shall be made at the Department's payment rates, as follows:
- 1) For inpatient hospital services provided pursuant to Section 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.240

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

through 148.300 and 89 Ill. Adm. Code 149.

- 2) For outpatient services or home dialysis treatments provided pursuant to Section 148.40(c)(2) or (c)(3), the Department will reimburse hospitals and clinics for ESRDT services at a rate that will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.2163 (1994). This rate will be that rate established by Medicare pursuant to 42 CFR 405.2124 and 413.170 (1994).
- 3) Payment for non-routine services. For services that are provided during outpatient or home dialysis treatment pursuant to Section 148.40(c)(2) or (c)(3) but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through 140.481, respectively.
- 4) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.
- 5) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in this subsection (c) shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
  - A) The reimbursement rates described in this subsection (c) shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
  - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- 6) With the exception of the retrospective rate adjustment described in subsection (c)(5) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (c).

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 7) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) of this Section shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- d) Non Hospital-Based Clinic Reimbursement
- 1) County-Operated Outpatient Facility Reimbursement  
Reimbursement for all services provided by county-operated outpatient facilities, as described in Section 148.25(b)(2)(C), that do not qualify as either a Maternal and Child Health Program managed care clinics, as described in 89 Ill. Adm. Code 140.461(f), or as a Critical Clinic Provider, as described in subsection (e) of this Section, shall be on an all-inclusive per encounter rate basis as follows:
    - A) Base Rate. The per encounter base rate shall be calculated as follows:
      - i) Allowable direct costs shall be divided by the number of direct encounters to determine an allowable cost per encounter delivered by direct staff.
      - ii) The resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section, shall be multiplied by the Medicare allowable overhead rate factor to calculate the overhead cost per encounter.
      - iii) The resulting product, as calculated in subsection (d)(1)(A)(ii) of this Section, shall be added to the resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section to determine the per encounter base rate.
      - iv) The resulting sum, as calculated in subsection (d)(1)(A)(iii) of this Section, shall be the per encounter base rate.
    - B) Supplemental Rate
      - i) The supplemental service cost shall be divided by the total number of direct staff encounters to determine the direct

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

supplemental service cost per encounter.

- ii) The supplemental service cost shall be multiplied by the allowable overhead rate factor to calculate the supplemental overhead cost per encounter.
- iii) The quotient derived in subsection (d)(1)(B)(i) of this Section shall be added to the product derived in subsection (d)(1)(B)(ii) of this Section, to determine the per encounter supplemental rate.
- iv) The resulting sum, as described in subsection (d)(1)(B)(iii) of this Section, shall be the per encounter supplemental rate.

## C) Final Rate

- i) The per encounter base rate, as described in subsection (d)(1)(A)(iv) of this Section, shall be added to the per encounter supplemental rate, as described in subsection (d)(1)(B)(iv) of this Section, to determine the per encounter final rate.
- ii) The resulting sum, as determined in subsection (d)(1)(C)(i) of this Section, shall be the per encounter final rate.
- iii) The per encounter final rate, as described in subsection (d)(1)(C)(ii) of this Section, shall be adjusted in accordance with subsection (d)(2) of this Section.

## 2) Rate Adjustments

Rate adjustments to the per encounter final rate, as described in subsection (d)(1)(C)(iii) of this Section, shall be calculated as follows:

- A) The reimbursement rates described in subsections (d)(1)(A) through (d)(1)(C) and (e)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
  - C) The final rate described in subsection (d)(1)(C) of this Section shall be no less than \$147.09 per encounter.
- 3) County-operated outpatient facilities, as described in Section 148.25(b)(2)(C), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (d).
- 4) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) that pertain to the service billed are applicable to encounter rate hospitals in the same manner as to hospitals reimbursed under the Ambulatory Care Program and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.
- e) Critical Clinic Providers
- 1) Effective for services provided on or after September 27, 1997, a clinic owned or operated by a county with a population of over three million, that is within or adjacent to a hospital, shall qualify as a Critical Clinic Provider if the facility meets the efficiency standards established by the Department. The Department's efficiency standards under this subsection (e) require that the quotient of total encounters per facility fiscal year for the Critical Clinic Provider divided by total full time equivalent physicians providing services at the Critical Clinic Provider shall be greater than:
    - A) 2700 for reimbursement provided during the facility's cost

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- reporting year ending during 1998,
- B) 2900 for reimbursement provided during the facility's cost reporting year ending during 1999,
  - C) 3100 for reimbursement provided during the facility's cost reporting year ending during 2000,
  - D) 3600 for reimbursement provided during the facility's cost reporting year ending during 2001, and
  - E) 4200 for reimbursement provided during the facility's cost reporting year ending during 2002.
- 2) Reimbursement for all services provided by any Critical Clinic Provider shall be on an all-inclusive per-encounter rate that shall equal reported direct costs of Critical Clinic Providers for each facility's cost reporting period ending in 1995, and available to the Department as of September 1, 1997, divided by the number of Medicaid services provided during that cost reporting period as adjudicated by the Department through July 31, 1997.
- 3) Critical Clinic Providers, as described in this subsection (e), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (e).
- 4) The reimbursement rates described in this subsection (e) shall be no less than the reimbursement rates in effect on July 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- f) Critical Clinic Provider Pharmacies  
Prescribed drugs, dispensed by a pharmacy that is a Critical Clinic Provider, that are not part of an encounter reimbursable under subsection (e) of this Section

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

shall be reimbursed at the rate described in subsection (e)(2) of this Section.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 14851, effective September 21, 2012 through June 30, 2013)

**Section 148.190 Copayments**

**EMERGENCY**

a) With the exception of those classes of individuals identified in 89 Ill. Adm. Code 140.402(d), copayments will be assessed on inpatient services provided under all Medical Assistance Programs administered by the Department. Copayments will be in the following amounts:

- 1) ~~Inpatient hospital services, a daily co-payment amount as defined in federal regulations at 42 CFR 447.50 et seq., which for federal fiscal year 2012 is \$3.65 in hospitals with an alternate cost per diem rate (see Section 148.270(a)) of \$325 or more ..... \$3 per day.~~
- 2) ~~Non-emergency services defined as **Emergency Level II** and **Non-emergency/Screening Level** in 148.140(b) rendered in an emergency room may require a nominal copayment amount as defined in federal regulations at 42 CFR 447.50 et seq., which for federal fiscal year 2012 is \$3.65. Individuals identified in 89 Ill. Adm. Code 140.402(d)(1) and (d)(2) are subject to this copayment.~~
- 2) ~~Inpatient hospital services in hospitals with an alternate cost per diem rate (see Section 148.270(a)) of more than \$275 but less than \$325 ..... \$2 per day.~~
- 3) ~~Inpatient hospital services in hospitals with an alternate cost per diem rate (see Section 148.270(a)) of \$275 or less ..... No Copayment.~~

b) In each instance where a copayment is payable, the Department will reduce the amount payable to the affected provider by the amount of the required copayment.

c) No provider may deny care or services on account of an individual's inability to pay a copayment; this requirement, however, shall not extinguish the liability for payment of the copayment by the individual to whom the care or services were

---

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

furnished.

(Source: Amended by emergency rulemaking at 36 Ill. Reg.14851, effective September 21, 2012 through June 30, 2013)

## ILLINOIS COMMERCE COMMISSION

NOTICE OF MODIFICATION TO MEET THE OBJECTION OF  
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Obligations of Retail Electric Suppliers
- 2) Code Citation: 83 Ill. Adm. Code 412
- 3) 

<u>Section Numbers</u> :	<u>Action</u> :
412.10	New Section
412.20	New Section
412.30	New Section
412.100	New Section
412.110	New Section
412.120	New Section
412.130	New Section
412.140	New Section
412.150	New Section
412.160	New Section
412.170	New Section
412.180	New Section
412.190	New Section
412.195	New Section
412.200	New Section
412.210	New Section
412.220	New Section
412.230	New Section
412.240	New Section
412.250	New Section
412.300	New Section
412.310	New Section
412.320	New Section
- 4) Date Notice of Proposed Rules Published in the Register (if applicable): August 12, 2011 at 35 Ill. Reg. 12996
- 5) Date JCAR Statement of Objection Published in the Register: June 29, 2011 at 36 Ill. Reg. 9453
- 6) Summary of Action Taken by the Agency: At its meeting on June 12, 2012, the Joint Committee on Administrative Rules voted to object to and prohibit the filing of the Commission's rulemaking because unresolved issues remain in the rulemaking that JCAR

## ILLINOIS COMMERCE COMMISSION

NOTICE OF MODIFICATION TO MEET THE OBJECTION OF  
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

deemed to be a serious threat to the public interest. JCAR is particularly concerned that Commission has not been able to cite specific statutory authority for various policies established in this proposed rulemaking.

To resolve the issues in this rulemaking, the Commission is reissuing a proposed order so that all parties to this rulemaking will have an opportunity to comment in briefs on exceptions and reply briefs on exceptions to proposed language prior to its submission to JCAR and allow the Commission to modify the proposed language as appropriate based on the briefs and reply briefs. The Commission anticipates that this potentially modified language will be submitted to JCAR prior to the expiration date for the Filing Prohibition.

CHIEF PROCUREMENT OFFICER FOR THE  
DEPARTMENT OF TRANSPORTATION

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Chief Procurement Officer for the Department of Transportation – Contract Procurement
- 2) Code Citation: 44 Ill. Adm. Code 6
- 3) Section numbers: 6.390 6.580  
6.410 6.660
- 4) Date Proposal published in Illinois Register: October 7, 2011; 35 Ill. Reg. 16052
- 5) Date Adoption published in Illinois Register: January 6, 2012; 36 Ill. Reg. 230
- 6) Date Request for Expedited Correction published in Illinois Register: August 31, 2012; 36 Ill. Reg. 13725
- 7) Adoption Effective Date: December 21, 2011
- 8) Correction Effective Date: December 21, 2011
- 9) Reason for Approval of Expedited Correction: This rulemaking was proposed one week before an earlier rulemaking on this Part was adopted at 35 Ill. Reg. 16518 in the October 14, 2011 Register. The CPO-DOT's December adoption of this rulemaking filed in the January 6, 2012 Register did not include the changes to this Part's Table of Contents that were made by the October 14th rulemaking. Other corrections in this Request for Expedited Correction correct JCAR's database errors in the Subpart headings and cross references that were inadvertently omitted from the October 14<sup>th</sup> rulemaking. Section 5-85 of the Illinois Administrative Procedure Act and JCAR's rules at 1 Ill. Adm. Code 245.110(a)(1) authorize the use of Expedited Correction to correct these kinds of errors in an adopted rulemaking.

The full text of the Corrected Amendments begins on the following page.

CHIEF PROCUREMENT OFFICER FOR THE  
DEPARTMENT OF TRANSPORTATION

NOTICE OF EXPEDITED CORRECTION

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT  
AND PROPERTY MANAGEMENT  
SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS  
CHAPTER III: CHIEF PROCUREMENT OFFICER FOR THE  
DEPARTMENT OF TRANSPORTATION

PART 6  
CHIEF PROCUREMENT OFFICER FOR  
THE DEPARTMENT OF TRANSPORTATION  
– CONTRACT PROCUREMENT

SUBPART A: GENERAL

Section

- 6.10 Authority
- 6.20 Policy [and Application](#)
- 6.30 Purpose and Policy Interpretations
- 6.40 Definitions

SUBPART B: PUBLICATION OF PROCUREMENT INFORMATION

Section

- 6.50 Transportation [Procurement](#) Bulletin
- [6.55](#) [Required Notices](#)
- 6.60 Subscription Fees
- 6.70 Direct Solicitation

SUBPART C: METHODS OF PROCUREMENT

Section

- 6.80 Competitive Sealed Bids
- 6.90 Competitive Sealed Proposals
- 6.100 Small Contracts
- 6.110 Sole Source Contracts
- 6.120 Emergency Contracts
- 6.125 Small Business Set-Asides

SUBPART D: COMPETITIVE SEALED BID PROCEDURES

CHIEF PROCUREMENT OFFICER FOR THE  
DEPARTMENT OF TRANSPORTATION

NOTICE OF EXPEDITED CORRECTION

Section

6.130	General Conditions for Use
6.140	Invitations for Bids
6.150	Amendments to Invitations for Bids
6.160	Preparation of Bids
6.170	Delivery of Bids
6.180	Change or Withdrawal of Bids
6.190	Combination Bids for Construction Contracts
6.200	Pre-Bid Conferences
6.210	Public Opening of Bids
6.220	Consideration of Bids
6.230	Mistakes
6.240	Award After Bid Evaluation
6.250	Split and Multiple Awards
6.260	Time for Award
6.270	Delay in Award
<u>6.275</u>	<u>Notice of Award</u>
6.280	Binding Contract
6.290	Requirement of Contract Bond for Construction Contracts
6.300	Execution of Contract
6.310	Publication of Contracts <u>(Repealed)</u>

SUBPART E: COMPETITIVE SEALED PROPOSAL PROCEDURES

Section

6.320	General Conditions for Use
6.330	Request for Proposals
6.340	Delivery of Proposals
6.350	Evaluation of Proposals
6.360	Discussions with Responsible Offerors
6.370	Award
6.380	<u>Execution</u> <del>Publication</del> of Contracts

SUBPART F: CONTRACT ADMINISTRATION ~~PROTESTS~~

Section

<u>6.385</u>	<u>Expenditure in Excess of Contract Price</u>
--------------	--

CHIEF PROCUREMENT OFFICER FOR THE  
DEPARTMENT OF TRANSPORTATION

NOTICE OF EXPEDITED CORRECTION

6.388      Multi-year Contracts

SUBPART G: PROTESTS

Section

- 6.390      Application
- 6.400      Interested Party
- 6.410      Subject of the Protest
- 6.420      Filing of a Protest
- 6.430      Stay of Action during Protest
- 6.440      Decision

SUBPART H: SPECIFICATIONS

Section

- 6.450      Standard Specifications
- 6.460      Contract Documents
- 6.470      Specification Standards

SUBPART I: SUSPENSION OF CONTRACTORS OR SUBCONTRACTORS

Section

- 6.480      Purpose
- 6.490      Definitions
- 6.500      Policy
- 6.510      General
- 6.520      Causes for Suspension or Debarment
- 6.530      Interim Suspension
- 6.540      Voluntary Exclusion
- 6.550      Term of Suspension
- 6.560      Coverage
- 6.570      Other Agency Suspensions
- 6.580      Responsibility
- 6.590      Continuation of Executory Contracts
- 6.600      Exception Provision
- 6.610      Notice of Suspension
- 6.620      Response and Request for Hearing
- 6.630      Hearing Date and Hearing Officer

CHIEF PROCUREMENT OFFICER FOR THE  
DEPARTMENT OF TRANSPORTATION

## NOTICE OF EXPEDITED CORRECTION

6.640	Answer
6.650	Form of Documents
6.660	Computation of Time
6.670	Appearances
6.680	Hearing Procedures
6.690	Determination

SUBPART J: MISCELLANEOUS

Section	
6.700	Property Rights
6.710	Federal Requirements
6.720	Intergovernmental Agreements
6.730	No Waiver of Sovereign Immunity
6.740	Written Determinations
6.750	Severability

SUBPART K: TARGET MARKET PROGRAM

Section	
6.800	Purpose and Objective
6.810	Definitions
6.820	Implementation Procedures
6.830	Target Market Remedial Actions
6.840	Participation Eligibility
6.850	Limitations Applicable to Participation
6.860	Severability

AUTHORITY: Implementing the Illinois Procurement Code [30 ILCS 500] and Section 2705-600 of the Department of Transportation Law [20 ILCS 2705/2705-600] and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25] and Section 2705-600(7) of the Department of Transportation Law [20 ILCS 2705/2705-600(7)].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 11602, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 21060, effective November 25, 1998; emergency amendment at 29 Ill. Reg. 7832, effective May 12, 2005, for a maximum of 150 days; emergency expired October 8, 2005; amended at 29 Ill. Reg. 18147, effective October 19, 2005; recodified, pursuant to PA 96-795, from Department of Transportation, 44 Ill. Adm. Code 660, to Chief

CHIEF PROCUREMENT OFFICER FOR THE  
DEPARTMENT OF TRANSPORTATION

NOTICE OF EXPEDITED CORRECTION

Procurement Officer for Department of Transportation, 44 Ill. Adm. Code 6, at 35 Ill. Reg. 10158; amended at 35 Ill. Reg. 16518, effective September 30, 2011; amended at 36 Ill. Reg. 230, effective December 21, 2011; expedited correction at 36 Ill. Reg. 14881, effective December 21, 2011.

SUBPART F: CONTRACT ADMINISTRATION PROTESTS

SUBPART G: PROTESTS

**Section 6.390 Application**

The procedures of this Subpart GF will govern the resolution of protests received by the CPO from an interested party concerning a contract solicitation.

(Source: Expedited correction at 36 Ill. Reg. 14881, effective December 21, 2011)

**Section 6.410 Subject of the Protest**

- a) A protest may be filed regarding any phase of the solicitation process for a particular contract.
- b) The subject of the protest shall concern fraud, corruption or illegal acts undermining the objectives and integrity of the procurement process.
- c) Protest procedures of this Subpart GF do not apply to issues of prequalification, suspension or debarment.

(Source: Expedited correction at 36 Ill. Reg. 14881, effective December 21, 2011)

SUBPART HG: SPECIFICATIONS

SUBPART IH: SUSPENSION OF CONTRACTORS OR SUBCONTRACTORS

**Section 6.580 Responsibility**

Suspension under this Subpart IH will also be deemed a finding of lack of responsibility.

(Source: Expedited correction at 36 Ill. Reg. 14881, effective December 21, 2011)

CHIEF PROCUREMENT OFFICER FOR THE  
DEPARTMENT OF TRANSPORTATION

NOTICE OF EXPEDITED CORRECTION

**Section 6.660 Computation of Time**

- a) Computation of any period of time prescribed by this Subpart ~~I~~<sup>H</sup> begins with the first business day following the day on which the act, event or development initiating such period of time occurs, and runs until the end of the last day, or the next following business day if the last day is a Saturday, Sunday, or legal holiday. When the period of time is five days or less, Saturdays, Sundays and legal holidays are excluded in the computation of time.
- b) Notice requirements shall be construed to mean notice received, but proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that the notice was timely received.

(Source: Expedited correction at 36 Ill. Reg. 14881, effective December 21, 2011)

SUBPART ~~I~~<sup>H</sup>: MISCELLANEOUS

SUBPART K: TARGET MARKET PROGRAM

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

The Illinois Environmental Protection Agency (Illinois EPA), Division of Mobile Source Programs, Bureau of Air, is accepting public comments on proposed revisions to its State Implementation Plan (SIP) for ozone relating to the Vehicle Emissions Inspection and Maintenance program (I/M program).

The Illinois EPA will accept written public comments on the proposed SIP revision. The written comments must be postmarked by November 5, 2012, unless a Public Hearing is requested. All requests for a public hearing must actually be received by the Illinois EPA no later than November 5, 2012. Comments and requests for hearing should be mailed to:

Dean Studer, Hearing Officer  
Illinois EPA  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
Telephone: 217/558-8280 or TDD: 217/782-9143

If a timely request for a Public Hearing is received by November 5, 2012, a hearing will be held on November 13, 2012, at 9:30 a.m. in the Chestnut Room at the Illinois EPA's Headquarters at 1021 North Grand Avenue East, Springfield, Illinois, to receive comments regarding the proposed SIP revision. If a Public Hearing is conducted, the written public comment period will be extended to December 13, 2012.

**The Public Hearing will be cancelled unless a written request for a Public Hearing is received by the Illinois EPA by U.S. Mail, carrier mail, or hand delivered by November 5, 2012.** Verification or cancellation of the Public Hearing will be posted on November 8, 2012 on Illinois EPA's website at: <http://www.epa.state.il.us/public-notices/>.

Copies of this proposed SIP revision may be viewed by the public on the Illinois EPA's website at <http://www.epa.state.il.us/public-notices/> or during regular business hours (Monday through Friday, 8:30 a.m. until 4:30 p.m., except for State holidays) at the following Illinois EPA offices: 1021 North Grand Avenue East, Springfield, Illinois; 831 Busse Road, Elk Grove Village, Illinois; or 2009 Mall Street, Collinsville, Illinois. No walk-in requests for copies of this material will be accommodated unless advance notice is provided. Requests and public inquiries, including verification or cancellation of the Public Hearing, should be directed to Dean Studer, the Illinois EPA's Hearing Officer, at the address and phone number listed above.

If a hearing request is received, the hearing will be held in accordance with the provisions of the Illinois EPA's "Procedures for Information and Quasi-Legislative Public Hearings", set forth at

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

35 Ill. Adm. Code 164. Any questions about the hearing procedures, requests for copies of the hearing rules, or requests for special need interpreters should be directed to the Hearing Officer at the address above. Requests for special needs interpreters must be made by November 5, 2012.

The Illinois EPA will submit the proposed SIP revision to the United States Environmental Protection Agency (U.S. EPA) as a revision to its SIP for ozone to meet requirements of the federal Clean Air Act (CAA). This Notice is intended to satisfy the requirements of Section 110(l) of the CAA (42 U.S.C. 7401(l)) (public notice for SIP submittals).

Pursuant to the CAA, the State of Illinois is required to have an I/M program. The State of Illinois implements this requirement through a Vehicle Emissions Inspection Law and regulations at 35 Ill. Adm. Code 240 and 276. The State of Illinois has made changes to its I/M program through the Vehicle Emissions Inspection Law of 2005 (625 ILCS 5/13C) and the implementing regulations referenced above. Therefore, the State of Illinois is required to submit such changes to the U.S.EPA as a revision to its SIP for ozone. Principally, these changes relate to on-board diagnostic testing, enforcement and exempting pre-1996 vehicles from the requirement to obtain a vehicle emissions inspection test.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 18, 2012 through September 24, 2012 and have been scheduled for review by the Committee at its October 16, 2012 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>
11/1/12	<u>Central Management Services</u> , Conditions of Employment (80 Ill. Adm. Code 303)	7/20/12 36 Ill. Reg. 10539	10/16/12
11/1/12	<u>Capital Development Board</u> , Illinois Energy Conservation Code (71 Ill. Adm. Code 600)	5/4/12 36 Ill. Reg. 6784	10/16/12
11/2/12	<u>Department of Children and Family Services</u> , Reports of Child Abuse and Neglect (89 Ill. Adm. Code 300)	12/30/11 35 Ill. Reg. 20962	10/16/12
11/2/12	<u>Illinois Commerce Commission</u> , Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service and Issuance of Telephone Directories for Local Exchange Telecommunications Carriers in the State of Illinois (83 Ill. Adm. Code 735)	11/14/11 35 Ill. Reg. 18469	10/16/12
11/3/12	<u>State Board of Education</u> , New Teacher Induction and Mentoring (23 Ill. Adm. Code 65)	7/6/12 36 Ill. Reg. 9607	10/16/12
11/3/12	<u>State Board of Education</u> , The "Grow Your Own" Teacher Education Initiative (Repealer) (23 Ill. Adm. Code 60)	7/6/12 36 Ill. Reg. 9591	10/16/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

11/4/12	<u>Department of Central Management Services,</u> Pay Plan (80 Ill. Adm. Code 310)	7/20/12 36 Ill. Reg. 10552	10/16/12
---------	---	----------------------------------	----------

## EXECUTIVE ORDER

2012-3

**EXECUTIVE ORDER ESTABLISHING AN OPEN OPERATING STANDARD FOR  
ILLINOIS: USING INFORMATION TECHNOLOGY TO PROMOTE  
TRANSPARENCY, EFFICIENCY AND SAVINGS**

**WHEREAS**, data.illinois.gov empowers the public to access and utilize public data collected and maintained by the State of Illinois and the Federal Government; and

**WHEREAS**, the State of Illinois is committed to be a national leader in improving access to public data sets for all citizens, and to encourage entrepreneurs and innovators to draw on this data for the benefit of all in the Land of Lincoln; and

**WHEREAS**, the State and municipalities of Illinois collect information and data on numerous topics including services available to the residents of the State of Illinois; and

**WHEREAS**, finding and utilizing government data that should be readily accessible is often burdensome for developers and the general public; and

**WHEREAS**, government information should be organized with consistency and should be freely available to everyone to use as they wish; and

**WHEREAS**, fully meeting the State's commitment to open data will require adoption of an open data operating standard and utilization of a cloud-based open data platform for the State's open data portal, coordinated strategic planning, where appropriate and feasible, by agencies as to enterprise application portfolio management, and will require the State making its open data portal available to all units of government within the State including, but not limited to, municipalities, counties and public universities statewide so that everyone may participate in the open data movement; and

**THEREFORE**, I, Pat Quinn, Governor of the State of Illinois, pursuant to the executive authority set forth in Article V of the Illinois Constitution, do hereby direct as follows:

**I. CREATION-ESTABLISHING AN OPEN OPERATING STANDARD**

There is hereby established an open operating standard ("Illinois Open Data") for the State of Illinois. Under this open operating standard, each agency, or arm, of State government under the jurisdiction of the Governor—including any office, administration, department, division, bureau, board, commission, advisory committee or other government entity performing a governmental function of the State of Illinois—will undertake best efforts to make available public data data sets of public information. Any unit of local government which elects to do so may adopt the State standard for

## EXECUTIVE ORDER

itself. To implement this Executive Order the State Chief Information Officer (State CIO) will establish policies, standards, and guidance as provided within this Order. In addition, the State CIO will designate, upon consultation with and approval of the Office of the Governor, a current employee of State government to act, in addition to his or her existing responsibilities, as the State Deputy Chief Information Officer for Open Data.

**II. PURPOSE-POLICIES ESTABLISHED**

It is the intent of this Executive Order to establish and implement an enterprise-wide commitment to fully adopting an open operating standard because making public data available online using open standards will make the operation of government across the State of Illinois more transparent, effective and accountable to the public. A statewide policy of open data will streamline intra-governmental and inter-governmental communication and interoperability, permit the public to assist in identifying efficient solutions for government, promote innovative strategies for social progress and create economic opportunities.

This Order will:

- (i) establish protocols for Illinois State agencies to make public data available online using open standards and a process establishing enterprise-wide IT management standards, policies and governance principles to enable the State to fully implement the open operating standard while managing existing information technology resources and capabilities with enhanced efficiency;
- (ii) provide for coordinated strategic planning by agencies with respect to application modernization, IT and telecommunication policy, in pursuance of a consistent statewide enterprise portfolio strategy to maximize the amount of public data made available and ensure compliance with this Order; and
- (iii) establish, in accordance with Executive Order 10 (2010), a policy, under which each State agency will evaluate cloud computing options before making any new IT or telecom investments.
- (iv)

**III. FUNCTION-PROTOCOL AND COMPLIANCE****A. Data Availability Protocol****1. Adopting a Uniform Statewide Portal for Open Data**

The public data sets agencies make available on the Internet shall be accessible through a single web portal that is linked to [data.illinois.gov](http://data.illinois.gov) or any successor

## EXECUTIVE ORDER

website maintained by, or on behalf of, the State of Illinois. If an agency cannot make all such public data sets available on the single web portal the agency shall report to the Office of the State CIO which public data set or sets it is unable to make available, the reasons why it cannot do so, and the date by which the agency expects those data sets will be available on the single web portal.

## 2. Establishing Technical Standards for Publicly Reporting Open Data

- i. Public data sets shall be made available in accordance with technical standards published by the Office of the State CIO, in consultation with the Deputy State Chief Information Officer for Open Data, subject matter experts in all state agencies, and representatives of external entities including, but not limited to, representatives of units of local government, not-for-profit organizations specializing in technology and innovation and representatives of the academic community. Data sets shall be in a format that permits automated processing and shall make use of appropriate technology to notify the public of all updates. The State CIO, in order to ensure successful effectuation of this Order, will establish appropriate policies, procedures and protocols for the coordinated management of the State's information technology resources. In addition, upon consultation with and approval of the Office of the Governor, the State CIO may designate one or more persons to comprise the staff of the Office of the State CIO in order to carry out the duties set forth in this Executive Order.
- ii. Public data sets shall be updated as often as is necessary to preserve the integrity and usefulness of the data sets to the extent that the agency regularly maintains or updates the public data set.
- iii. Public data sets shall be made available without any registration requirement, license requirement or restrictions on their use provided that the department may require a third party providing to the public any public data set, or application utilizing such data set, to explicitly identify the source and version of the public data set and a description of any modifications made to such public data set. Registration requirements, license requirements or restrictions as used in this section shall not include measures required to ensure access to public data sets, to protect the single website housing public data sets from unlawful abuse or attempts to damage or impair use of the website, or to analyze the types of data being used to improve service delivery.
- iv. Public data sets shall be accessible to external search capabilities.

## EXECUTIVE ORDER

B. Compliance Timeline

1. There is hereby established a timeline for compliance with agency open data standards.
2. Within 60 days of the effective date of this Order, the State CIO shall prepare and publish: (i) a technical standards manual for the publishing of public data sets in raw or unprocessed form through a single web portal by State agencies for the purpose of making public data available to the greatest number of users and for the greatest number of applications and shall, whenever practicable, use open standards for web publishing and e-government; and (ii) as needed, portfolio management policies for ensuring compliance with the requirements of this Executive Order. The manual shall identify the reasons why each technical standard was selected and for which types of data it is applicable, and may recommend or require that data be published in more than one technical standard. The manual shall include a plan to adopt or utilize a web application programming interface that permits application programs to request and receive public data sets directly from the web portal. The manual and related policies may be updated as necessary.
3. The State CIO shall consult with appropriate external entities, including units of local government, not-for-profit organizations with a specialization in technology and innovation, other State governments, academic institutions and voluntary consensus standards bodies and shall, when such participation is feasible, in the public interest and compatible with agency and departmental missions, authorities and priorities, participate with such bodies in the development of technical and open standards.

C. Plan for Agency Compliance

1. Within 120 days of the effective date of this Order, each State agency shall submit a compliance plan and a draft longer term strategic enterprise application plan consistent with this Order to the Office of the Governor and shall make such plan available to the public on the web portal. Each agency shall collaborate with the Governor's Office and the State CIO in formulating its plan. The plan shall include: (i) a summary description of public data sets under the control of each agency on or after the effective date of this Order; and (ii) a summary explanation of how its plans, charters, budgets, capital expenditures, contracts and other related documents and information for each IT and telecommunications project it proposes to undertake can be utilized to support Illinois Open Data and related

## EXECUTIVE ORDER

savings and efficiencies. This plan shall prioritize such public data sets for inclusion on the single web portal on or before December 31, 2014, in accordance with the standards provided for in Subsection III. B.

2. For purposes of prioritizing public data sets, agencies shall consider whether information embodied in the public data set: (1) can be used to increase agency accountability and responsiveness; (2) improves public knowledge of the agency and its operations; (3) furthers the mission of the agency; (4) creates economic opportunity; (5) is received via the on-line forum for inclusion of particular public data sets; or (6) responds to a need or demand identified by public consultation.
3. No later than July 1, 2013 and every July first thereafter, the State CIO shall submit and post on the web portal an update of the compliance plan. This update shall include the specific measures undertaken to make public data sets available on the single web portal since the immediately preceding update, specific measures that will be undertaken prior to the next update, an update to the list of public data sets if necessary, any changes to the prioritization of public data sets and an update to the timeline for the inclusion of data sets on the single web portal if necessary.
4. Consistent with both the Executive Order 10 (2010) directive requiring agencies to limit information technology expenditures by increasing the use of cloud computing where appropriate, and with the Federal Government's cloud computing strategy, all agencies are required to evaluate safe, secure cloud computing options, before making any new IT or telecom investments, and, if feasible, adopt suitable cloud computing solutions. Each agency shall re-evaluate its technology sourcing strategy to include consideration and application of cloud computing solutions as part of the budget process.

**IV. TRANSPARENCY AND LIABILITY**

- A. The State CIO shall conspicuously publish the open data legal policy of Part IV.C., *infra*, on the web portal.
- B. The State CIO may establish and maintain an on-line forum to solicit feedback from the public and to encourage public discussion on open data policies and public data set availability on the web portal.
- C. The open data legal policy is as follows:

Public data sets made available on the web portal are provided for informational

## EXECUTIVE ORDER

purposes. The State does not warranty the completeness, accuracy, content or fitness for any particular purpose or use of any public data set made available on the web portal, nor are any such warranties to be implied or inferred with respect to the public data sets furnished therein.

The State is not liable for any deficiencies in the completeness, accuracy, content or fitness for any particular purpose or use of any public data set, or application utilizing such data set, provided by any third party.

Nothing in this Order is to be construed to create a private right of action to enforce its provisions.

**V. SUPERSEDING CONFLICTING, PRECEDING ORDERS AND AGREEMENTS**

To the extent that any Executive Order, Administrative Order, Intergovernmental or Interagency Agreement (to which the State of Illinois or one of its executive branch agencies is a party), or other policy, procedure or protocol conflicts with, contradicts, or is inconsistent with any provision of this Executive Order, any such conflicting, contradicting, or inconsistent order, agreement, policy, procedure, or protocol is hereby expressly revoked, repealed and superseded.

**VI. DEFINITIONS**

"Cloud computing," as defined by the National Institute of Standards and Technology, is a model for enabling convenient, on-demand network access to a shared pool of configurable computing resources (*e.g.*, networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction.

"Data" means final versions of statistical or factual information (i) in alphanumeric form reflected in a list, table, graph, chart or other non-narrative form, that can be digitally transmitted or processed; and (ii) regularly created or maintained by or on behalf of and owned by an agency that records a measurement, transaction, or determination related to the mission of an agency. "Data" does not include information provided to an agency by other governmental entities, nor does it include image files, such as designs, drawings, maps, photos, or scanned copies of original documents, except that it does include statistical or factual information about such image files and shall include geographic information system data.

Data not subject to the requirements of this Order include:

- (1) data to which an agency may deny access pursuant to any provision of a federal, state or local law, rule or regulation;

## EXECUTIVE ORDER

- (2) data that contains a significant amount of data to which an agency may deny access pursuant to any provision of a federal, state or local law, rule or regulation where redacting such protected data in order to publish the unprotected elements would impose undue financial or administrative burden;
- (3) data that reflects the internal deliberative process of an agency or agencies, including but not limited to negotiating positions, future procurements, or pending or reasonably anticipated legal or administrative proceedings;
- (4) data stored on an agency-owned personal computing device, or data stored on a portion of a network that has been exclusively assigned to a single agency employee or a single agency owned or controlled computing device;
- (5) materials subject to copyright, patent, trademark, confidentiality agreements or trade secret protection;
- (6) proprietary applications, computer code, software, operating systems or similar materials;
- (7) employment records, internal employee-related directories or lists, facilities data, information technology, internal service-desk and other data related to internal agency administration; and
- (8) any other data the publication of which is prohibited by law.

"Open operating standard" means a technical standard developed and maintained by a voluntary consensus standards body that is available to the public without royalty or fee. The term indicates a technical and managerial philosophy for public administration that prioritizes openness, transparency and multilateral collaboration in the collection, assessment, reporting and dissemination of all information that is coupled with flexible, evolving but effective policies, procedures, and practices that promote adherence to an enterprise-wide ethos of openness in data collection and reporting while also effectively disincentivizing non-adherence. In addition, "Open operating standard" also involves the conscious effort of the State government to lead a statewide commitment by governments at all levels to adopt a philosophy of openness and transparency in the collection and reporting of information by providing a common statewide portal for open data, establishing guidelines and policies for promoting open data, and promoting the participation of local governments in the Statewide open data effort.

## EXECUTIVE ORDER

"Public Data" means all data that is collected by any unit of State or local government in pursuance of that entity's official responsibilities which is otherwise subject to disclosure pursuant to the State's Freedom of Information Act (FOIA) [5 ILCS 140] and is not prohibited from disclosure pursuant to any other contravening legal instrument, including but not limited to, a superseding provision of Federal or state law or an injunction from a court of competent jurisdiction.

"Strategic Plan" means an organization's evaluation, over an up-to-5-year window, of its strategy and direction, including a framework for decision-making with respect to resource allocation to achieve defined goals. Development of a Strategic Plan requires an organization to understand both its internal state and the possible avenues by which it might achieve its goals.

"Voluntary consensus standards body" means an organization that plans, develops, establishes or coordinates voluntary consensus standards using agreed-upon procedures. A voluntary consensus standards body is defined by the following attributes: openness; balance of interest; due process; an appeals process; and consensus.

**VII. SAVINGS CLAUSE**

Nothing in this Executive Order shall be construed to contravene any State or federal law, or any collective bargaining agreement.

**VIII. SEVERABILITY**

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

**IX. EFFECTIVE DATE**

This Executive Order shall take effect immediately upon its filing with the Secretary of State.

Signed by the Governor: September 18, 2012  
Filed with the Secretary of State: September 18, 2012

## PROCLAMATIONS

**2012-240****Filipino American History Month (Revised)**

WHEREAS, the earliest documented Filipino presence in the continental United States was on October 18, 1587, via the galleon ship Nuestra Senora de Esperanza; and,

WHEREAS, the first Filipino settlement in Louisiana in 1763 set in motion the many contributions Filipino-Americans have made towards the advancement of the United States in the fields of culture, society, politics, economics, education, technology, and religion; and,

WHEREAS, the Filipino American community is the second largest Asian American group in the United States with a population estimated to be close to four million strong; and,

WHEREAS, Filipino American serviceman and servicewomen have a long-standing history in the United States Armed Forces, including approximately 250,000 Filipinos who fought under the United States flag during World War II; and,

WHEREAS, further efforts are needed to continue to promote the study and research of Filipino American history in order to have an all-inclusive United States history that reflects an appreciation of the richness of the Filipino ethnicity and legacy in our nation; and,

WHEREAS, the celebration of Filipino American History Month in October provides an opportunity to celebrate the heritage and culture of Filipino Americans and their immense contributions to our country, and presents a time to renew efforts toward the examination of history and culture in order to provide an opportunity for all people in the United States to learn more about Filipino Americans and their historic contributions to the growth and development of the United States; and,

WHEREAS, the Filipino American Historical Society of Greater Springfield and the Central Illinois Philippine Society will host a Kick-Off event on Monday, October 1, 2012 to mark the beginning of Filipino American History Month in the Land of Lincoln; and,

WHEREAS, the Consulate General of The Philippines in Chicago will also host a kick-off event on Tuesday, October 2, 2012 to mark the beginning of Filipino American History Month in the Land of Lincoln; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2012 as **FILIPINO AMERICAN HISTORY MONTH** in Illinois, in recognition of the contributions Filipino Americans have made to our state and to our nation as a whole, and in celebration of all Filipino Americans who call Illinois home.

## PROCLAMATIONS

Issued by the Governor July 19, 2012

Filed by the Secretary of State September 18, 2012

**2012-287****Illinois Olympian Day**

WHEREAS, athletic achievement in the international community fosters a sense of inspiration and pride within our towns, our states and the country; and,

WHEREAS, the State of Illinois has the opportunity to celebrate those athletes who work tirelessly to achieve their goals, to recognize the contributions of sport, and to showcase the sportsmanship of a diverse group of men and women who left Illinois as individuals and returned as Olympians; and,

WHEREAS, the Summer Games of the XXX Olympiad were held in London, United Kingdom in 2012, for the third time in modern history; and,

WHEREAS, today, the Olympic Games are widely considered to be the most prestigious sports competition in the World, with over 200 participating countries sending thousands of athletes to compete; and,

WHEREAS, the Olympic rings symbolize the ideals of universality of Olympism and international cooperation and respect. The linked rings represent each of the five inhabited continents united through a meeting of the athletes of the World; and,

WHEREAS, in addition to the ideal of unity among diversity, the Olympic motto of "Citius, Altius, Fortius", or "Swifter, Higher, Stronger" encourages athletes to put forth their best effort during the games through a demonstration of personal excellence. Together with the Olympic Creed, "The most important thing in life is not the triumph, but the fight; the essential thing is not to have won, but to have fought well", the Olympic Movement has developed the most recognized display of athletic values and sportsmanship in the World; and,

WHEREAS, the United States, following hard-fought competition, captured the most medals of any country with 104, as well as the most gold medals of any country with 46; and,

WHEREAS, the State of Illinois is proud to be home to twenty-two Olympic athletes who competed in the 2012 London Olympic Games: Amy LePeilbet, soccer; Andre Iguodala, basketball; Anna Li, gymnastics; Anthony Davis, basketball; Bob Willis, sailing; Candace Parker, basketball; Charlie Jayne, equestrian; Christina Loukas, diving; Conor Dwyer, swimming; Dawn Harper, track and field; Ellis Coleman, wrestling; Evan Jager, track and field; Gia Lewis-Smallwood, track and field; Grant James, rowing; Kelci Bryant, diving; Lance

## PROCLAMATIONS

Brooks, track and field; Matt Grevers, swimming; Ross James, rowing; Sarah Zelenka, rowing; Swin Cash, basketball; Sean Rooney, volleyball; and Tyler McGill, swimming; and,

WHEREAS, over the course of modern Olympic history, athletes have overcome war, oppression and poverty to compete in the Games – forming friendships through a shared love of sport; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby applaud and commend all Illinois Olympians and their families and do hereby proclaim August 24, 2012 as **ILLINOIS OLYMPIAN DAY** in Illinois, in recognition of the tremendous sacrifice put forth to achieve athletic excellence, and encourage all residents to recognize their achievements and their contributions to sport.

Issued by the Governor August 22, 2012

Filed by the Secretary of State September 18, 2012

**2012-288****GangFree Illinois Month**

WHEREAS, the State of Illinois recognizes that gang violence is a growing global epidemic that affects people of every age, race, culture, gender and financial background; and

WHEREAS, The Rusty Keeble Foundation, an organization dedicated to reducing gang-related violence, is working toward achieving a Gang-free America through the "GANGFREE Illinois" campaign, which provides assistance and/or support for evidenced based prevention and intervention programs, public forums for community discussions, professional development training, effective enforcement, intelligence sharing; and

WHEREAS, The Rusty Keeble Foundation's "GANGFREE Project" will be especially vigilant during the month of November, because communities and criminal justice professionals within all disciplines throughout Illinois will join the Foundation to take a stand against gangs and the threat they pose to public safety; and

WHEREAS, during the Month of November, the "GANGFREE Project" will promote the benefits of prevention, intervention, and enforcement within our communities, schools, jails, and prisons. This observance will educate the community on gang violence and how it can be eradicated through a joint effort of a committed community; and

WHEREAS, the State of Illinois calls upon young people and all citizens to recognize and unite against the proliferation of gangs and gang violence within our communities; and

## PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 2012 as **GANGFREE ILLINOIS MONTH** and urge all citizens of the State of Illinois to take a stand against the proliferation of gangs and gang violence by becoming active in their communities. I also encourage all citizens to support the law enforcement officials, volunteers, teachers, health care professionals, and all those who work to help our children avoid gangs and gang violence.

Issued by the Governor August 22, 2012

Filed by the Secretary of State September 18, 2012

**2012-289****Domestic Violence Awareness Month**

WHEREAS, domestic violence is a prevalent social problem that not only harms the victim, but also negatively affects the victim's family, friends and community at large; and,

WHEREAS, domestic violence knows no boundaries. It exists in all neighborhoods and cities, and affects people of all ages, racial, ethnic, economic, and religious backgrounds; and,

WHEREAS, one in four women will experience domestic violence sometime in her life. In Illinois alone, there are approximately 115,000 to 125,000 domestic crimes each year; and,

WHEREAS, for many victims of domestic violence, abuse experienced at home often follows them to the workplace, when they are harassed by threatening phone calls and/or emails; and,

WHEREAS, the health-related costs of rape, physical assault, stalking and homicide by intimate partners amount to nearly \$6 billion every year, and the annual cost of lost productivity in the workplace due to domestic violence is estimated to be hundreds of millions of dollars, with nearly 8 million paid workdays lost per year; and,

WHEREAS, the Victims' Economic Security and Safety Act (VESSA) provides workplace protections specifically for victims of domestic or sexual violence; and,

WHEREAS, on August 24, 2009, legislation was signed amending VESSA to expand protections to more Illinois workers who are affected by domestic or sexual violence; and,

WHEREAS, VESSA, which is enforced by the Illinois Department of Labor, allows employees who are victims of domestic or sexual violence or who have a family or household member who is a victim of domestic or sexual violence, up to 12 workweeks of unpaid leave in any 12-month period; and,

## PROCLAMATIONS

WHEREAS, VESSA prohibits employer discrimination against any employee who is a victim of domestic or sexual violence or any employee who has a family or household member who is a victim of domestic or sexual violence; and,

WHEREAS, the Illinois Department of Human Services is dedicated to ensuring that Illinois residents live free from domestic violence, promoting prevention, and working in partnership with communities to advance equality, dignity, and respect for all; and,

WHEREAS, the Illinois Department of Human Services supports dozens of multi-service domestic violence programs throughout the state, offering counseling and advocacy, legal assistance, children's services, and shelter and support services at no cost to the victim; and,

WHEREAS, throughout the month of October, the Illinois Coalition Against Domestic Violence and its 52 member organizations will hold numerous events across the state in observance of Domestic Violence Awareness Month, including Silent Witness events, candlelight vigils, and marches:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2012 as **DOMESTIC VIOLENCE AWARENESS MONTH** in Illinois, to raise awareness about the problem of domestic violence throughout the state and its devastating effects on families and communities, and to urge all victims to seek help either by calling the Statewide Domestic Violence Helpline, 1-877-TO END DV (1-877-863-6338) or visiting a local help center.

Issued by the Governor August 22, 2012

Filed by the Secretary of State September 18, 2012

**2012-290****Illinois Lifeline Awareness Week**

WHEREAS, in today's highly interconnected world, telephones provide a lifeline to emergency help and a vital link to government services, community resources, friends and family; and,

WHEREAS, not everyone can afford the cost of a home telephone; and,

WHEREAS, a number of our nation's households still do not have telephone service in their homes; and,

WHEREAS, the Federal Communications Commission (FCC) and the Illinois Commerce Commission have joined in a collaborative effort to make telephone service more affordable for the nation's low-income consumers by providing a discount on the connection fee and monthly charges for local telephone service; and,

## PROCLAMATIONS

WHEREAS, the Link-Up America (Link-Up) and Lifeline Assistance (Lifeline) programs offer tremendous benefits for eligible consumers in America and make basic telephone service more affordable; and,

WHEREAS, the Link-Up program provides a generous discount to consumers on the installation of telephone service in their homes; and,

WHEREAS, the Lifeline program provides a discount to eligible low-income customers on their monthly phone bill; and,

WHEREAS, the FCC has established Enhanced Link-Up and Lifeline programs for Tribal Lands; and,

WHEREAS, consumers should not be without local phone service because they cannot afford it, and therefore the promotion of Link-Up and Lifeline is imperative to ensure that all U.S. citizens have access to affordable basic local telephone service; and,

WHEREAS, the FCC, the National Association of Regulatory Utility Commissioners (NARUC), the National Association of State Utility Consumer Advocates (NASUCA), other State and federal agencies, cities, counties, organizations, and telecommunications companies are committed to increasing awareness about the availability of the Link-Up and Lifeline programs and are encouraging eligible citizens to sign up for the programs; and,

WHEREAS, the FCC, NARUC, and NASUCA have joined together to design and implement a comprehensive outreach plan to promote Link-Up and Lifeline subscribership:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 10-14, 2012 as **ILLINOIS LIFELINE AWARENESS WEEK**, and call upon government agencies, industry leaders and consumer advocates to educate residents about state and federal programs for telephone connectivity and further initiate and promote outreach events during this special week.

Issued by the Governor August 22, 2012

Filed by the Secretary of State September 18, 2012

**2012-291**  
**National PayRoll Week**

WHEREAS, the American Payroll Association and its 23,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 156 million people who

## PROCLAMATIONS

work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings and withholding federal employment taxes; and,

WHEREAS, payroll professionals in the State of Illinois play a key role in maintaining the economic health of our state, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting and depositing; and,

WHEREAS, payroll departments collectively spend more than \$15 billion annually complying with the myriad of federal and state wage and tax laws; and,

WHEREAS, payroll professionals play an increasingly important role ensuring the economic security of American families by helping to identify noncustodial parents and ensuring that they comply with child support mandates; and,

WHEREAS, payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax withholding systems; and,

WHEREAS, payroll professionals meet regularly with federal and state tax officials to discuss ways to improve compliance with government procedures and how compliance can be achieved at less cost to both government and businesses; and,

WHEREAS, the week in which Labor Day falls has been proclaimed National Payroll Week by the American Payroll Association:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 3 – 7, 2012 as **NATIONAL PAYROLL WEEK** in Illinois, in recognition of the important work done by payroll professionals throughout the Land of Lincoln.

Issued by the Governor August 24, 2012

Filed by the Secretary of State September 18, 2012

**2012-292**  
**Food Day**

WHEREAS, the health and wellbeing of our citizens is of primary concern for the State of Illinois; and,

WHEREAS, reducing obesity and diet-related diseases by promoting safe and healthy diets is a critical factor in improving citizens' overall health; and,

## PROCLAMATIONS

WHEREAS, supporting sustainable family farms and local agriculture benefits our state's economy; and,

WHEREAS, obtaining fair pay and safe conditions for food and farm workers is beneficial for both the producer and consumer, so that the food we produce and consume is safe and fair for all; and,

WHEREAS, expanding access to food and ending hunger is of critical importance to aid those who live in food deserts; and,

WHEREAS, curbing junk-food marketing aimed at children is vitally important in order to combat rising obesity rates and raise a generation of healthy children; and,

WHEREAS, protecting the environment and farm animals is necessary to sustain future generations:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 24, 2012 as **FOOD DAY** in Illinois.

Issued by the Governor August 27, 2012

Filed by the Secretary of State September 18, 2012

**2012-293****Canavan Disease Awareness Month**

WHEREAS, Canavan Research Illinois is an Illinois nonprofit corporation established in April 2000 to meet a critical need to support medical research to treat, cure, and improve the quality of lives of all children battling Canavan disease, a rare and fatal genetic neurological disorder; and,

WHEREAS, the majority of those afflicted with Canavan disease do not reach their 18<sup>th</sup> birthday. These innocent children face the loss of all motor functions, blindness, paralysis, feeding tubes, and eventual disintegration of the brain, at which point they fall into a vegetative state from which they cannot recover; and,

WHEREAS, Canavan Research Illinois is an all volunteer charity dedicated to raise funds to support cutting-edge research, increase public awareness, and provide a network for Canavan families; and,

WHEREAS, on October 13, 2012, Canavan Research Illinois will hold the 14<sup>th</sup> Annual Canavan Charity Ball. This year's Ball is being held in honor of Max Randell's 15<sup>th</sup> birthday, a momentous milestone for this young man living with Canavan disease:

## PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2012 as **CANAVAN DISEASE AWARENESS MONTH** in Illinois, to raise awareness of Canavan disease and in support of Canavan Research Illinois' important efforts to improve the quality of life of those who are battling this disease.

Issued by the Governor August 27, 2012

Filed by the Secretary of State September 18, 2012

**2012-294****Information Literacy Month**

WHEREAS, information literacy provides the tools and skills to successfully find, evaluate, and use information from a diverse array of sources in a constantly changing world; and

WHEREAS, the ability to find, interpret, and analyze different forms of information are key components of effective decision-making across various financial, medical, educational and industrial fields; and

WHEREAS, individuals who are comfortable working with information in the digital world are able to seek highly skilled jobs and compete at high levels in the global economy; and

WHEREAS, information literacy represents an important workforce need in Illinois that facilitates personal and organizational productivity; and

WHEREAS, the teaching of information literacy skills in our schools, colleges and communities contributes to the general and collective welfare of the citizens of Illinois;

THEREFORE, I, Pat Quinn, Governor of the state of Illinois, do hereby proclaim October 2012 as **INFORMATION LITERACY MONTH** and urge all the citizens of the state to recognize this event and participate fittingly in its observance.

Issued by the Governor August 27, 2012

Filed by the Secretary of State September 18, 2012

**2012-295****Cultural Week of Jalisco**

WHEREAS, the Jaliscienses represent one of the largest groups of Mexicans living in the United States; and,

## PROCLAMATIONS

WHEREAS, of the 400,000 Jaliciences living in the Midwest, 200,000 have chosen the State of Illinois as their newly adopted home; and,

WHEREAS, the Federación de Jaliciences del Medio Oeste de los Estados Unidos NFP is a not-for-profit organization that promotes the wellbeing and advancement of the Jaliciences in the Midwest, as well as Mexico, through educational, cultural, civic and social projects; and,

WHEREAS, the Federación de Jaliciences del Medio Oeste has especially distinguished itself for welcoming, cultivating and encouraging leadership by youth and women; and,

WHEREAS, during the month of September, Federación de Jaliciences del Medio Oeste will participate in Semana Jalisco, a month-long celebration recognizing contributions of the Jaliciences to the cultural and economic landscape of our communities and provide an opportunity for participants to learn about the culture of the State of Jalisco; and,

WHEREAS, this year, the Federación will preview Semana Jalisco during the last week of August with their program "7N7", which will share the culture and traditions from the State of Jalisco, Mexico in seven cities during seven days; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 26-September 1, 2012 as **CULTURAL WEEK OF JALISCO** in Illinois, in recognition of the contributions of Jalisco culture and in support of the Federación de Jaliciences del Medio Oeste en Illinois.

Issued by the Governor August 27, 2012

Filed by the Secretary of State September 18, 2012

**2012-296**

**Steelday**

WHEREAS, the structural steel industry annually provides structural steel framing systems for more than one billion square feet of new building construction throughout Illinois and other states; and,

WHEREAS, the structural steel industry provides employment for thousands of workers in Illinois and other states; and,

WHEREAS, the structural steel industry has demonstrated a significant commitment to sustainable construction through the use of structural steel products made from 93 percent recycled materials from old cars, appliances, stoves, manufacturing waste, curb-side recycling and deconstructed buildings; and,

## PROCLAMATIONS

WHEREAS, ninety-eight percent of the structural steel in a building is recycled at the end of the building's life; and,

WHEREAS, structural steel's high strength-to-weight ratio and low carbon footprint help to minimize environmental impacts; and,

WHEREAS, the American Institute of Steel Construction has declared Friday, September 28, 2012 as SteelDay throughout the United States with more than 150 events nationwide; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 28, 2012 as **STEELDAY** in Illinois, in recognition of the contribution of the Illinois structural steel industry to the economy and infrastructure of the State of Illinois.

Issued by the Governor August 28, 2012

Filed by the Secretary of State September 18, 2012

**2012-297****National Farm to School Month**

WHEREAS, food service providers in schools, colleges, universities and institutions are seeking new ways to improve community health and nutrition across the nation in hopes of preventing childhood obesity trends; and,

WHEREAS, Illinois has a vibrant community of small and mid-size family farms that supply local markets; and,

WHEREAS, in order to improve student nutrition in school cafeterias, Farm to School initiatives connect local farms with school meal programs, which support local and regional farmers while also improving student diet and nutrition; and,

WHEREAS, Farm to School programs promote healthy, nutritious meals in school cafeterias, improve students' nutrition and food literacy, present engaging health education and support local farmers and producers; and,

WHEREAS, across the country, Farm to School initiatives are increasingly being recognized as an effective and integrated approach to addressing child and adolescent health, food and agriculture system awareness and an overall understanding of local agricultural markets ; and,

WHEREAS, Farm to School approach helps children understand where their food comes from and how their food choices impact their bodies, the environment and their communities; and,

## PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2012 as **NATIONAL FARM TO SCHOOL MONTH** in Illinois, and call for public support of Farm to School initiatives throughout the Land of Lincoln.

Issued by the Governor August 29, 2012

Filed by the Secretary of State September 18, 2012

**2012-298****Illinois Arts & Humanities Month**

WHEREAS, the arts and humanities are the embodiment of all things beautiful and entertaining in the world – the enduring record of human achievement; and

WHEREAS, the arts and humanities enhance every aspect of life in Illinois – improving our economy, enriching our civic life, driving tourism, and exerting a profound positive influence on the education of our children; and

WHEREAS, the nonprofit arts and cultural sector also strengthens our economy by generating \$2.8 billion in total economic activity annually and by supporting 78,000 full-time-equivalent jobs; and,

WHEREAS, arts education research shows that the arts help to foster discipline, creativity, imagination, self-expression, and problem solving skills while also helping to develop a heightened appreciation of beauty and cross-cultural understanding; and

WHEREAS, we use the humanities – history, literature, philosophy – to explore what it means to be human; and

WHEREAS, the arts and humanities play a unique and intrinsically valuable role in the lives of our families, our communities, and our state; and

WHEREAS, the month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, communities, and states across the country, as well as by the White House and Congress for more than two decades; and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2012 as **ILLINOIS ARTS & HUMANITIES MONTH** and call upon all citizens to explore, celebrate and participate in the arts and culture in the Land of Lincoln.

Issued by the Governor August 29, 2012

## PROCLAMATIONS

Filed by the Secretary of State September 18, 2012

**2012-299**  
**Estuary Day**

WHEREAS, the Illinois coast of Lake Michigan including Illinois Beach State Park, Waukegan Harbor, Great Lakes Harbor, Wilmette Harbor, Goose Point and Chicago Harbor are integral to the state of Illinois; and,

WHEREAS, the State of Illinois is dedicated to promoting the conservation and wide use of our coast, including the quality of its water, soil; and air, plant, and animal resources, so that these natural resources may be used and enjoyed by citizens of Illinois forever; and,

WHEREAS, estuaries are unique coastal environments that support more life per square inch than any other ecosystem on earth, providing a habitat for countless species of fish, shellfish, birds, and marine mammals; and,

WHEREAS, preserving our local fish habitats and populations will also preserve our recreational and sport fishing industry, which annually generates about 3.7 billion for the state's economy, while commercial fishing and boating contributes hundreds of millions of dollars; and,

WHEREAS clean shorelines attract millions of local residents and out of state visitors who visit the Illinois coast for tourist and recreational activities; and,

WHEREAS, coastal industries contribute approximately three billion to state GDP every year; and,

WHEREAS, restoration projects create more than twice as many jobs as the oil, gas, and road construction industries combined; and,

WHEREAS, protecting and restoring our estuaries is vital to our local and national economy because they sustain the fisheries that feed America, ensure outdoor recreational opportunities for current and future generations, reduce the costly impacts of natural hazards, and support local jobs which cannot be exported; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 29, 2012 as **ESTUARY DAY** in Illinois, and urge all residents to recognize their impact on our state.

Issued by the Governor August 29, 2012  
Filed by the Secretary of State September 18, 2012

## PROCLAMATIONS

**2012-300****Central Sterile Supply Department Week**

WHEREAS, Central Sterile Supply Department technicians are responsible for processing surgical instruments, supplies, and equipment; and

WHEREAS, serving in settings ranging from hospitals to ambulatory surgical centers, Central Sterile Supply Department technicians provide support to patient care services; and,

WHEREAS, Central Sterile Supply Department tasks include decontaminating, cleaning, processing, assembling, sterilizing, storing, and distributing the medical devices and supplies needed for patient care; and,

WHEREAS, the Central Sterile Supply Department of a healthcare facility is the heart of all activity surrounding instruments, supplies and equipment required for operating rooms, endoscopy suites, ICU, as well as other patient care areas; and,

WHEREAS, Central Sterile Supply Department Technicians play a most important role in patient care arenas, and are responsible for first line processes to prevent patient infections; and,

WHEREAS, International Central Sterile Supply Department Week recognizes the contributions that Central Sterile Supply Department technicians make to patient safety and the challenges facing the profession; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 14-20, 2012 as **CENTRAL STERILE SUPPLY DEPARTMENT WEEK** in Illinois in support of Central Sterile Supply Department Technicians, and encourage all citizens of Illinois to remember the important work they do that helps keep us all safe during medical procedures.

Issued by the Governor August 29, 2012

Filed by the Secretary of State September 18, 2012

**2012-301****Mental Health Awareness Day**

WHEREAS, mental health disorders and depression effect people from all walks of life without regard for age, gender, race, or socioeconomic status; and,

## PROCLAMATIONS

WHEREAS, The American Foundation for Suicide Prevention, established in 1987, is an organization dedicated to the prevention of suicide through research, education, and advocacy for those with mental disorders. They also reach out to those impacted by suicide; and,

WHEREAS, the American Foundation for Suicide Prevention has reached out to over one million citizens, and provided resources and training in hundreds of high schools on the topics of depression, mental illness, and suicide; and,

WHEREAS, most of this is made possible by money raised from the "Out of the Darkness Walk," an eighteen-mile walk which takes place from dusk until dawn, and is designed to bring to light issues surrounding depression and mental illness; and,

WHEREAS, the Illinois "Out of the Darkness" walk will take place on Saturday, September 29, 2012; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 29, 2012 as **MENTAL HEALTH AWARENESS DAY** in Illinois in support of the American Foundation for Suicide Prevention "Out of the Darkness Walk", and encourage all citizens to remember the importance of mental health and learn to recognize the signs of depression and suicide.

Issued by the Governor August 29, 2012

Filed by the Secretary of State September 18, 2012

**2012-302****Rett Syndrome Awareness Month**

WHEREAS, Rett syndrome is a debilitating neurological disorder, caused by mutations in the gene MECP2, located on the X chromosome, that is diagnosed almost exclusively in females; and,

WHEREAS, Rett syndrome, which affects approximately 1 in every 10,000 to 23,000 female births, was originally described by Dr. Andreas Rett of Austria in 1966; and,

WHEREAS, infants with Rett syndrome often avoid detection until 6–18 months due to a relatively normal appearance and some developmental progress, but then this brief period of developmental progress is followed by stagnation and regression of previously acquired skills; and,

WHEREAS, Rett syndrome causes problems in brain function that are responsible for cognitive, sensory, emotional, motor and autonomic function. These can include learning, speech, sensory

## PROCLAMATIONS

sensations, mood, movement, breathing, cardiac function, and even chewing, swallowing, and digestion; and,

WHEREAS, currently no cure for exists for Rett syndrome, but many symptoms of the disorder can be managed with medications and occupational, speech, and physical therapy; and,

WHEREAS, Rett syndrome remains little known in the general public, even within the medical community; and,

WHEREAS, Rett syndrome presents many challenges, but with support, therapy and assistance, those with the syndrome can benefit from school and community activities well into middle age and beyond; and,

WHEREAS, the International Rett Syndrome Foundation (IRSF) is a non-profit corporation dedicated to funding research for treatments and a cure for Rett syndrome while enhancing the overall quality of life for those living with Rett syndrome by providing information, programs, and services; and,

WHEREAS, October has been designated by the IRSF as Rett Syndrome Awareness Month. Throughout the month, the organization and its state and local affiliates will hold events designed to raise public awareness of Rett syndrome and provide support for individuals and families coping with the daily challenges of living with the disorder:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2012 as **RETT SYNDROME AWARENESS MONTH** in Illinois, to raise awareness of this disorder, to recognize the families affected by Rett syndrome, and in support of the important work of the International Rett Syndrome Foundation.

Issued by the Governor August 31, 2012

Filed by the Secretary of State September 18, 2012

**2012-303****Cyber Security Awareness Month**

WHEREAS, we recognize the vital role that technology has in our daily lives and in the future of our Nation, whereby today many citizens, schools, libraries, businesses and other organizations use the Internet for a variety of tasks, which include maintaining contact with family and friends, managing personal finances, performing research, enhancing education and conducting business; and,

WHEREAS, critical sectors are increasingly reliant on information systems to support financial services, energy, telecommunications, transportation, utilities, health care, and emergency response systems; and,

## PROCLAMATIONS

WHEREAS, the use of the Internet at the primary and secondary school levels in this State enhances the education of youth by providing them access to online educational and research materials; at institutions of higher education, the use of information technology is integral to teaching and learning, research, and outreach and service; and,

WHEREAS, Internet users and our information infrastructure face an increasing threat of malicious cyber attack, loss of privacy from spyware and adware and significant financial and personal privacy losses due to identity theft and fraud; and,

WHEREAS, the "Stop.Think.Connect." campaign ([www.stopthinkconnect.org](http://www.stopthinkconnect.org)) is a national effort coordinated by a coalition of private companies, nonprofits and government organizations to help all digital citizens stay safer and more secure online; and,

WHEREAS, the Multi-State Information Sharing and Analysis Center provides a collaborative mechanism to help state, local, territorial and tribal governments enhance cyber security; and the State of Illinois provides a comprehensive approach to help enhance the security of this State/Territory; and,

WHEREAS, maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role, and awareness of computer security measures will improve the security of Illinois information infrastructure and economy; and,

WHEREAS, the U.S. Department of Homeland Security ([www.dhs.gov/cyber](http://www.dhs.gov/cyber)), the Multi-State Information Sharing and Analysis Center ([www.msisac.org](http://www.msisac.org)), the National Association of State Chief Information Officers, ([www.nascio.org](http://www.nascio.org)), and the National Cyber Security Alliance ([www.staysafeonline.org](http://www.staysafeonline.org)) have declared October as National Cyber Security Awareness Month; and all citizens are encouraged to visit these sites, along with the State of Illinois ([www.illinois.gov](http://www.illinois.gov)) and Stop.Think.Connect ([www.stopthinkconnect.org](http://www.stopthinkconnect.org)) to learn about cyber security; and put that knowledge into practice in their homes, schools, workplaces, and businesses; and,

THEREFORE I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2012 as **CYBER SECURITY AWARENESS MONTH** in the State of Illinois.

Issued by the Governor September 10, 2012

Filed by the Secretary of State September 18, 2012

**2012-304****Latino Behavioral Health Conference Day**

WHEREAS, since its inception in 1993, the Latino Mental Health Network (LMHPN), has taken place in Illinois; and,

## PROCLAMATIONS

WHEREAS, The Latino Mental Health Providers Network is a dynamic network of individuals and agencies working together to strengthen and support the competency of professionals servicing and advocating for the Latino Community; and,

WHEREAS, LMHPN, accomplishes its mission by supporting professionals and agencies through the provision of workshops, continuing education sessions, and networking opportunities that promote the ongoing acquisition of knowledge and skill sets necessary for our providers to better serve Latino clients; and,

WHEREAS, providing services to the community is the foundation of our State and nation and behavioral health providers as well as government organizations are responsible for supporting and enhancing the quality of life of their constituents; and,

WHEREAS, the Latino Mental Health Providers Network seeks to decrease the stigma attached to mental health services in the Latino community while increasing the number of culturally competent providers as well as the number of Latinos who receive adequate mental health services ; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 19, 2012 as **LATINO BEHAVIORAL HEALTH CONFERENCE DAY** in Illinois, and call for public attention and awareness of the Latino Mental Health Network and their initiatives throughout the Land of Lincoln.

Issued by the Governor September 11, 2012

Filed by the Secretary of State September 18, 2012

**2012-305****Mexican Independence Day**

WHEREAS, indigenous people of Mexico created great civilizations known throughout the World, such as the Olmec, Teotihuacan, Maya, Toltec and the Aztec; and,

WHEREAS, in 1521, 500 Spanish soldiers arrived in Mexico to begin what would become a 300-year rule over what they called "Nueva España" or "New Spain"; and,

WHEREAS, this devastating rule brought with it unknown diseases, physical and economic hardships and challenges that would drastically diminish the Mexican population from 20 million to 1 million in just 100 years; and,

WHEREAS, in the early morning of September 16, 1810, in the small village of Dolores, Miguel Hidalgo y Costilla, better known as Father Hidalgo, accompanied by Ignacio Allende and Doña

## PROCLAMATIONS

Josefa Ortiz de Dominguez rang the bell of his small church to make a passionate declaration for Mexicans to revolt against this oppressive authoritarian regime by proclaiming "Mexicanos, Viva México!"; and,

WHEREAS, the Cry of Dolores, begun by one man, would eventually become the battle cry of Mexico's fight for independence during the 11-year battle and represent the of unity of Mexican people and the power they share when they come together and fight for of the love of their home and country; and,

WHEREAS, this year will mark the 202<sup>nd</sup> anniversary of Mexico's Independence from Spain and 102 years since the Mexican Revolution; and,

WHEREAS, more than 40 percent of Illinois' foreign born population can call Mexico their birthplace and Illinois is proud that 700,000 Mexican immigrants call the Land of Lincoln home; and,

WHEREAS, our state's thriving Mexican American population is well served by the Consulate General of Mexico in Chicago, and during this year's celebration of Mexican Independence Day we also honor the Consul General of Mexico in Chicago, The Honorable **Eduardo Arnal Palomera**; and,

WHEREAS, the contributions of Mexican Americans to the social, economic and cultural landscape of this State have greatly increased the quality of life for all Illinois residents; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 15, 2012 as **MEXICAN INDEPENDENCE DAY** in Illinois, and join all Mexican American citizens in celebration of this very special day. Mexicanos y Illinoisans, Viva México!

Issued by the Governor September 11, 2012

Filed by the Secretary of State September 18, 2012

**2012-306****Epilepsy Awareness Month**

WHEREAS, epilepsy is one of the most common neurological conditions, estimated to affect over 3 million people in the United States, and more than 50 million worldwide; and,

WHEREAS, epilepsy is a group of disorders of the central nervous system, specifically the brain characterized by recurrent unprovoked seizures; and,

## PROCLAMATIONS

WHEREAS, seizures occur when the normal electrical balance in the brain is lost, causing the brain's nerve cells to misfire, either firing when they shouldn't or not firing when they should. Seizures are the physical effects of these sudden, brief, uncontrolled bursts of abnormal electrical activity; and,

WHEREAS, the type of seizure depends on how many cells fire and which area of the brain is involved. A person that has a seizure may experience an alteration in behavior, consciousness, movement, perception and/or sensation; and,

WHEREAS, one in ten persons will have at least one seizure during his or her lifetime; and,

WHEREAS, the public is often unable to recognize common seizure types, or how to respond with appropriate first aid; and,

WHEREAS, November 2012 is Epilepsy Awareness Month, and was created to bring epilepsy acceptance, awareness and education; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 2012 as **EPILEPSY AWARENESS MONTH** in Illinois, in support of the effort to raise awareness of epilepsy.

Issued by the Governor September 11, 2012

Filed by the Secretary of State September 18, 2012

**2012-307****Paralegal Day**

WHEREAS, paralegals provide essential and vital legal support for many organizations including law firms, corporate legal departments and government offices; and,

WHEREAS, to meet the increasing demands for legal services in the United States, the skilled work of paralegals will grow in importance and significance for the operation of American organizations and the application of American law; and,

WHEREAS, according to the United States Bureau of Labor Statistics, the paralegal profession will experience greater than average growth through the year 2012; and,

WHEREAS, created in 1972, the Illinois Paralegal Association represents more than 1,400 paralegals in our state. The association is one of the oldest and largest statewide organizations that supports paralegals, and is celebrating its 40<sup>th</sup> anniversary this year; and,

## PROCLAMATIONS

WHEREAS, the purpose of the Illinois Paralegal Association is to promote the paralegal profession and communication among paralegals, the legal community, and civic and professional organizations, as well as encourage the continuing education of paralegals; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 1, 2012 as **PARALEGAL DAY** in Illinois, as the Illinois Paralegal Association meets for an annual conference, and to commend paralegals in our state for their contributions to our communities.

Issued by the Governor September 11, 2012

Filed by the Secretary of State September 18, 2012

**2012-308****National Day of Prayer**

WHEREAS, in times of peril both at home and abroad, many American citizens turn to prayer for help and guidance; and,

WHEREAS, millions of men and women across the nation gratefully continue the tradition of prayer in churches, synagogues, temples, mosques, and other houses of worship across our country; and,

WHEREAS, established in 1952 by an act of Congress, the National Day of Prayer is now observed nationally every year on the first Thursday in May; and,

WHEREAS, the National Day of Prayer is a celebration of American citizens' freedom of religion, set forth in the First Amendment. Americans treasure their religious freedom, which embraces the many diverse communities of faith that have infused our society and our cultural heritage over more than two centuries; and,

WHEREAS, in past years, U.S. presidents and governors have signed proclamations designating a National Day of Prayer; and,

WHEREAS, the State of Illinois is pleased to join governors across the nation and President Barack Obama by issuing a proclamation honoring the National Day of Prayer, while continuing to work with communities of faith to improve our state:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2, 2012 as **NATIONAL DAY OF PRAYER** in Illinois.

Issued by the Governor September 11, 2012

## PROCLAMATIONS

Filed by the Secretary of State September 18, 2012

**2012-309****World Wide Net Cancer Awareness Day**

WHEREAS, neuroendocrine tumors/tumours (NETs) often develop into cancer and, if left untreated, can result in serious illness and death; and

WHEREAS, NET cancer patients are often misdiagnosed or receive a delayed diagnosis, which can have a negative impact on their chance of survival and quality of life; and

WHEREAS, survival for NET cancer patients is further compromised by fragmented care and lack of access to treatment by networks of specialists; and

WHEREAS, although there have been advances in the detection and treatment of NET cancers, not all patients are benefiting quickly enough from scientific and medical progress in the field; and

WHEREAS, with timely diagnosis and proper treatment, NET cancer patients can have significantly improved outcomes and quality of life;

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 10, 2012 as **WORLD WIDE NET CANCER AWARENESS DAY** in Illinois to encourage patients, caregivers, healthcare professionals as well as the wider Illinois community, to join with us as we work together to raise awareness about NET cancers and the need for timely diagnosis and optimal treatment and care.

Issued by the Governor September 11, 2012

Filed by the Secretary of State September 18, 2012

**2012-310****Battle of Princeton Day**

WHEREAS, the Battle of Princeton is remembered as a pivotal battle during the American Revolution; and,

WHEREAS, in 1776, British opposition forces seized Fort Washington in Manhattan, defeating Washington's army and occupying their territory from June until November 16 of that same year; and,

## PROCLAMATIONS

WHEREAS, from November to December, 1776, Washington's army continued in retreat across New Jersey; and,

WHEREAS, on January 2, 1777, American forces prevented British General Cornwallis and his 800 men from advancing towards Trenton, enabling Washington to strengthen his defense lines on the Assunpink Creek ; and,

WHEREAS, Washington's leadership abilities and personal bravery were demonstrated through his rally of two broken brigades, leading them into battle against the British and finally driving them off field; and,

WHEREAS, the Battle of Princeton is an important aspect of American history that should be preserved and celebrated because it lead to the liberation of New Jersey; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 3, 2012 as **BATTLE OF PRINCETON DAY** in Illinois, and call for public support, preservation and celebration of this important aspect of American history throughout the Land of Lincoln.

Issued by the Governor September 12, 2012

Filed by the Secretary of State September 18, 2012

**2012-311****Chamber of Commerce Week**

WHEREAS, chambers of commerce encourage the growth of existing industries, services, and commercial firms and encourage new businesses and individuals to locate in Illinois, acting as a liaison with the State of Illinois, local governments, schools and the business community; and,

WHEREAS, chambers of commerce work with Illinois businesses, merchants, and industry to

advance the civic, economic, industrial, professional, and cultural life of our state; and,

WHEREAS, chambers of commerce have contributed to the civic and economic life of Illinois for 173 years, since the Galena Chamber of Commerce was founded in 1838; and,

WHEREAS, Illinois is home to international chambers of commerce, the Great Lakes Regional Office of the United States Chamber of Commerce, the Illinois Chamber of Commerce, and more than 400 local chambers of commerce; and,

## PROCLAMATIONS

WHEREAS, this year marks the 93<sup>rd</sup> anniversary of the founding of the Illinois Chamber of Commerce, the state's leading broad-based business organization which serves as the unified voice for business; and,

WHEREAS, this year also marks the 97<sup>th</sup> anniversary of the Illinois Association of Chamber of Commerce Executives (IACCE), a career development organization for chamber of commerce professionals; and,

WHEREAS, this year during the week of September 10-14, various local chambers of commerce in Illinois will be hosting open houses, business expos, business of the year awards, and other promotional events in order to promote their involvement in the local economy:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 10-14, 2012 as **CHAMBER OF COMMERCE WEEK** in Illinois, and encourage all citizens to recognize the important role that chambers of commerce play in the economic well being of their communities.

Issued by the Governor September 12, 2012

Filed by the Secretary of State September 18, 2012

**2012-312****Adult Education and Family Literacy Week**

WHEREAS, more than 1.8 million adults in Illinois have less than 12 grades of formal education and approximately 2.61 million Illinois residents speak a language other than English in their homes; and,

WHEREAS, the 90 providers of Adult Education funded by the Illinois Community College Board serve almost 107,000 students through their programs and over 16,000 individuals earn their GED every year in Illinois; and,

WHEREAS, Illinois has been selected to be part of the Accelerating Opportunity Initiative, funded by the Bill and Melinda Gates Foundation and the Joyce Foundation, to implement an integrated instructional model that will accelerate the process of adult education students accessing post-secondary education, training and employment; and,

WHEREAS, adult education and family literacy can help an individual complete high school, attain a GED certificate, provide assistance with their children's school work, shed their dependency on public assistance, and attain a job with a living wage; and,

## PROCLAMATIONS

WHEREAS, during the week of September 10-16, 2012 the National Coalition for Literacy will celebrate "Adult Education and Family Literacy Week"; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 10-16, 2012 as **ADULT EDUCATION AND FAMILY LITERACY WEEK** in Illinois and in support of the National Coalition for Literacy's programs, and encourage all citizens to remember the importance of literacy for both adults and children.

Issued by the Governor September 12, 2012

Filed by the Secretary of State September 18, 2012

**2012-313****Tony Arduini Day**

WHEREAS, Americans are served every single day by public servants at the federal, state, county and city levels. These individuals do the work that keeps our nation running; and,

WHEREAS, public servants take not only jobs, but oaths; and,

WHEREAS, one such servant is Tony Arduini, of Rock Falls, Illinois who serves as County Board Chairman of Whiteside County; and,

WHEREAS, for the past forty-seven years, Tony Arduini has provided the people of Illinois with his honorable and dedicated service; and,

WHEREAS, the work that Tony Arduini has done throughout the years has created a lasting impact. By bringing great fairness, thoughtfulness and wisdom to his work and advancing the goals of Whiteside County, the mark that he leaves behind will surely serve as a foundation for the future; and,

WHEREAS, in addition to his professional accomplishments, Tony Arduini has created strong bonds of friendship and camaraderie with his fellow board members, and his dedication has earned him the respect of his colleagues as well as the residents of Whiteside County; and,

WHEREAS, Tony Arduini's work ethic has exemplified the dedication to service the citizens of this state deserve and expect. He has represented the State of Illinois admirably; and,

WHEREAS, day in and day out, dedicated public servants like Tony provide the diverse services demanded by the American people of their government with efficiency and integrity; and,

## PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 18, 2012 as **TONY ARDUINI DAY** in Illinois, in respectful gratitude of Tony's forty-seven years of dedicated public service to the people of Illinois, and wish him continued success surrounded by his wife, Arlene, thirteen children and many grandchildren and the rest of his family and friends.

Issued by the Governor September 14, 2012

Filed by the Secretary of State September 18, 2012

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 36, Issue 40 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.

**PROPOSED RULES**

20 - 460	.....	14536
20 - 525	.....	14540
89 - 751	.....	14546
89 - 765	.....	14553
89 - 795	.....	14572
17 - 710	.....	14585
35 - 809	.....	14600
77 - 527	.....	14608
23 - 24	.....	14615

**ADOPTED RULES**

8 - 125	10/1/2012 .....	14664
8 - 850	9/24/2012 .....	14685
68 - 1420	10/5/2012 .....	14689
17 - 530	9/21/2012 .....	14704
89 - 1110	9/20/2012 .....	14733
92 - 1010	9/24/2012 .....	14745
92 - 1030	9/18/2012 .....	14755
23 - 475	9/21/2012 .....	14769
23 - 475	9/21/2012 .....	14771
23 - 485	9/21/2012 .....	14799
23 - 650	9/20/2012 .....	14801

**EMERGENCY RULES**

89 - 140	9/21/2012 .....	14820
89 - 148	9/21/2012 .....	14851

**AGENCY MODIFICATION IN  
RESPONSE TO A STATEMENT OF  
OBJECTION**

83 - 412	.....	14881
----------	-------	-------

**APPROVAL OF EXPEDITED  
CORRECTION**

44 - 6	12/21/2011 .....	14883
--------	------------------	-------

**EXECUTIVE ORDERS AND  
PROCLAMATIONS**

12 - 3	9/18/2012 .....	14894
12 - 240	7/19/2012 .....	14902
12 - 287	8/22/2012 .....	14903
12 - 288	8/22/2012 .....	14904
12 - 289	8/22/2012 .....	14905

12 - 290	8/22/2012 .....	14906
12 - 291	8/24/2012 .....	14907
12 - 292	8/27/2012 .....	14908
12 - 293	8/27/2012 .....	14909
12 - 294	8/27/2012 .....	14910
12 - 295	8/27/2012 .....	14910
12 - 296	8/28/2012 .....	14911
12 - 297	8/29/2012 .....	14912
12 - 298	8/29/2012 .....	14913
12 - 299	8/29/2012 .....	14914
12 - 300	8/29/2012 .....	14915
12 - 301	8/29/2012 .....	14915
12 - 302	8/31/2012 .....	14916
12 - 303	9/10/2012 .....	14917
12 - 304	9/11/2012 .....	14918
12 - 305	9/11/2012 .....	14919
12 - 306	9/11/2012 .....	14920
12 - 307	9/11/2012 .....	14921
12 - 308	9/11/2012 .....	14922
12 - 309	9/11/2012 .....	14923
12 - 310	9/12/2012 .....	14923
12 - 311	9/12/2012 .....	14924
12 - 312	9/12/2012 .....	14925
12 - 313	9/14/2012 .....	14926

## ORDER FORM

<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (2009 Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2003 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 2003 - 2006 Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
<b>TOTAL AMOUNT OF ORDER</b>	\$ _____

--	--

Check    Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover    (There is a \$2.00 processing fee for credit card purchases.)
Card #: _____ Expiration Date: _____
Signature: _____

**Send Payment To:** Secretary of State  
 Department of Index  
 Administrative Code Division  
 111 E. Monroe  
 Springfield, IL 62756

**Fax Order To:** (217) 557-8919

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State  
[www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)