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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 2013

Issue#	Rules Due Date	Date of Issue
1	December 26, 2012	January 4, 2013
2	December 31, 2012	January 11, 2013
3	January 7, 2013	January 18, 2013
4	January 14, 2013	January 25, 2013
5	January 22, 2013	February 1, 2013
6	January 28, 2013	February 8, 2013
7	February 4, 2013	February 15, 2013
8	February 11, 2013	February 22, 2013
9	February 19, 2013	March 1, 2013
10	February 25, 2013	March 8, 2013
11	March 4, 2013	March 15, 2013
12	March 11, 2013	March 22, 2013
13	March 18, 2013	March 29, 2013
14	March 25, 2013	April 5, 2013
15	April 1, 2013	April 12, 2013
16	April 8, 2013	April 19, 2013
17	April 15, 2013	April 26, 2013
18	April 22, 2013	May 3, 2013
19	April 29, 2013	May 10, 2013
20	May 6, 2013	May 17, 2013

21	May 13, 2013	May 24, 2013
22	May 20, 2013	May 31, 2013
23	May 28, 2013	June 7, 2013
24	June 3, 2013	June 14, 2013
25	June 10, 2013	June 21, 2013
26	June 17, 2013	June 28, 2013
27	June 24, 2013	July 5, 2013
28	July 1, 2013	July 12, 2013
29	July 8, 2013	July 19, 2013
30	July 15, 2013	July 26, 2013
31	July 22, 2013	August 2, 2013
32	July 29, 2013	August 9, 2013
33	August 5, 2013	August 16, 2013
34	August 12, 2013	August 23, 2013
35	August 19, 2013	August 30, 2013
36	August 26, 2013	September 6, 2013
37	September 3, 2013	September 13, 2013
38	September 9, 2013	September 20, 2013
39	September 16, 2013	September 27, 2013
40	September 23, 2013	October 4, 2013
41	September 30, 2013	October 11, 2013
42	October 7, 2013	October 18, 2013
43	October 15, 2013	October 25, 2013
44	October 21, 2013	November 1, 2013
45	October 28, 2013	November 8, 2013
46	November 4, 2013	November 15, 2013
47	November 12, 2013	November 22, 2013
48	November 18, 2013	December 2, 2013
49	November 25, 2013	December 6, 2013
50	December 2, 2013	December 13, 2013
51	December 9, 2013	December 20, 2013
52	December 16, 2013	December 27, 2013

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: General Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1100
- 3) Section Number: 1100.130 Proposed Action:
New
- 4) Statutory Authority: Authorized by Sections 2.05, 2.06 and 7 of the Open Meetings Act [5 ILCS 120/2.05, 120/2.06, 120/7] and by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will provide for the attendance of Board Members at Board meetings by video or audio conferencing when that Board Member cannot be physically present. This rulemaking will provide procedures for members of the public to address the Board during the open session of Board meetings. This rulemaking will also provide procedures for persons to record the open portions of Board meetings.
- 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 under the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Susan Willenborg
Associate General Counsel

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601

312/793-3170
Email: Susan.Willenborg@illinois.gov

Comments received by the Board will be available to members of the public upon written request.

- 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: Small businesses, small municipalities and not for profit corporations will not be affected.
 - C) Types of professional skills necessary for compliance: Small businesses, small municipalities and not for profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012, January 2013

The full text of the proposed rulemaking begins on the next page:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 1100
GENERAL PROCEDURES

Section

1100.10	Definitions
1100.20	Filing and Service of Documents
1100.30	Computation and Extensions of Time
1100.40	Hearing Officers
1100.50	Recording of Hearings
1100.60	Representation of Parties
1100.70	Subpoenas
1100.80	Limitation on Practice Before the Board by Former Employees
1100.90	Amicus Curiae
1100.100	Gender Usage
1100.105	Qualifications of Administrative Law Judges
1100.110	Conflict of Interest
1100.120	Oral Argument
1100.130	<u>Board Meeting Procedures</u>

AUTHORITY: Implementing and authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)] and by Sections 2.05, 2.06 and 7 of the Open Meetings Act [5 ILCS 120/2.05, 120/2.06, 120/7]

SOURCE: Emergency rules adopted at 8 Ill. Reg. 8638, effective June 6, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 22548, effective November 5, 1984; amended at 14 Ill. Reg. 1270, effective January 5, 1990; amended at 26 Ill. Reg. 11472, effective July 23, 2002; emergency amendment at 28 Ill. Reg. 971, effective January 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7932, effective May 28, 2004; amended at 35 Ill. Reg. 14438, effective August 12, 2011; amended at 37 Ill. Reg. _____, effective _____.

Section 1100.130 Board Meeting Procedures

- a) If a quorum of Board members is physically present at a Board meeting, a Board member may be allowed to attend by video or audio conferencing if that Board member cannot be physically present at the meeting because of personal illness or

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

disability; employment purposes or the business of the public body; or a family or other emergency. The Board member must provide advance notice to the Chair of the Board unless advance notice is impractical.

- b) After the Board has considered pending cases, members of the public shall be permitted to address the Board during the open portion of a Board meeting on subjects relevant to the Board's functions. The comments by each member of the public shall be limited to a reasonable period of time, not to exceed five minutes unless the Board gives permission.
- c) Any person shall be permitted to photograph, tape, film or otherwise record the open portions of Board meetings. Persons may be required to locate their cameras or other recording devices at a sufficient distance from the Board members as is necessary to avoid interference with the Board's discussion.

(Source: Added at 37 Ill. Reg. _____, effective _____)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Representation Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1110
- 3) Section Number: 1110.90 Proposed Action: Amend
- 4) Statutory Authority: Authorized by Sections 5(i) and 9 of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i), 5/9]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will provide a period for posting the notice of the petition in majority interest cases.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this notice in the *Illinois Register* to:

Susan Willenborg
Associate General Counsel
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601

312/793-3170

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

Email: Susan.Willenborg@illinois.gov

Comments received by the Board will be available to members of the public upon written request.

- 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: Small businesses, small municipalities and not for profit corporations will not be affected.
 - C) Types of Professional skills necessary for compliance: Small businesses, small municipalities and not for profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012, January 2013

The full text of the proposed rulemaking begins on the next page:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 1110
REPRESENTATION PROCEDURES

Section

1110.10	General Statement of Purpose
1110.15	Investigations
1110.20	Employee Organizations Seeking Recognition
1110.30	Employer Responses to Recognition Requests
1110.40	Voluntary Recognition Procedures
1110.50	Representation Petitions
1110.60	Decertification Petitions
1110.70	Timeliness of Petitions and Bars to Elections
1110.80	Showing of Interest
1110.90	Posting of Notice
1110.100	Processing of Petitions Seeking an Election
1110.105	Processing of Majority Interest Petitions
1110.110	Consent Elections
1110.120	Bargaining Unit Determinations
1110.130	Eligibility of Voters
1110.140	Conduct of the Election
1110.150	Objections to the Election
1110.160	Petitions for Clarification of the Bargaining Unit
1110.170	Petitions to Amend Certification
1110.180	Petitions for Self-Determination
1110.APPENDIX A	Model Authorization Card

AUTHORITY: Implementing and authorized by Sections 5(i) and 9 of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i) and 9].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 4526, effective March 26, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 16300, effective August 27, 1984; amended at 14 Ill. Reg. 1297, effective January 5, 1990; emergency amendment at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7938, effective May 28, 2004; amended at 35 Ill. Reg. 14447, effective August 12, 2011; amended at 37 Ill. Reg. _____, effective _____.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

Section 1110.90 Posting of Notice

Following the filing of a representation or decertification petition, the Board shall provide the employer with a notice that shall be posted, by the day after the employer receives the notice, on bulletin boards and other places where notices for employees in the bargaining unit are customarily posted, or in conspicuous places in the absence of a customary posting location. If the posting would occur during a seasonal break or other period when a substantial number of bargaining unit members are not working, notice shall be provided to bargaining unit members through alternative means agreed to by the parties and the Executive Director or Board agent. If the parties and the Executive Director or Board agent are not able to agree on the alternative means of posting, the Executive Director or Board agent shall determine the alternative means of posting. In the case of majority interest petitions, the notice shall be posted for at least 21 days.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Collective Bargaining and Impasse Resolution
- 2) Code Citation: 80 Ill. Adm. Code 1130
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1130.20	Amend
1130.30	Amend
1130.35	New
1130.40	Amend
1130.55	New
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will address the new public posting and strike procedures in the Illinois Educational Labor Relations Act (Act). This rulemaking will contain procedures for initiating the public posting process and for notifying the Illinois Educational Labor Relations Board (Board) of offers, cost summaries, the fact that an agreement has been ratified and other pertinent information. This rulemaking will provide that offers, cost summaries and the other information will be removed from the Board's website once the Board has been notified by the parties that an agreement has been ratified. This rulemaking will make clear that only public school districts, or combinations of public school districts, that are not organized under Article 34 of the School Code and the unions that bargain with those public school districts, and not other educational employers, are required to initiate the public posting process or to submit offers, cost summaries and the other pertinent information. (That is, these requirements do not apply to other educational employers as defined in Section 2(a) of the Act, specifically, public community college districts, State colleges or universities, State agencies whose major function is providing educational services, School Finance Authorities created under Article 1E or IF of the School Code, and school districts organized under Article 34 of the School Code.) This rulemaking will eliminate the distinctions between bargaining units that contain professional instructional personnel and bargaining units that do not. This rulemaking will remove references to 15 day notices and a 15 day period for the Board to automatically invoke mediation. This rulemaking will make the existing Sections on notices and timetable for bargaining and on mediation internally consistent and consistent with the Act. This rulemaking will add or change some language on when employees may engage in strikes. This rulemaking will provide for the fact that there is not a regional superintendent in all cases. This rulemaking will provide separate procedures for school districts organized

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

under Article 34 of the School Code consistent with the recent amendments to the Act and make clear that the fact-finding panel must release its report for publication promptly.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this notice in the *Illinois Register* to:

Susan Willenborg
Associate General Counsel
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103

312/793-3170

Email: Susan.Willenborg@illinois.gov

Comments received by the Board will be available to members of the public upon written request.

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

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance: Small businesses, small municipalities and not for profit corporations will not be affected.
 - C) Types of professional skills necessary for compliance: Small businesses, small municipalities and not for profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012, January 2013

The full text of the proposed rulemaking begins on the next page:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE C: LABOR RELATIONS
 CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 1130
 COLLECTIVE BARGAINING AND IMPASSE RESOLUTION

Section

1130.10	General Statement of Purpose
1130.20	Notices and Timetable for Bargaining
1130.30	Mediation
<u>1130.35</u>	<u>Notification and Public Posting Procedures</u>
1130.40	Notice of Intent to Strike
1130.50	Fact Finding and Interest Arbitration
<u>1130.55</u>	<u>Collective Bargaining and Impasse Resolution Rules for School Districts Organized under Article 34 of the School Code</u>
1130.60	Filing of Agreements
1130.70	Grievance Arbitration and No Strike Clauses
1130.80	Illinois Educational Labor Mediation Roster

AUTHORITY: Implementing Sections 10, 12 and 13, and authorized by Section 5(i), of the Illinois Educational Labor Relations Act [115 ILCS 5/10, 12, 13 and 5(i)].

SOURCE: Emergency adoption at 8 Ill. Reg. 8645, effective June 6, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 22538, effective November 5, 1984; amended at 28 Ill. Reg. 7989, effective May 28, 2004; amended at 37 Ill. Reg. _____, effective _____.

Section 1130.20 Notices and Timetable for Bargaining

- a) Newly Certified Representatives
~~In~~With respect to collective bargaining in units for which exclusive representatives have been newly certified, with respect to collective bargaining between an educational employer that is not a public school district organized under Article 34 of the School Code [105 ILCS 5/Art. 34] and an exclusive representative of its employees, ~~the rules in~~ this subsection (a) shall apply. For purposes of this subsection (a), newly certified representatives are representatives ~~that~~which have not yet reached a collective bargaining agreement after their certification under the Illinois Educational Labor Relations Act [115 ILCS 5].

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) *Upon demand of either party, collective bargaining between the employer and an exclusive collective bargaining representative must begin within 60 days ~~after~~ of the date of certification of the ~~exclusive~~ exclusive representative by the Board. Once commenced, collective bargaining must continue for at least a 60 day period, unless a contract is entered into. [\[115 ILCS 5/12\(a\)\]](#)*
 - 2) *If no agreement has been reached within 90 days prior to the scheduled start of the forthcoming school year, the exclusive representative and the employer shall file a notice with the Board. In addition to the requirements of subsection (d), this notice shall include a statement on whether mediation has been used.*
 - 3)2) *If no agreement has been reached within 45 days after bargaining was initiated, the parties shall file a ~~second~~ notice with the Board. In addition to the requirements of ~~subsection~~ Section 1130.20(d), this notice shall state that no agreement has been reached and whether the parties have agreed to mediation using privately selected *individuals or organizations such as the Federal Mediation and Conciliation Service or the American Arbitration Association* [\[115 ILCS 5/12\(a\)\]](#). If, by this date, mediation has not been initiated, the Board shall invoke mediation.*
 - 4) *If no agreement has been reached 45 days prior to the scheduled start of the forthcoming school year, the parties shall file a notice with the Board. In addition to the requirements of subsection (d), this notice shall state that no agreement has been reached and whether the parties have agreed to mediation using privately selected individuals or organizations such as the Federal Mediation and Conciliation Service or the American Arbitration Association [\[115 ILCS 5/12\(a\)\]](#). If, by this date, mediation has not been initiated, the Board shall invoke mediation.*
- b) Existing Representatives
InWith respect to collective bargaining in units that contain professional instructional personnel represented by existing exclusive representatives, with respect to collective bargaining between an educational employer that is not a public school district organized under Article 34 of the School Code and an exclusive representative of its employees, the rules in this subsection (b) shall apply:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Upon demand of either party, collective bargaining must begin within 60 days after the receipt of the demand to bargain by the other party. Once commenced, collective bargaining must continue for at least a 60 day period, unless a contract is entered into [115 ILCS 5/12(a)].
- 2)4) If no agreement has been reached within 90 days prior to the scheduled start of the forthcoming school year, the exclusive representative and the employer shall file a notice with the Board. In addition to the requirements of subsection (d), this notice shall include a statement on whether mediation has been used.
- 3)2) If no agreement has been reached 45 days prior to the scheduled start of the forthcoming school year, the parties shall file a second notice with the Board. In addition to the requirements of subsection (d), this notice shall state that no agreement has been reached and whether the parties have agreed to mediation using privately selected individuals or organizations such as the Federal Mediation and Conciliation Service or the American Arbitration Association [115 ILCS 5/12(a)]. If, by this date, mediation has not been initiated, either party may request the Board to invoke mediation; or the Board shall may invoke mediation on its own motion.
- 3) ~~If no agreement has been reached 15 days prior to the scheduled start of the forthcoming school year, the parties shall file a notice with the Board. In addition to the requirements of Section 1130.20(e), this notice shall state that no agreement has been reached and whether the parties have agreed to mediation using privately selected individuals or organizations such as the Federal Mediation and Conciliation Service or the American Arbitration Association. If by this date, mediation has not been initiated, the Board shall invoke mediation.~~
- e) ~~With respect to collective bargaining in units that do not contain professional instructional personnel but are represented by existing exclusive representatives, the rules in this subpart shall apply:~~
 - 1) ~~If no agreement has been reached 45 days prior to the date that the existing collective bargaining agreement is scheduled to expire, the exclusive representative and the employer shall file a notice with the Board.~~
 - 2) ~~If no agreement has been reached 45 days prior to the scheduled expiration~~

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

~~date of the existing collective bargaining agreement, either party may request the Board to invoke mediation, or the Board may invoke mediation on its own motion during this period.~~

- 3) ~~If no agreement has been reached 15 days prior to the scheduled expiration date of the existing collective bargaining agreement parties shall file a notice with the Board. In addition to the requirements of Section 1130.20(c), this notice shall state that no agreement has been reached and whether the parties have agreed to mediation using privately selected individuals or organizations such as the Federal Mediation and Conciliation Service or the American Arbitration Association. If by this date, mediation has not been initiated, the Board shall invoke mediation.~~

c)d) All notices filed under this Section may be filed jointly, signed by both parties. If the notice is not filed jointly, each party shall file a separate notice and serve a copy on the other party. Notices under this Section will be considered filed on the date they are received by the Board.

d)e) All notices filed under this Section shall be on a form developed by the Board, and shall contain the following:

- 1) the name, affiliation, if any, and address of the exclusive representative;
- 2) the name and address of the employer;
- 3) the expiration date of the existing collective bargaining agreement, if any;
- 4) ~~where the unit contains professional instructional personnel,~~ the date of the scheduled start of the forthcoming school year; and
- 5) a brief report on the status of negotiations, including the date negotiations began.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1130.30 Mediation

- a) This Section shall apply to collective bargaining between an educational employer that is not a public school district organized under Article 34 of the School Code

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

and an exclusive representative of its employees.

b)a) Mediation services will be provided at any time upon joint request of the parties.

c)b) Mediation may be invoked as follows:

1) upon request of one party or upon the Board's own motion, if, after a reasonable period of negotiation and within 90 days prior to the scheduled start of the forthcoming school year, the parties engaged in collective bargaining have reached an impasse [115 ILCS 5/12(a)] ~~within 45 days prior to the scheduled start of the forthcoming school year for units containing professional instructional personnel or within 45 days prior to the scheduled expiration date of the collective bargaining agreement for units not containing professional instructional personnel;~~

2) automatically by the Board, 45 days after bargaining has begun in units for which exclusive representatives have been newly certified or 45 days prior to the scheduled start of the forthcoming school year ~~15 days prior to the scheduled start of the forthcoming school year in units that contain professional instructional personnel and are represented by existing exclusive representatives or 15 days prior to the expiration date of the existing collective bargaining agreement for units that do not contain professional instructional personnel but are represented by existing exclusive representatives. Within two days after the Board automatically invokes mediation, the parties may submit a stipulation to defer selection of a mediator. The stipulation shall be on a form developed by the Board and shall include a provision that the parties will maintain the status quo with respect to existing terms and conditions of employment and will not engage in a strike until at least ten days after the stipulation is withdrawn. Either party may withdraw the stipulation at any time by giving notice to the other party and to the Board.~~

d) Within two days after the Board invokes mediation, the parties may submit a stipulation to defer selection of a mediator. The stipulation shall be on a form developed by the Board and shall include a provision that the parties will maintain the status quo with respect to existing terms and conditions of employment and will not engage in a strike while the stipulation is in effect. Either party may withdraw the stipulation at any time by giving notice to the other party and to the Board.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

e)e) Requests for mediation shall be in writing and shall be submitted. ~~Joint requests for mediation may be made by telephone~~ to the Board's ChicagoSpringfield office at the following address:

Illinois Educational Labor Relations Board
160 N. LaSalle St., Suite N-400
Chicago IL 60601

The request shall be, ~~but a written request,~~ signed by the requesting party or by both parties, ~~if joint~~ shall follow as soon as physically possible.

f)f) Requests and joint requests for mediation shall be on a form developed by the Board and shall include:

- 1) the name, affiliation, if any, and address of the requesting party;
- 2) the name, affiliation, if any, and address of the other party to collective bargaining;
- 3) the date collective bargaining began;
- 4) the date the existing contract, if any, is scheduled to expire; and
- 5) ~~where the unit contains professional instructional personnel,~~ the date of the scheduled start of the forthcoming school year.

g)e) When the Board receives a request from one party, it shall investigate the request. If the Board's investigation discloses that the request was properly filed under this Part ~~these rules~~, and that the bargaining has not resulted in an agreement and the Board concludes that mediation would assist the parties, the Board shall invoke mediation. In determining whether mediation would assist the parties, the Board shall consider such factors as the number of meetings that have occurred, the number of issues in dispute, the significance of the issues in dispute, the degree of experience of the representatives of the parties in the bargaining process, and the collective bargaining history of the parties.

h)f) Whenever the Board receives a joint request for mediation, or whenever the Board invokes mediation ~~pursuant to Section 1130.30(b)(1),~~ or whenever the

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Board has not approved a stipulation to defer selection of a mediator within two days after ~~automatic~~-invocation of mediation, or whenever such a stipulation has been withdrawn, the Board shall submit to the parties; a panel of three proposed mediators selected from the Illinois Educational Labor Mediation Roster. Within three days following receipt of the panel, the parties shall select one of the names on the panel or any other person they choose to serve as mediator. Whenever the parties agree to select a mediator through the Federal Mediation and Conciliation Service, the American Arbitration Association, or any other source, they shall notify the Board of their selection. If the parties fail to agree on a mediator within the three day period, the Board shall appoint a mediator.

- i)g) The mediator may hold joint and separate conferences with the parties. The conferences shall be private unless the mediator and the parties agree otherwise.
- j)h) Information disclosed by a party to a mediator in the performance of mediation functions shall not be disclosed voluntarily or by compulsion. All files, records, reports, documents, or other papers prepared by a mediator shall be confidential. The mediator shall not produce any confidential records of, or testify in regard to, any mediation conducted by the mediator; on behalf of any party to any cause pending in any type of proceeding.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1130.35 Notification and Public Posting Procedures

- a) This Section applies only to collective bargaining between a public school district or a combination of public school districts, including, but not limited to, joint cooperatives, that is not organized under Article 34 of the School Code and an exclusive representative of its employees. [115 ILCS 5/12(a-5)] This Section does not apply to other educational employers as defined in Section 2(a) of the Act, specifically, public community college districts, State colleges or universities, any State agency whose major function is providing educational services, School Finance Authorities created under Article 1E or 1F of the School Code [105 ILCS 5/Art. 1E or Art. 1F], or school districts organized under Article 34 of the School Code.
- b) At any time more than 15 days after mediation has commenced, either party may initiate the public posting process set forth in Section 12(a-5) of the Act. [115 ILCS 5/12(a-5)] For the purposes of this subsection (b), the date that mediation

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has commenced shall be the date upon which the parties first meet with a mediator. The mediator may initiate the public posting process at any time 15 days after mediation has commenced during the mediation process. [115 ILCS 5/12(a-5)]

- c) Initiation of the public posting process must be filed with the Board. Copies of the filing with the Board must be served on the parties in such a manner that the parties will receive the filing on the same date the Board receives it. The filing shall be in writing and shall include:
- 1) if a party is initiating the public posting process, the name, affiliation, if any, and address of the party initiating the public posting process and the name, affiliation, if any, and address of the other party to collective bargaining;
 - 2) if the mediator is declaring impasse, the name of the mediator and the names, affiliations, if any, and addresses of the parties to collective bargaining;
 - 3) the expiration date of the existing collective bargaining agreement, if any; and
 - 4) the date of the scheduled start of the forthcoming school year.
- d) The initiation of the public posting process will be considered to have occurred on the date the Board receives the filing.
- e) Within seven days after the initiation of the public posting process, each party shall submit, both electronically and in hard copy, to the mediator, the Board and the other party, a document that includes:
- 1) the most recent offer of the party;
 - 2) a cost summary dealing with those issues on which the parties have failed to reach agreement;
 - 3) the date of the expiration of the existing collective bargaining agreement, if any; and

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- 4) the date of the scheduled start of the forthcoming school year.
- f) The employees of the public school district, or combination of public school districts, shall not engage in a strike until at least 14 days have elapsed after the Board has made the most recent offers and cost summaries public on its website (www.illinois.gov/elrb).
- g) Once an agreement has been ratified, the parties shall jointly notify the Board unless the mediator notifies the Board. Notification that an agreement has been ratified shall be in writing. Notification may be made by telephone to the Board's Chicago office, but a written notification **must** follow as soon as possible, and in no event later than two business days after the notification by telephone.
- h) On the date the most recent offers and cost summaries are posted on the Board's website, the school district or combination of public school districts shall, at a minimum, provide notification that the offers and cost summaries are available on the Board's website to all news media that have filed an annual request for notices from the school district or combination of school districts pursuant to Section 2.02 of the Open Meetings Act [5 ILCS 120/2.02].
- i) After the Board has received written notification from both parties that an agreement has been ratified, the Board shall remove from its website the parties' submissions, including the offers, cost summaries, date of expiration of any existing collective bargaining agreement, and date of the scheduled start of the forthcoming school year.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 1130.40 Notice of Intent to Strike

- a) In addition to the limitations imposed by Section 1130.35(f) or Section 1130.55(f) and (g), ~~educational~~ *Educational* employees shall not engage in a strike unless at least 10 days have elapsed after a notice of intent to strike has been given by the exclusive bargaining representative to the educational employer, the regional superintendent (if one exists with jurisdiction over the educational employer) and the Illinois Educational Labor Relations Board. [115 ILCS 5/13(b)(3)](~~Section 13 of the Act~~)
- b) For purposes of this Section, 10 days shall mean 10 calendar days. Intervening

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Saturdays, Sundays or legal holidays shall be included. The day on which the notice of intent to strike is given shall not be included. The last day of the period shall be included regardless of whether the last day falls on a Saturday, Sunday or legal holiday.

- c) Notice of intent to strike ~~must~~ be in writing and ~~shall~~ include:
- 1) the name, address and affiliation, if any, of the exclusive representative;
 - 2) the name and address of the employer;
 - 3) a description of the bargaining unit; and
 - 4) a statement of intent to strike.
- d) Notice of intent to strike shall be considered given to the Board on the date written notice is received by the Board, unless telephonic notice is given to the Board's Executive Director or his designee during the Board's regular office hours, and confirmed immediately by written notice personally delivered to the Board's office or mailed to the Board's office by certified or registered mail.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1130.55 Collective Bargaining and Impasse Resolution Rules for School Districts Organized under Article 34 of the School Code

- a) *If the parties fail to reach agreement after a reasonable period of mediation, the dispute shall be submitted to fact-finding in accordance with this Section. Either the educational employer or the exclusive representative may initiate fact-finding by submitting a written demand to the other party with a copy of the demand submitted simultaneously to the Board. [115 ILCS 5/12(a-10)(1)]*
- b) *Within 3 days following a party's demand for fact-finding, each party shall appoint one member of the fact-finding panel, unless the parties agree to proceed without a tri-partite panel. Following these appointments, if any, the parties shall select a qualified impartial individual to serve as the fact-finder and chairperson of the fact-finding panel, if applicable. An individual shall be considered qualified to serve as the fact-finder and chairperson of the fact-finding panel, if*

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applicable, if he or she was not the same individual who was appointed as the mediator and if he or she satisfies the following requirements:

- 1) membership in good standing with the National Academy of Arbitrators, Federal Mediation and Conciliation Service, or American Arbitration Association for a minimum of 10 years;
 - 2) membership on the mediation roster for the Illinois Labor Relations Board or the Illinois Educational Labor Relations Board;
 - 3) issuance of at least 5 interest arbitration awards arising under the Illinois Public Labor Relations Act [5 ILCS 315]; and
 - 4) participation in impasse resolution processes arising under private or public sector collective bargaining statutes in other states. [115 ILCS 5/12(a-10)(2)]
- c) If the parties are unable to agree on a fact-finder, the parties shall request a panel of fact-finders who satisfy the requirements in subsection (b) from either the Federal Mediation and Conciliation Service or the American Arbitration Association and shall select a fact-finder from such panel in accordance with the procedures established by the organization providing the panel. [115 ILCS 5/12(a-10)(2)]
- d) The fact-finder shall have the following duties and powers:
- 1) to require the parties to submit a statement of disputed issues and their positions regarding each issue, either jointly or separately;
 - 2) to identify disputed issues that are economic in nature;
 - 3) to meet with the parties either separately or in executive sessions;
 - 4) to conduct hearings and regulate the time, place, course, and manner of the hearings;
 - 5) to request the Board to issue subpoenas requiring the attendance and testimony of witnesses or the production of evidence;

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- 6) to administer oaths and affirmations;
 - 7) to examine witnesses and documents;
 - 8) to create a full and complete written record of the hearings;
 - 9) to attempt mediation or remand a disputed issue to the parties for further collective bargaining;
 - 10) to require the parties to submit final offers for each disputed issue either individually or as a package or as a combination of both; and
 - 11) to employ any other measures deemed appropriate to resolve the impasse. [115 ILCS 5/12(a-10)(3)]
- e) If the dispute is not settled within 75 days after the appointment of the fact-finding panel, the fact-finding panel shall issue a private report to the parties that contains advisory findings of fact and recommended terms of settlement for all disputed issues and that sets forth a rationale for each recommendation. The fact-finding panel, acting by a majority of its members, shall base its findings and recommendations on the following criteria, as applicable:
- 1) the lawful authority of the employer;
 - 2) the federal and State statutes or local ordinances and resolutions applicable to the employer;
 - 3) prior collective bargaining agreements and the bargaining history between the parties;
 - 4) stipulations of the parties;
 - 5) the interests and welfare of the public and the students and families served by the employer;
 - 6) the employer's financial ability to fund the proposals based on existing available resources, provided that such ability is not predicated on an assumption that lines of credit or reserve funds are available or that the

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employer may or will receive or develop new sources of revenue or increase existing sources of revenue;

- 7) the impact of any economic adjustments on the employer's ability to pursue its educational mission;
- 8) the present and future general economic conditions in the locality and State;
- 9) a comparison of the wages, hours and conditions of employment of the employees involved in the dispute with the wages, hours and conditions of employment of employees performing similar services in public education in the 10 largest U.S. cities;
- 10) the average consumer prices in urban areas for goods and services, which is commonly known as the cost of living;
- 11) the overall compensation presently received by the employees involved in the dispute, including:
 - A) direct wage compensation;
 - B) vacations, holidays, and other excused time;
 - C) insurance and pensions;
 - D) medical and hospitalization benefits;
 - E) the continuity and stability of employment and all other benefits received; and
 - F) how each party's **proposed** compensation structure supports the educational goals of the district;
- 12) changes in any of the circumstances listed in subsection (e)(1) through (11) during the fact-finding proceedings;

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- 13) the effect that any *term the parties are at impasse on* has or may have on the overall educational environment, learning conditions, and working conditions within the school district; and
- 14) the effect that any *term the parties are at impasse on* has or may have in promoting the public policy of this State. [115 ILCS 5/12(a-10)(4)]
- f) The fact-finding panel's recommended terms of settlement shall be deemed agreed upon by the parties as the final resolution of the disputed issues and incorporated into the collective bargaining agreement executed by the parties, unless either party tenders to the other party and the chairperson of the fact-finding panel a notice of rejection of the recommended terms of settlement with a rationale for the rejection, within 15 days after the date of issuance of the *fact-finding panel's report*. If either party submits a notice of rejection, the chairperson of the *fact-finding panel* shall promptly release the *fact-finding panel's report* and the notice of rejection for public information by delivering a copy to all newspapers of general circulation in the community with simultaneous written notice to the parties. [115 ILCS 5/12(a-10)(5)]
- g) Educational employees in a school district organized under *Article 34 of the School Code* shall not engage in a strike until at least 30 days have elapsed after a *fact-finding report* has been released for public information. [115 ILCS 5/13(b)]
- h) Educational employees in a school district organized under *Article 34 of the School Code* shall not engage in a strike unless at least three-fourths of all bargaining unit employees who are members of the exclusive bargaining representative have affirmatively voted to authorize the strike; provided, however, that all members of the exclusive bargaining representative at the time of a strike authorization vote shall be eligible to vote. [115 ILCS 5/13(b)]

(Source: Added at 37 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: University of Illinois Bargaining Units
- 2) Code Citation: 80 Ill. Adm. Code 1135
- 3) Section Number: 1135.20 Proposed Action: Amend
- 4) Statutory Authority: Authorized by Sections 5(i) and 9 of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i) and 9]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will create separate bargaining units for tenured and tenure-track faculty and for nontenure-track faculty at each campus of the University of Illinois. The presumptively appropriate bargaining units for nontenure-track faculty will conform to the unit certified in Board of Trustees of the University of Illinois at Chicago, Case No. 2012-RC-0009-C (June 28, 2012). There will not be separate presumptively appropriate bargaining units for tenured and tenure-track faculty and for nontenure-track faculty at the University of Illinois' professional schools. This rulemaking will create presumptively appropriate bargaining units for the Springfield campus of the University of Illinois only with respect to faculty.
- 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 under the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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Susan Willenborg
Associate General Counsel
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103

312/793-3170
Email: Susan.Willenborg@illinois.gov

Comments received by the Board will be available to members of the public upon written request.

- 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: Small businesses, small municipalities and not for profit corporations will not be affected.
 - C) Types of professional skills necessary for compliance: Small businesses, small municipalities and not for profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012, January 2013

The full text of the proposed rulemaking begins on the next page:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 1135
UNIVERSITY OF ILLINOIS BARGAINING UNITS

Section

1135.10	General Statement of Purpose
1135.20	Presumptively Appropriate Bargaining Units
1135.30	Bargaining Unit Determinations

AUTHORITY: Implementing Section 7 and authorized by Sections 5(i) and 9 of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i), 7, 9].

SOURCE: Adopted at 13 Ill. Reg. 14969, effective September 8, 1989; amended at 28 Ill. Reg. 7993, effective May 28, 2004; amended at 37 Ill. Reg. _____, effective _____.

Section 1135.20 Presumptively Appropriate Bargaining Units

- a) With respect to educational employees employed at the Urbana-Champaign campus or employed in units located outside Urbana-Champaign which report administratively to the Urbana-Champaign campus, the following units shall be presumptively appropriate for collective bargaining:
- 1) Unit 1: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenured or tenure-track faculty; ~~all full-time, nontenure-track faculty who possess a terminal degree appropriate to the academic unit in which the faculty member is employed; and all full-time, nontenure-track faculty without the appropriate terminal degree who have been employed for four consecutive semesters, excluding summer terms,~~ but excluding all faculty members of the College of Law and the College of Veterinary Medicine. ~~A terminal degree is the highest degree attainable in a discipline.~~
 - 2) Unit 2: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) nontenure-track faculty who possess a terminal degree appropriate to the academic unit in which the faculty member is employed, and all full-time nontenure-track faculty without the

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appropriate terminal degree who have been employed for four consecutive semesters, excluding summer terms, but excluding all faculty members of the College of Law and the College of Veterinary Medicine.

- 32) Unit 32: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenured~~tenure~~₂~~or~~ tenure-track or nontenure-track faculty members of the College of Law.
- 43) Unit 43: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenured~~tenure~~₂~~or~~ tenure-track or nontenure-track faculty members of the College of Veterinary Medicine.
- 54) Unit 54: All full-time non-visiting academic professionals exempted as Principal Administrative Employees from Section 36e of the State Universities Civil Service Act [110 ILCS 70/36e] who have a .50 or greater appointment in that position.
- 65) Unit 65: All full-time and regular part-time professional employees, as that term is defined in Section 2(k) of the Illinois Educational Labor Relations Act [115 ILCS 5/2(k)] who are not exempt from the State Universities Civil Service Act.
- 76) Unit 76: All full-time and regular part-time technical and paraprofessional employees not exempt from the State Universities Civil Service Act ~~[110 ILCS 70/36e]~~. A technical and paraprofessional employee is a person who performs work that is typically laboratory or field work.
- 87) Unit 87: All full-time and regular part-time non-professional administrative and clerical employees not exempt from the State Universities Civil Service Act.
- 98) Unit 98: All full-time and regular part-time service and maintenance employees not exempt from the State Universities Civil Service Act.
- b) With respect to educational employees employed at the Chicago campus or employed in units located outside Chicago that~~which~~ report administratively to the Chicago campus, the following units shall be presumptively appropriate for collective bargaining:

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- 1) Unit 1: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenured or tenure-track faculty; ~~all full-time, nontenure-track faculty who possess a terminal degree appropriate to the academic unit in which the faculty member is employed; and all full-time, nontenure-track faculty without the appropriate terminal degree who have been employed for four consecutive semesters, excluding summer terms,~~ but excluding all faculty members of the College of Pharmacy, the College of Medicine and the College of Dentistry.
- 2) Unit 2: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) nontenure-track faculty who possess a terminal degree appropriate to the academic unit in which the faculty member is employed, and all full-time nontenure-track faculty without the appropriate terminal degree who have been employed for four consecutive semesters, excluding summer terms, but excluding all faculty members of the College of Pharmacy, the College of Medicine and the College of Dentistry.
- 32) Unit 32: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) ~~tenured, tenure or~~ tenure-track or nontenure-track faculty members of the College of Dentistry.
- 43) Unit 43: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) ~~tenured, tenure or~~ tenure-track or nontenure-track faculty members of the College of Medicine.
- 54) Unit 54: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) ~~tenured, tenure or~~ tenure-track or nontenure-track faculty members of the College of Pharmacy.
- 65) Unit 65: All full-time non-visiting academic professionals exempted as Principal Administrative Employees from Section 36e of the State Universities Civil Service Act who have a .50 or greater appointment in that position.
- 76) Unit 76: All full-time and regular part-time professional employees, as that term is defined in Section 2(k) of the Illinois Educational Labor Relations Act ~~[115 ILCS 5/2(k)]~~ who are not exempt from the State Universities Civil Service Act.

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87) Unit 87: All full-time and regular part-time technical and paraprofessional employees not exempt from the State Universities Civil Service Act.

98) Unit 98: All full-time and regular part-time non-professional administrative and clerical employees not exempt from the State Universities Civil Service Act.

109) Unit 109: All full-time and regular part-time service and maintenance employees not exempt from the State Universities Civil Service Act.

c) With respect to educational employees employed at the Springfield campus or employed in units located outside Springfield that report administratively to the Springfield campus, the following units shall be presumptively appropriate for collective bargaining:

1) Unit 1: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenured or tenure-track faculty.

2) Unit 2: All full-time (i.e., employees who have a .51 or greater appointment as a faculty member) nontenure-track faculty who possess a terminal degree appropriate to the academic unit in which the faculty member is employed, and all full-time nontenure-track faculty without the appropriate terminal degree who have been employed for four consecutive semesters, excluding summer terms.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1050.210	Amend
1050.1010	Amend
1050.1175	Amend
- 4) Statutory Authority: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635/4-1(g)]
- 5) A Complete Description of the Subjects and Issues Involved: The Division of Banking is proposing changes to the fee Section of this Part to add an exempt entity registration fee pursuant to recently revised statutory authority found in PA 98-492 together with non-substantive updates to fee references pursuant to PA 97-891. The Division is also converting the requirement to include a Mortgage Loan Originators Illinois license number to the use of a nationwide identification number instead. This change appears in both the Loan Brokerage Agreements Section and Loan Logs Section. This change was suggested by industry and the Division is able to include it with our fee amendments.
- 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 require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Mortgage loan originators
 - B) Reporting, bookkeeping or other procedures required for compliance: Please review the proposed amendments.
 - C) Types of professional skills necessary for compliance: No new or additional professional skills arise from this rulemaking.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2013

The full text of the proposed rulemaking begins on the next page:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 1050

RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

SUBPART A: DEFINITIONS

Section

1050.100	High Risk Home Loan Definitions; Applicability
1050.110	Definitions
1050.115	Administrative Decision (Repealed)
1050.120	Assisting (Repealed)
1050.125	Commissioner (Repealed)
1050.130	Control (Repealed)
1050.132	Conviction or Convicted (Repealed)
1050.135	Document (Repealed)
1050.140	Employee (Repealed)
1050.145	First Tier Subsidiary (Repealed)
1050.150	Hearing Officer (Repealed)
1050.155	High Risk Home Loan (Repealed)
1050.157	Licensee (Repealed)
1050.160	Material (Repealed)
1050.165	Other Regulatory Agencies (Repealed)
1050.170	Party (Repealed)
1050.175	Principal Place of Business (Repealed)
1050.180	Repurchase a Loan (Repealed)
1050.185	State (Repealed)
1050.190	Servicer (Repealed)
1050.195	Points and Fees (Repealed)
1050.197	Total Loan Amount (Repealed)
1050.198	Approved Credit Counselor (Repealed)
1050.199	Home Equity Loan (Repealed)

SUBPART B: FEES

Section

1050.210	Fees
1050.220	License Fees (Repealed)

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- 1050.230 Amended License Fees – Corporate Changes (Repealed)
- 1050.240 Duplicate Original License Fees (Repealed)
- 1050.245 Loan Originator Registration Application Fee (Repealed)
- 1050.246 Loan Originator Registration Transfer Fee (Repealed)
- 1050.247 Loan Originator Registration Reactivation Fee (Repealed)
- 1050.248 Duplicate Loan Originator Certificate of Registration or Pocket Card Fee (Repealed)
- 1050.250 Examination Fees (Repealed)
- 1050.255 Direct Expenses of Out-of-State Examinations (Repealed)
- 1050.260 Additional Full-Service Office Fees (Repealed)
- 1050.270 Hearing Fees (Repealed)
- 1050.280 Late Fees (Repealed)
- 1050.290 Manner of Payment (Repealed)

SUBPART C: LICENSING

Section

- 1050.310 Application for an Illinois Residential Mortgage License
- 1050.320 Application for Renewal of an Illinois Residential Mortgage License
- 1050.330 Waiver of License Fee
- 1050.340 Full-Service Office
- 1050.350 Additional Full-Service Office
- 1050.360 Continuing Education Requirements for Certain Employees (Repealed)
- 1050.370 Licensing of Mortgage Loan Originators

SUBPART D: OPERATIONS AND SUPERVISION

Section

- 1050.410 Net Worth
- 1050.420 Line of Credit (Repealed)
- 1050.425 Examination
- 1050.430 Late Audit Reports
- 1050.440 Escrow
- 1050.450 Audit Workpapers
- 1050.460 Selection of Independent Auditor (Repealed)
- 1050.470 Proceedings Affecting a License
- 1050.475 Change in Business Activities
- 1050.480 Change of Ownership, Control or Name or Address of Licensee
- 1050.490 Bonding Requirements

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE
BROKERAGE ACTIVITY, PURCHASING ACTIVITY,
AND MORTGAGE SERVICING ACTIVITY

Section

1050.610	Filing Requirements
1050.620	Reporting Forms
1050.630	Annual Report of Mortgage Activity
1050.640	Annual Report of Brokerage Activity
1050.650	Annual Report of Servicing Activity
1050.655	Annual Report of Purchasing Activity
1050.660	Verification

SUBPART F: FORECLOSURE RATE

Section

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- 1050.1140 Loan Application Procedures
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- 1050.1160 Confirmation of Statements
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- 1050.1180 Ability to Repay
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1050.1630	Postponement or Continuance of Hearing
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- 1050.2100 Mortgage Loan Originators; Applicability
- 1050.2110 Application for Registration
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- 1050.2150 Inactive Registration Status; Reactivation
- 1050.2155 Temporary Permits
- 1050.2160 Confidential Information
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- 1050.2170 Suspension or Revocation of Registration, Refusal to Renew, Fines
- 1050.2175 Loan Originator Hearings; Fees and Costs
- 1050.2180 Criminal Proceedings
- 1050.2185 Violations of Tax Acts
- 1050.2190 Disciplinary Action for Educational Loan Defaults
- 1050.2195 Nonpayment of Child Support

SUBPART S: PROVISIONAL REGISTRATION OF LOAN ORIGINATORS

Section

- 1050.2200 Purpose
- 1050.2210 Definitions
- 1050.2220 Registration Required
- 1050.2230 Exemptions
- 1050.2240 Application for Provisional Certificate of Registration; Contents; Amendment

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1050.2250 Issuance of Provisional Certificate of Registration; Effective Date; Conditions
1050.2260 Loan Origination Practices
1050.2270 Enforcement

1050.APPENDIX A Estimated Monthly Income and Expenses Worksheet

1050.APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635/4-1(g)].

SOURCE: Filed January 18, 1974; amended at 2 Ill. Reg. 2, p. 1, effective January 16, 1978; codified at 8 Ill. Reg. 4524; amended at 9 Ill. Reg. 17393, effective October 24, 1985; Part repealed by emergency rule at 12 Ill. Reg. 3041, and new Part adopted by emergency rule at 12 Ill. Reg. 3079, effective January 13, 1988, for a maximum of 150 days; Part repealed at 12 Ill. Reg. 8683, and new Part adopted at 12 Ill. Reg. 8685, effective May 10, 1988; emergency amendment at 12 Ill. Reg. 9721, effective May 18, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 17056, effective October 20, 1989; amended at 15 Ill. Reg. 8580, effective May 28, 1991; emergency amendment at 16 Ill. Reg. 2915, effective February 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10463, effective June 23, 1992; emergency amendment at 16 Ill. Reg. 12634, effective August 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 20179, effective December 9, 1992; amended at 17 Ill. Reg. 3513, effective March 2, 1993; transferred from Chapter III, 38 Ill. Adm. Code 450 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1050 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 205] at 17 Ill. Reg. 4475; emergency amendment at 19 Ill. Reg. 11080, effective July 13, 1995, for a maximum of 150 days; emergency expired December 11, 1995; amended at 19 Ill. Reg. 15465, effective October 31, 1995; amended at 20 Ill. Reg. 388, effective January 1, 1996; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 10972, effective August 1, 1997; amended at 22 Ill. Reg. 230, effective December 19, 1997; amended at 24 Ill. Reg. 64, effective January 1, 2000; emergency amendment at 24 Ill. Reg. 19322, effective December 15, 2000, for a maximum of 150 days; emergency repealed at 25 Ill. Reg. 3696, effective January 30, 2001 in response to an objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 1857; amended at 25 Ill. Reg. 6174, effective May 17, 2001; emergency amendment at 27 Ill. Reg. 10783, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 797, effective December 29, 2003; emergency amendment at 28 Ill. Reg. 7137, effective April 30, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 10352, effective June 29, 2004; amended at 28 Ill. Reg. 13351, effective September 21, 2004; amended at 29 Ill. Reg. 14808, effective September 26, 2005;

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amended at 29 Ill. Reg. 19187, effective November 10, 2005; amended at 34 Ill. Reg. 17339, effective October 29, 2010; amended at 36 Ill. Reg. 250, effective January 1, 2012; amended at 37 Ill. Reg. _____, effective _____.

SUBPART B: FEES

Section 1050.210 Fees

- a) Method of Payment of Fees
The fees listed in this Section shall be payable to the Department, or to the Nationwide Mortgage Licensing System and Registry for transfer to the Department as approved by the Director. The Director may specify the form of payment to the Department or to the Nationwide Mortgage Licensing System and Registry, which may include certified check, money order, credit card, or other forms authorized by the Director. The Director may specify that fees be paid separately or combined, and may pro-rate fees for implementation of the Nationwide Mortgage Licensing System and Registry. The Nationwide Mortgage Licensing System and Registry shall be authorized to collect and process transaction fees or other fees related to licensees or other persons subject to the Act.
- b) Residential Mortgage License
 - 1) Investigation Fee: The applicant shall pay a non-refundable fee of ~~\$1,500~~\$1,135 or such non-refundable amount as authorized by the Director that, when combined with the license fee set forth in subsection (b)(2)(A), totals an amount equal to ~~\$2,700~~\$2,043 annually or ~~the~~such amount authorized by Section 2-2 of the Act.
 - 2) License Fee:
 - A) Initial Licensure: For each application for an initial Illinois Residential Mortgage License on which the Director has made the findings that a license shall be issued, the applicant shall pay a non-refundable license fee of ~~\$1,200~~\$908, plus the investigation fee set forth in subsection (b)(1), or such non-refundable amount as authorized by the Director that, when combined with the investigation fee set forth in subsection (b)(1), totals an amount equal to ~~\$2,700~~\$2,043 annually or ~~the~~such amount authorized by

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Section 2-2 of the Act.

- B) License Renewal: For each application for an annual renewal of an Illinois Residential Mortgage License, the applicant shall pay a non-refundable license fee of ~~\$2,700~~\$2,043, or the total amount set forth in subsections (b)(1) and (b)(2)(A).
 - C) Amended License: The licensee shall pay a non-refundable fee of \$500 for each Notice of Change of Ownership or Control amended license that is required by Subpart D ~~of this Part~~.
 - D) Notice of Change: The licensee shall pay a non-refundable fee of \$50 with each Notice of Change of Officers or Directors or Change of Name or Address or Change of Activity.
 - E) Duplicate License: The licensee shall pay a non-refundable fee of \$50 for each duplicate original license issued.
 - F) Returned Payment: Any licensee or person who delivers a check or other payment to the Department that is returned unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed, a fee of \$50.
- 3) Exempt Registration Fee: For each application for initial registration or annual renewal of registration as authorized by Section 1-3(a-1) of the Act, the applicant or registrant shall pay the Department a non-refundable registration fee of \$2,700.
- c) Mortgage Loan Originator License
 - 1) Application Fee: An applicant for a Mortgage Loan Originator license shall pay a non-refundable fee of \$200 for each individual licensed on the initial application and \$150 annually for each individual renewal, plus an additional \$75 late fee for any renewal that is received after the expiration date of the preceding license.
 - 2) License Transfer Fee: There shall be paid by or on behalf of the Mortgage Loan Originator a non-refundable fee of \$50 for each license transferred.

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- 3) License Reactivation Fee: There shall be paid by or on behalf of the applicant a non-refundable fee of \$150 for reactivating each or license on Inactive or Inoperative Status.
 - 4) Duplicate Documents: The licensee shall pay a non-refundable fee of \$50 for each duplicate document.
 - 5) Returned Payment: Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fee of \$50.
- d) Examination
- 1) Fees: Time expended in the conduct of any examination of the affairs of any licensee or its affiliates pursuant to the provision of Section 4-2 of the Act shall be billed by the Department at a rate of \$510 per examiner day. Fees will be billed following completion of the examination and shall be paid within 30 days after receipt of the billing.
 - 2) Out-of-State Travel: When out-of-state travel occurs in the conduct of any examination, the licensee shall make arrangements to reimburse the Department all charges for services such as travel expenses, including airfare, hotel and per diem incurred by the employee. These expenses are to be in accord with applicable travel regulations published by the Department of Central Management Services and approved by the Governor's Travel Control Board (80 Ill. Adm. Code 2800).
- e) Additional Full-Service Office:
- 1) Initial Fee: The licensee shall pay a non-refundable fee of \$250 for each Notice of Intent to Establish an Additional Full-Service Office required by Subpart C ~~of this Part~~.
 - 2) Annual Fee: After the notice filed under subsection (e)(1), the licensee shall pay an annual non-refundable Additional Full-Service Office fee of \$250 on the initial license anniversary date.
- f) Hearing Fees: Each party that requests a hearing pursuant to Section 4-1(n) of the

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Act shall pay a non-refundable fee of \$500, except that a Mortgage Loan Originator requesting a hearing shall pay a non-refundable fee of \$250, unless the fee is waived by the Director. In determining whether to waive the fee, the Director shall consider the financial hardship imposed on the party.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART I: LOAN BROKERAGE PRACTICES

Section 1050.1010 Loan Brokerage Agreement

Before a mortgage loan applicant (also referred to in this Section as "borrower" or "customer") signs a completed residential mortgage loan application or gives the licensee any consideration, whichever comes first, a loan brokerage agreement shall be required and shall be in writing and signed by both the mortgage loan applicant and a licensee whose services to the customer shall be loan brokering as defined at Section 1-4(o) of the Act.

- a) The loan brokerage agreement shall carry a clear and conspicuous statement that, upon request, a copy of the agreement shall be made available to the borrower or the borrower's attorney for review prior to signing.
- b) Both the licensee's authorized representative and the borrower shall sign and date the loan brokerage agreement at the same time, and a copy of the executed agreement shall be given to the customer at the time of signing.
- c) The loan brokerage agreement shall contain an explicit description of the services the licensee agrees to perform for the borrower and a good faith estimate of all consideration and remuneration to be exchanged in connection with those services. In the same section of the agreement shall be language, of prominence equal to or greater than the estimate, listing the types of situations or conditions that could materially affect the amounts indicated as a result of details that could not be known by the licensee at the time of signing the loan brokerage agreement. Examples of such situations or conditions include, but are not limited to, an appraised value different from that estimated by the borrower or credit obligations that the borrower fails to report.
- d) The loan brokerage agreement shall carry a clear and conspicuous statement as to the conditions under which the borrower is obligated to pay the licensee.

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- e) The loan brokerage agreement shall provide that, if the licensee makes false or misleading statements in the agreement, the borrower may, upon written notice:
- 1) void the agreement;
 - 2) recover monies paid to the broker for which no services have been performed; and
 - 3) recover actual costs, including attorney fees for enforcing the borrower's rights under the loan brokerage agreement.
- f) The loan brokerage agreement shall incorporate by reference the Loan Brokerage Disclosure Statement described in Section 1050.1020 ~~of this Subpart~~.
- g) Except for a Rate-Lock Fee Agreement in accordance with Section 1050.1335, the loan brokerage agreement shall be the only agreement between the borrower and licensee with respect to a single loan; provider, however, that the licensee also shall provide to the customer any disclosure statement necessary to comply with Federal and State requirements, including, but not limited to, the Consumer Protection Credit Act (15 USC 1601), Equal Credit Opportunity Act (Title VII), and Truth in Lending Act (Title I) and Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505].
- h) The loan brokerage agreement shall contain the name and Unique Identifier in the Nationwide Mortgage Licensing System ~~registration number~~ of any Mortgage Loan Originator assisting the licensee in performing services for the borrower.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART J: LOAN APPLICATION PRACTICES

Section 1050.1175 Loan Log

- a) Broker/Origination Loan Log. Each licensee engaged in loan brokerage or loan origination shall maintain a Broker/Origination Loan Log that contains the following for each loan application received, except that a Broker/Origination Log for reverse mortgages shall contain the information in subsection (c):
- 1) Application date (sort loan log by application date);

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- 2) Borrower name or names;
 - 3) Borrower or borrowers employer name;
 - 4) Borrower or borrowers employer address;
 - 5) Property seller name or names (indicate NA in the event of a refinance);
 - 6) Property address;
 - 7) Loan amount;
 - 8) APR loan program;
 - 9) Mortgage Loan Originator~~originator~~ name;
 - 10) Mortgage Loan Originator Unique Identifier (Nationwide Mortgage Licensing System)~~originator license/registration number~~;
 - 11) Processor name or names;
 - 12) Appraiser name or names;
 - 13) Appraiser or appraisers license number;
 - 14) Statement of whether the loan application was cancelled, rejected or closed or is pending and, if the loan application was closed, the closing date and name of the owner and servicer of the loan;
 - 15) Loan closer name and employer name; and
 - 16) Loan closing location.
- b) Servicer Loan Log. Each licensee engaged in loan servicing shall maintain a Servicer Loan Log that contains the following for each loan serviced:
- 1) Loan number;

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- 2) Note date;
 - 3) Borrower name or names;
 - 4) Property address;
 - 5) Loan type;
 - 6) Lien position;
 - 7) Original principal balance;
 - 8) Unpaid principal balance;
 - 9) Total monthly payment;
 - 10) Principal/interest;
 - 11) Property tax; and
 - 12) Hazard insurance.
- c) Reverse Mortgage Loan Log shall include the information in subsection (a) for items 1, 2 (add ages), 6, 8 (add lump sum, monthly payment, line of credit), 9, 10, 11, 12, and add information for new items of appraised value, loan to value, and counseling (yes or no; if yes, add name of agency and HUD approval status).
- d) Secondary Market Loan Log. Each licensee that sells, assigns or purchases any loans on the secondary market shall maintain a Secondary Market Loan Log that contains the following for each loan sold, assigned or purchased:
- 1) Name of loan seller or assignor;
 - 2) Name of loan buyer or assignee;
 - 3) Date of transaction;
 - 4) Name of borrower or borrowers for underlying property;

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- 5) Amount financed on underlying loan; and
- 6) Name of Loan Servicer.
- e) High Risk Home Loans. If a licensee performs licensable acts with respect to a loan subject to the High Risk Home Loan Act, then the licensee shall maintain a separate High Risk Home Loan Log with the information required in subsection (a) ~~of this Section~~ with respect to each loan application received during the previous 60 months and shall maintain the respective loan files for 60 months from the date of closing or other termination of loan processing.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Practice and Procedure in Administrative Hearings
- 2) Code Citation: 77 Ill. Adm. Code 100
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
100.2	Amend
100.3	Amend
100.4	Amend
100.6	Amend
100.7	Amend
100.8	Amend
100.10	Amend
100.11	Amend
100.12	Amend
100.13	Amend
100.14	Amend
100.50	Amend
100.55	Amend
- 4) Statutory Authority: Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i) and Sections 55 through 55.63 of the Civil Administrative Code of Illinois [20 ILCS 2310/55 through 55.63]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates and clarifies the Department's Practice and Procedure in Administrative Hearings. Updates include aligning appearance, discovery, and subpoena provisions with Illinois Supreme Court Rules, the Illinois Code of Civil Procedure, and federal rules concerning discovery of documents belonging to the federal government. The rulemaking clarifies rules concerning stipulations, objections, filing answers and requesting a hearing; streamlines use of official documents and records; and allocates costs for hearing transcripts. Procedures under the Smoke Free Illinois Act are also updated.

The economic effect on this proposed rulemaking is unknown. Therefore, 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*.

DEPARTMENT OF PUBLIC HEALTH

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- 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? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does create or enhance 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 publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

- 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: Attorney

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- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because the need for the rulemaking was not apparent when the Regulatory Agendas were prepared.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER a: GENERAL RULES

PART 100
PRACTICE AND PROCEDURE IN ADMINISTRATIVE HEARINGS

SUBPART A: APPLICABILITY AND DEFINITIONS

Section

- 100.1 Authority and Applicability
- 100.2 Definitions and Incorporated and Referenced Materials

SUBPART B: GENERAL HEARINGS

Section

- 100.3 Parties to Hearings
- 100.4 Appearance – Right to Counsel
- 100.5 Emergency Action
- 100.6 Hearings Requested by Complainants Pursuant to Section 3-702 of the Nursing Home Care Act or the ID/DD Community Care Act
- 100.7 Initiation of a Contested Case
- 100.8 Motions
- 100.9 Form of Papers
- 100.10 Service
- 100.11 Prehearing Conferences
- 100.12 Discovery
- 100.13 Hearings
- 100.14 Subpoenas
- 100.15 Administrative Law Judge's Report and Recommendations
- 100.16 Proposal for Decision (Repealed)
- 100.17 Final Orders
- 100.18 Records of Proceedings
- 100.19 Miscellaneous

SUBPART C: ADMINISTRATIVE HEARINGS UNDER
THE SMOKE FREE ILLINOIS ACT

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Section	
100.25	Initiation of a Hearing
100.35	Parties to Hearings
100.40	Right to Counsel
100.45	Prehearing Conference
100.50	Motions
100.55	Discovery
100.60	Hearings
100.70	Report and Recommendations
100.80	Final Order and Payment of Fines
100.90	Record of Hearing

AUTHORITY: Implementing and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)] and Sections 55 through 55.63 of the Civil Administrative Code of Illinois [20 ILCS 2310/55 through 55.63].

SOURCE: Adopted at 2 Ill. Reg. 38, p. 91, effective September 23, 1978; amended and codified at 4 Ill. Reg. 43, p. 127, effective October 14, 1980; amended at 5 Ill. Reg. 14167, effective December 9, 1981; amended at 6 Ill. Reg. 2235, effective February 2, 1982; amended at 11 Ill. Reg. 1937, effective January 9, 1987; amended at 18 Ill. Reg. 5980, effective April 1, 1994; amended at 21 Ill. Reg. 3208, effective March 3, 1997; amended at 34 Ill. Reg. 11768, effective July 30, 2010; amended at 35 Ill. Reg. 7701, effective April 29, 2011; amended at 37 Ill. Reg. _____, effective _____.

SUBPART A: APPLICABILITY AND DEFINITIONS

Section 100.2 Definitions and Incorporated and Referenced Materials

a) Definitions

"Administrative law judge" or "hearing officer" shall mean any attorney licensed to practice law in Illinois, appointed by the Director to preside at an administrative hearing. For the purpose of hearings conducted pursuant to Sections 2-110(d) and 3-410 of the Nursing Home Care Act (NHCA), or the ID/DD Community Care Act (ID/DD Act), the Department's Regional Health Officer in the region in which the facility is located may act as administrative law judge.

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"Alleged violator" shall mean a person or entity issued a citation under the Smoke Free Illinois Act.

"Citation" shall mean a document alleging a violation of the Smoke Free Illinois Act.

"Contested case" shall have the meaning ascribed to it in Section 1-30 of the IAPA and shall include hearings pursuant to the Smoke Free Illinois Act (SFIA).

"Default" or "default judgment" shall mean a written order entered after due process requirements of adequate notice and opportunity for hearing have been provided and the respondent fails to appear, defend, or answer; or a written order entered as an ultimate sanction for improper conduct. This order is considered a final order.

"Department" shall mean the Illinois Department of Public Health.

"Director" shall mean the Director or the designee of the Director of the Department of Public Health.

"Enforcing agency" shall be as described in Section 40 of the Smoke Free Illinois Act.

"Final order" or "final decision" shall mean a written order that disposes of a case or action, either with or without the imposition of a penalty, sanction, or other action.

"License" shall have the meaning ascribed to it in Section 1-35 of the IAPA.

"Licensing" shall have the meaning ascribed to it in Section 1-40 of the IAPA.

~~"NHCA" shall mean the Nursing Home Care Act [210 ILCS 45].~~

"Person" shall have the meaning ascribed to it in Section 1-60 of the IAPA.

"Speaking Objections" shall mean objections intended to or having the effect of suggesting, implying, coaching or informing a witness of a particular response.

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b) Referenced Materials

The following federal laws, State laws and rules, and Illinois Supreme Court Rules are referenced in this Part:

- 1) Social Security Act (42 USC 1395 and 1396)
- 2) Health Insurance Portability and Accountability Act of 1996 (HIPAA) (110 USC 1936)
- 32) Illinois Administrative Procedure Act (~~IAPA~~) [5 ILCS 100]
- 43) Nursing Home Care Act [210 ILCS 45]
- 5) ID/DD Community Care Act [210 ILCS 47]
- 64) Smoke Free Illinois Act (SFIA) [410 ILCS 82]
- 75) Code of Civil Procedure [735 ILCS 5]
- 86) Administrative Review Law [735 ILCS 5/Art. III]
- 97) Health Facilities and Services Review Board: Health Facilities Planning Procedural Rules (77 Ill. Adm. Code 1130)
- 108) Supreme Court Rule 216: Admission of Fact or of Genuineness of Documents
- 11) Supreme Court Rule 13: Appearances – Time to Plead – Withdrawal

c) Incorporated Materials

45 CFR 2 Testimony by Employees and Production of Documents in Proceedings Where the United States Is Not a Party (September 15, 2008)

d) Incorporation by reference of federal regulations refers to the regulations on the date specified and does not include any editions or amendments subsequent to the date specified.

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(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART B: GENERAL HEARINGS

Section 100.3 Parties to Hearings

- a) Except for hearings conducted pursuant to the NHCA or the ID/DD Act, the parties to an administrative hearing before the Department are the Department (as Complainant) and the Respondent.
- b) For hearings conducted pursuant to the NHCA or the ID/DD Act:
- 1) In a Complainant's hearing (Section 3-702(g) of the NHCA or the ID/DD Act), the parties are the Department and the Complainant. The facility that was investigated may participate as a third party (see Section 100.6 of this Part).
 - 2) In a denial of access hearing (Section 2-110(d) of the NHCA or the ID/DD Act), the parties are the person who requested a hearing based on denial of access to a facility and the facility.
 - 3) In an involuntary transfer/discharge hearing, the parties are the resident who is to be transferred/discharged and the facility.
 - 4) In all other NHCA or ID/DD Act hearings, the parties are the Department (as Complainant) and facility (as Respondent). If the action resulted from a complaint filed with the Department, the person who filed the complaint may participate as a third party.
 - 5) A third party shall file an appearance with the administrative law judge on or before the date of the prehearing conference, if one is scheduled, or prior to the hearing date if no prehearing conference was scheduled.
- c) A Respondent or alleged violator is a person or entity against whom a complaint or petition is filed or to whom a citation or notice of an opportunity for hearing is directed.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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Section 100.4 Appearance – Right to Counsel

- a) Any party to a proceeding may appear and be represented by a private attorney authorized to practice law in the State of Illinois at his or her own cost. Any individual party may waive this right and represent himself or herself. For hearings conducted pursuant to Sections 2-100(d) and 3-410 of the NHCA and the ID/DD Act, a visitor or resident shall have the option of being represented by a non-attorney of his or her choosing. A corporation, a limited liability company, partnership, association or certified local health department shall appear and be represented only by an attorney authorized to practice law in the State of Illinois. A shareholder, corporate officer, employee, or member of the board of directors may not appear or represent a corporation or association unless that individual is authorized to practice law in the State of Illinois.
- b) All persons appearing in proceedings before the Department, including a visitor's or resident's non-attorney representative, shall conform to the standards of ethical conduct required of attorneys before the courts of Illinois. If any person or attorney does not conform to those standards, the administrative law judge may decline to permit that person to appear in or attend any proceeding.
- c) Any attorney or other person appearing before the Department as a representative of a visitor or resident shall file an Appearance form containing: the name of the party represented; the name, address and telephone number of the attorney or representative; an affirmative statement that the attorney is or is not duly licensed in the State of Illinois; and the written signature of the attorney or representative. This subsection shall not apply to attorneys representing the Department.
- d) Special appearances are not recognized. The initial appearance, regardless of form, is deemed a general appearance.
- e) An attorney may withdraw his or her appearance and/or representation only upon motion and appropriate ruling by the administrative law judge in accordance with Illinois Supreme Court Rule 13. However, attorneys may be substituted without motion upon notice to all parties and the administrative law judge if the substitution will not delay the proceedings, a statement to that effect is contained in the notice, and a substitute Appearance form is filed concurrently with the notice.

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(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 100.6 Hearings Requested by Complainants Pursuant to Section 3-702 of the Nursing Home Care Act or the ID/DD Community Care Act

Pursuant to Section 3-702(g) of the NHCA and the ID/DD Act, a complainant who is dissatisfied with the determination or investigation of his or her complaint by the Department may request a hearing. (Section 3-702(g) of the NHCA and the ID/DD Act) Any complainant requesting a hearing shall be deemed to have consented in writing to disclosure of his or her name.

- a) The parties to administrative hearing pursuant to this Section are the Department and the Complainant. *The facility shall be given notice of any such hearing and may participate in the hearing as a third party* (Section 3-702(g) of the NHCA and the ID/DD Act). A request to participate as a third party must be filed in accordance with Section 100.3(b)(5) of this Part.
- b) For the purposes of this Section, a Complainant is an individual who has filed a complaint pursuant to the NHCA or the ID/DD Act. If the individual filing the complaint indicates that she or he is acting as the agent of an organization or another individual, and so requests, the organization or other individual will be the Complainant for the purposes of this Section. In that case, the individual who acted as agent for the organization or other individual will be a "referring agent". Unless objected to by the Complainant, the referring agent shall be entitled to receive Notice of Complaint Determination and any request for hearing made pursuant to this Part.
- c) In accordance with Sections 3-703 through 3-712 of the NHCA and the ID/DD Act, the Director shall designate an administrative law judge to conduct hearings requested by dissatisfied Complainants. All hearings shall be conducted pursuant to the provisions of this Part.
- d) Dissatisfied Complainants pursuant to this Section shall have the opportunity to contest the adequacy of the Department's investigation and its determination as to whether the complaint was valid, invalid or undetermined and also the Department's determination as to whether to issue any violation as a result of the determination. Whenever "determination" is used in this Section, it shall include any investigation resulting in the determination.

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- e) Dissatisfied Complainants pursuant to this Section do not have the opportunity to contest any other determinations or decisions of the Department.
- f) Nothing contained in this Section shall be deemed to entitle a dissatisfied Complainant to additional hearings or to a rehearing of a case that has already been the subject of a formal administrative hearing or a Final Order.
- g) Complainants pursuant to this Section shall carry the burden to prove, by a preponderance of the evidence, that the aforesaid determinations of the Department were improper.
- h) At the conclusion of the hearing, the administrative law judge shall prepare a report in accordance with Section 100.15, and make a recommendation to the Director specifying whether the complaint should be reinvestigated and/or any invalid or undetermined finding should be changed to a valid finding or the Department should reconsider the failure to cite a facility with any violation.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 100.7 Initiation of a Contested Case

- a) In contested cases, except those held pursuant to Section 100.6, the Department shall serve on the Respondent a Notice of Opportunity for an Administrative Hearing, which shall contain:
 - 1) *a statement of the time, place and nature of the action;*
 - 2) *a statement of the legal authority and jurisdiction under which the hearing is to be held;*
 - 3) *a reference to the particular Sections of the applicable substantive and procedural statutes and rules;*
 - 4) ~~allegations of noncompliance;~~
 - 45) a statement of the procedure for requesting an administrative hearing (see Section 10-25 of the IAPA), including a date by which the request must be

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received by the Department, which must be sent at least 10 days after the Notice is mailed or personally served;

56) unless the case is brought pursuant to Title XVIII (health insurance for the aged and disabled) or XIX (medical assistance) of the Social Security Act, or the NHCA or the ID/DD Act, a statement setting forth the requirement of an Answer, pursuant to subsection (d) of this Section; and

67) *except where a more detailed statement is otherwise provided for by law, a short and plain statement of the matters asserted, the consequences of a failure to respond, and the official file or reference number.* (Section 10-25 of the IAPA)

b) A person who receives a Notice of an Opportunity for an Administrative Hearing must submit a written request for a hearing to the Department. The request is to be sent to the Department at the address stated in the Notice and must be received by the date set forth in the Notice. Failure to comply with this Section shall constitute a waiver of the person's right to an administrative hearing.

c) Upon receipt of a timely written request for hearing, the Department shall issue a Notice of Hearing or Prehearing Conference. *The Notice of Hearing or Prehearing Conference shall contain:*

1) *a statement of the time, place, and nature of the hearing;*

2) *a statement of the legal authority and jurisdiction under which the hearing is to be held; and*

3) *the names and mailing addresses of the administrative law judge, all parties, and all other persons to whom the agency gives notice of the hearing, unless otherwise confidential by law.* (Section 10-25 of the IAPA)

d) Unless the case is brought pursuant to Title XVIII or XIX of the Social Security Act, ~~or the NHCA;~~ or the ID/DD Act, a written Answer to the Allegations of Noncompliance shall be filed by a Respondent. The Answer must be served on all parties within 20 days after receipt of the notice alleging noncompliance.

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However, if the Respondent fails to submit a timely written request for hearing, the Respondent waives its right to Answer. If a Respondent fails to file a ~~timely~~ Answer, each alleged violation of a statute or Department rule by the Respondent shall be deemed to have been judicially admitted and, therefore, no longer subject to dispute by the Respondent. If the Respondent has insufficient knowledge of the facts to form a belief as to the truth of the allegation, the Respondent may so state with an affidavit of insufficient knowledge. If the Respondent wishes to raise defenses that are affirmative in nature or would be likely to take the Department by surprise, the Respondent must do so in the Answer. If Affirmative Defenses are filed within an Answer, the Department shall reply to the Affirmative Defenses within 20 days after receipt of the Answer.

- e) Amendments to pleadings concerning all the Allegations of Noncompliance shall be freely allowed up until the Final Order is entered. Amendments to and Answers may be allowed upon proper motion at any time during the pendency of the proceedings on ~~such~~ terms that areas shall be just and reasonable. However, a prior Answer shall be admissible and may be used to cross examine the person preparing or verifying the prior Answer.
- f) All written documents provided for under this Section shall be liberally construed with a view toward doing substantial justice between the parties.
- g) Venue shall be the location designated in the Notice of Administrative Hearing. Venue may be moved to another location upon stipulation by all parties or upon a showing to and a finding by the administrative law judge that exceptional circumstances exist, including, but not limited to, age, infirmity or inability to travel, that make it desirable, in the interest of justice, to allow a change of venue. Exceptional circumstances include, but are not limited to, age, infirmity or inability to travel due to ill health. However, mere inconvenience shall not constitute grounds for a change in venue.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 100.8 Motions

- a) Motions, unless made during a hearing, shall be made in writing and shall set forth the relief or order sought and the legal authority for the action requested. Except as otherwise provided in this Part or by a specific statute, motions may

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seek any relief or order recognized in the Code of Civil Procedure and Rules of the Illinois Supreme Court, and shall include a reference to the applicable Section of the Code or Rules. Motions based on a matter that does not appear of record shall be supported by affidavit.

- b) Written motions shall be titled as to the party making the motion and the nature of the relief sought. The title shall be in capital letters and shall be placed either below the caption or to the right of the caption beneath the docket number. No motion shall be identically titled with any other motion. Examples of properly-titled motions: Respondent's Motion to Dismiss, Respondent's Second Motion to Dismiss.
- c) Motions ~~directed at~~ the pleadings, if not raised at the earliest opportunity, shall be deemed waived. ~~Motions to the pleadings shall not be granted if the pleadings do not conform to Section 100.7.~~
- d) The administrative law judge shall not have the authority to dismiss, postpone, vacate, or overturn an Order or Notice issued by the Director, but may make a recommendation to the Director at any time that circumstances merit such a recommendation.
- e) Motions ~~to continue a hearing for a continuance~~ shall be granted only for good cause shown. Motions for a continuance shall be in writing and filed at least five working days prior to the hearing. Motions for a continuance shall be made immediately when the party learns that a continuance is needed. Statements as to when the party learned that a continuance was needed, steps that were taken to avoid the continuance, and the current reasons the continuance is needed shall be contained in the motion. After one continuance has been granted to a party, additional continuances may be granted to that party only if:
 - 1) a hearing on the issue of whether to grant the continuance has been held and the administrative law judge finds that the moving party has presented sufficient evidence showing entitlement to another continuance; or
 - 2) there is an emergency; or
 - 3) all parties so stipulate.

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- f) Whenever possible, as much of the hearing as possible shall be completed, and only those matters that must be continued shall be continued.
- g) If there is an unforeseen emergency, motions to continue a hearing~~for a continuance~~ may be made by telephone rather than in writing. Motions by telephone shall be made through a conference call involving the administrative law judge and all parties and shall be confirmed within three business days by the filing of a written motion.
- h) Responses shall be in writing unless made at a prehearing conference or a hearing.
- i) On a motion to disqualify an administrative law judge made by any party, the administrative law judge who is the subject of the motion shall determine whether he or she should be disqualified on the basis of *bias or conflict of interest*, and shall remove himself or herself if a determination is made that bias or a conflict of interest exists. If the motion is granted, the Director shall appoint a new administrative law judge. A motion for the disqualification of an administrative law judge shall be based upon the alleged bias or conflict of interest of the administrative law judge. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest. (Section 10-30 of the IAPA) Motions for substitution of an administrative law judge pursuant to Section 2-1001(a)(2) of the Code of Civil Procedure shall not be permitted.
- j) The following shall constitute bias or conflict of interest for the purpose of disqualification under subsection (i):
- 1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding;
 - 2) The judge served as a lawyer in the matter in controversy, or a lawyer with whom the judge previously practiced law served during that association as a lawyer concerning the matter, or the judge has been a material witness concerning it;
 - 3) The judge was, within the preceding three years, associated in the private practice of law with any law firm or lawyer currently representing any party in the controversy (provided that referral of cases when no monetary

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interest was retained shall not be deemed an association within the meaning of this subsection (j)) or, for a period of seven years following the last date on which the judge represented any party to the controversy while the judge was an attorney engaged in the private practice of law;

- 4) The judge knows that any of the following persons has an economic interest in the subject matter in controversy or in a party to the proceeding, or has any other more than minimal interest that could be substantially affected by the proceeding:
- A) the judge individually;
 - B) a fiduciary;
 - C) the judge's spouse, parent or child, wherever residing; or
 - D) any other member of the judge's family residing in the judge's household.

k) Demands for a Bill of Particulars shall not be allowed.

l) Requests for an extension of time other than to continue a hearing shall be in writing and may be granted for good cause shown.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 100.10 Service

- a) Notices under Section 100.7(a) shall be served either personally or by certified mail upon all parties (including complainants under the NHCA, when applicable) or their agents appointed to receive service of process unless the applicable licensing statute requires a different form of service, in which case service shall conform to the statute.
- b) Service to the last official address of a party or agent provided to the Department by a party shall be considered in compliance with this Section. Notices and citations sent by certified mail that have been returned to the Department as unclaimed or refused by the addressee shall be considered served. For purposes

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of this Section, the "last official address" shall be: the address listed on the most recent application submitted to the Department, unless the Department has been subsequently notified in writing of a change of address. For certified nursing assistants and habilitation aides, the "most recent application" shall be the information submitted by the training program or testing entity that qualified the individual to be entered on the registry.

- c) Service of pleadings or motions under this Section, unless otherwise provided for in this Section, shall be made by delivering in person or by depositing in the United States Mail, properly addressed with postage prepaid, one copy to each party to the proceedings. When any party or parties have appeared by attorney, service upon the attorney shall be deemed service upon the party or parties. All pleading or motions under this Section shall also be served upon the administrative law judge.
- d) Proof of service under subsection (b)-~~of this Section~~ shall be by either:
- 1) certificate of attorney; or;
 - 2) affidavit or ~~verification by certification~~ acknowledgment.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 100.11 Prehearing Conferences

- a) A telephonic prehearing conference may be scheduled by the administrative law judge or Department or as a result of a request pursuant to subsection (b)-~~of this Section~~. This conference shall be held prior to the date of hearing and shall be for the purpose of considering:
- 1) the simplification of the issues;
 - 2) amendments to the pleadings;
 - 3) the possibility of obtaining admissions of fact and of documents that will avoid unnecessary proof;
 - 4) the limitation of the number of expert witnesses; and

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- 5) any other matters that may aid in the disposition of the hearing.
- b) In any proceedings under this Section in which the Department has not scheduled a prehearing conference, any party to the proceedings may request the scheduling of a prehearing conference. The request shall be made in writing and received by the administrative law judge at least five days prior to the scheduled date of hearing. The requesting party shall serve all other parties to the proceedings with a copy of the request.
- c) Upon the receipt of a request for a prehearing conference in accordance with subsection (b) ~~of this Section~~, the administrative law judge shall schedule the prehearing conference and notify all parties of the date, time and place of the conference.
- d) After a prehearing conference, the administrative law judge shall make a written report that recites any action taken by the administrative law judge and any agreements made by the parties as to any of the matters considered.
- e) Any party may request additional prehearing conferences. The administrative law judge may deny or grant such a request, based on the nature of the motion.
- f) A certified stenographic reporter (court reporter) will not be present at a prehearing conference unless one of the parties to the proceeding requests the Department to make arrangements for a court reporter to be present. The request shall be received by the Department at least two working days in advance of the scheduled prehearing conference. The party requesting the presence of the court report shall be billed directly for the attendance fee of the reporter.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 100.12 Discovery

- a) Prior to or at the prehearing conference, the Department shall provide all parties with a copy ~~of all~~ of the Department's inspection or investigative reports resulting in relating to the Allegations of Noncompliance. If no pre-hearing conference is held, the Department shall provide copies of the investigative reports prior to the hearing.

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- b) At least 21 days prior to the commencement of the hearing, each party shall provide all other parties with a copy of any document that it may offer into evidence. This subsection shall not require any party to again provide copies of those documents already provided by the Department under subsection (a).
- c) At least 21 days prior to the commencement of the hearing, each party shall provide all other parties with a list containing the name and address of any witness who may be called to testify.
- d) All parties shall be entitled to any exculpatory evidence in the Department's possession that tends to support the Respondent's position or that would impeach the credibility of a Department witness.
- e) ~~The~~ Upon a written request by the Department, at any time after a notice or hearing request is filed, or at any stage of the hearing, the Respondent shall ~~be required to produce within seven days~~ documents, books, records or other evidence that relates directly to conduct of the business entity or other subject of the administrative hearing within seven days upon a written request by the Department.
- f) A party has a continuing duty to supplement or amend any prior answer or response whenever new or additional information becomes known to that party. ~~All parties shall be under a continuing obligation to promptly update requested discovery until the hearing is concluded without the necessity for further or additional requests.~~
- g) ~~Depositions There shall be no depositions~~ for discovery purposes or interrogatories shall not be allowed in any proceedings brought pursuant to this Part, except as agreed to by the parties or as expressly authorized by applicable statute.
- h) Requests to Admit Facts and Genuineness of Documents shall be allowed in accordance with Supreme Court Rule 216.
- i) Nothing contained in this Section shall preclude the parties from agreeing to the voluntary exchange of more information than is required.

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- j) Copies of any record containing the personal health information of an individual shall not be shared with a third party, as referenced in Section 100.3(b), unless that third party possesses authority to access personal health information under a written power of attorney, certified copy of a court order, or other written HIPAA compliant authorization.
- k) The Department shall not disclose records in its possession as a result of its implementation of the Department's agreement with the Secretary of the United States Department of Health and Human Services under 45 CFR 2, unless specifically authorized in writing by the Centers for Medicare and Medicaid Services in accordance with 45 CFR 2. This provision shall apply to any written requests, including, but not limited to, subpoenas duces tecum.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 100.13 Hearings

- a) All hearings conducted in any proceedings shall be open to the public.
- b) Hearings will be conducted by the Director or by an administrative law judge appointed by the Director. If the Director conducts the hearings, any reference in this Section to the administrative law judge shall be read to refer to the Director.
- c) The administrative law judge shall have the authority to conduct a hearing, take all necessary actions to avoid delay, maintain order, ensure the development of a clear and complete record and set reasonable limits on the scope of testimony or argument. He or she shall also have the authority to: conduct hearings; administer oaths and ensure that all witnesses are duly sworn; issue subpoenas; hold informal conferences for the settlement, simplification, or definition of issues; dispose of procedural requests, motions and similar matters; continue the hearing from time to time when necessary; examine witnesses; and rule upon the admissibility of evidence.
- d) The administrative law judge shall direct all parties to enter their appearances on the record.
- e) Written opening arguments and written closing arguments shall not be permitted unless all parties so stipulate.

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- f) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. The administrative law judge shall accept all stipulations as conclusive fact as against the stipulating parties, unless he or she makes a finding on the record that the stipulation is made in bad faith, together with the basis of the bad faith determination Unless precluded by law, disposition may be made of any contested case by stipulation, agreed settlement, consent order, default or motion.
- g) At any stage of the hearing or after all parties have completed the presentation of their evidence, the administrative law judge may call for further testimony, subject to cross-examination by the parties.
- h) *The rules of evidence and privilege as applied in civil cases in the circuit courts of this State shall be followed. Evidence not admissible under those rules of evidence may be admitted, however, (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Immaterial, irrelevant or unduly repetitious material shall be excluded. A copy of the whole or any part of an admissible book, record, paper or memorandum of the Department that is made by photostatic or other method of accurate and permanent reproduction shall be admitted in evidence at the hearing without further proof of the accuracy of the copy. Objections to evidentiary offers may be made and shall be noted in the record. (Section 10-40(a) of the IAPA)*
- i) *Official notice may be taken of matters of which the circuit courts of this State may take judicial notice. In addition, official notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. 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 material so noticed. The Department's experience, technical competence and specialized knowledge may be utilized in the evaluation of evidence. (Section 10-40(c) of the IAPA)*
- j) A party may offer into evidence any of the following documents without foundation or other proof, provided that a copy of the document has been timely provided to all other parties in accordance with Section 100.12(b):

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- 1) records and reports of health care facilities, doctors, nurses, physical therapists or other health care providers; however, these records and reports shall not include affidavits or other documents specifically prepared for litigation;
 - 2) investigation reports from governmental and law enforcement agencies, including the Department. These shall include, but not be limited to, federal form 2567 and the notice of pre-hearing;
 - 3) the enforcing agency's inspection or investigative reports produced pursuant to Section 100.12(a).
- k) Hearsay objections to the admission into evidence and the substantive use of documents referenced in subsection (j) shall not be sustained. The documents may be used to prove the truth of the matters asserted in the documents.
- lk) For good cause shown, including, but not limited to, age, infirmity or inability to travel due to ill health, evidentiary depositions shall be allowed.
- ml) Absent a showing of good cause, no document shall be offered into evidence that was not disclosed in accordance with the requirements of Section 100.12(b), and no witness shall testify whose name was not provided pursuant to Section 100.12(c). For purposes of this subsection, a showing of good cause shall mean that a party, through no fault of its own, did not have knowledge of a document to be offered into evidence or the name of a witness within the timeframe necessary for compliance with Section 100.12(b) and (c).
- nm) The Department will arrange for a certified stenographic reporter (court reporter) to make a stenographic record of the hearing in all administrative hearings under this Part. Any person may make arrangements to obtain a copy of the stenographic record from the reporter. The Department reserves the right to employ a certified stenographic reporter. ~~A copy of any stenographic record made by a Department employee may be purchased from the Department at a cost of half the actual cost to the Department.~~ There shall be no audio or video taping apart from any made by the certified stenographic reporter employed for those purposes by the Department without the express consent of the administrative law judge and all parties to the hearing. Unless an applicable statute expressly provides otherwise, the actual costs of the stenographic reporter's attendance and

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the transcript or transcripts shall be shared equally among the parties whenever a Respondent requests review of a Department decision by the circuit court. The Respondent shall provide payment prior to the Department's transmission of the transcript to the Circuit Court

- n) ~~Corrections to the transcript of the record may be made by the Director or administrative law judge.~~
- o) If a party, or any person at the instance of or in collusion with a party, violates any ruling of the administrative law judge, the administrative law judge, on motion, may enter such orders as are just, including, among others, the following:
- 1) that further proceedings be stayed until the order or rule is complied with;
 - 2) that the offending party be barred from filing any other pleadings relating to any issue to which the refusal or failure relates;
 - 3) that the offending party be barred from maintaining any particular claim or defense relating to that issue;
 - 4) that a witness be barred from testifying concerning that issue;
 - 5) that, as to claims or defenses asserted in any pleading to which that issue is material, an order of default be entered against the offending party or that his or her pleading be dismissed without prejudice; or
 - 6) that any portion of the offending party's pleadings relating to that issue be stricken and, if thereby made appropriate, judgment be entered as to the issue.
- p) At any time, the administrative law judge may order the removal of any person from the hearing room who is creating a disturbance, whether by physical actions, profanity or otherwise engaging in conduct that disrupts the hearing.
- q) At the request of any party, the administrative law judge may exclude all witnesses from the hearing room, except that each party or a representative of a party, in addition to legal counsel, shall be allowed to remain.

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- r) During testimony or argument, speaking objections shall not be permitted, unless expressly invited by the administrative law judge. All objections shall be raised using a short and concise statement of the basis for the objection, such as "objection – foundation", "objection – form", "objection – hearsay", "objection – asked and answered", or "objection – relevance".
- s) The administrative law judge shall have the authority to conduct hearings on motions and other matters by telephonic or other electronic means, so long as all parties of record are afforded the option to attend using a similar electronic method. If the administrative law judge permits the use of electronic means, the administrative law judge and all parties may choose to participate from any location. However, if a controlling statute mandates the location of a hearing, all parties shall be afforded the option to attend from a statutorily mandated location.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 100.14 Subpoenas

- a) Subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records or memoranda, may be issued by the Director or the administrative law judge upon his or her own motion or upon the written request of any party upon a showing of the relevancy of the request to the issues in the hearing. For good cause shown, the Director or the administrative law judge may deny or modify the request for subpoenas. Alternatively, an attorney of record may issue subpoenas pursuant to Section 2-1101 of the Code of Civil Procedure. Copies of the subpoenas and any documents obtained by subpoenas duces tecum shall be promptly served on all other parties. No subpoenas shall be issued to any Department employee without prior express authorization of the administrative law judge.
- b) Subpoenas issued by the Director or the administrative law judge upon the request of a party to the proceeding shall be delivered to the requesting party, who shall be responsible for serving the subpoenas. Subpoenas shall be served personally or by certified mail at least seven days before the date on which appearance or production is required. Copies of the subpoenas and any documents obtained by subpoenas duces tecum shall be promptly served on all other parties.
- c) The witness fee for attendance and travel shall be the same as the fee of witnesses

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before the circuit courts of this State. When a witness is subpoenaed by the Director, or by the administrative law judge upon his or her own motion or upon the request of the Department, the witness fee shall be paid in the same manner as other expenses of the agency.

- d) The appearance at the hearing of a party, or a person who at the time of the hearing is an officer, director or employee of a party, may be required by serving the party with a notice designating the person who is required to appear at least seven days before the date on which appearance is required.
- e) Subpoenas shall be enforced in the same manner as subpoenas issued by the circuit courts of this State.
- f) Prior to initiating any formal action, the Department, by its attorneys, may issue subpoenas to persons and entities in connection with an official investigation pursuant to the Department's statutory investigatory authority. Materials obtained by subpoena in the course of any official investigation shall remain confidential unless the Department initiates formal action against the party to whom the information pertains.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART C: ADMINISTRATIVE HEARINGS UNDER
THE SMOKE FREE ILLINOIS ACT

Section 100.50 Motions

- a) Motions, unless made during a hearing, shall be made in writing and shall set forth the relief or order sought and the legal authority for the action requested. Except as otherwise provided in this Part or by specific statute, motions may seek any relief or order recognized in the Code of Civil Procedure and Rules of the Illinois Supreme Court, and shall include a reference to the applicable Section of the Code or Rules. Motions based on a matter that does not appear of record shall be supported by affidavit.
- ba) All motions in cases brought under the SFIA, except those based on unforeseen or emergency circumstances, shall be made in writing. An opposing party shall have 28 days after any motion is served in which to serve a written response. The

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administrative law judge shall then rule on the motion. Oral arguments on motions will not be permitted unless all parties stipulate, in which situation the administrative law judge shall have the discretion to hear oral arguments.

- | cb) Motions shall be served by delivery in person or by deposit in the United States Mail, properly addressed with postage prepaid, one copy to each party. Service upon the party's attorney shall be deemed service upon the party. Motions shall also be served upon the administrative law judge.

- | de) The title of the written motion shall include the name of the party making the motion and the action. The title shall be in capital letters and shall be placed either below the caption or to the right of the caption beneath the docket number. No motion shall be identically titled with any other motion. Examples of properly-titled motions: Respondent's Motion to Dismiss, Respondent's Second Motion to Dismiss.

- | ed) Motions or objections attacking the pleadings, jurisdiction or constitutionality, if not raised before the first pre-hearing conference, or if no pre-hearing conference is scheduled, no later than 10 days before the beginning of the hearing, shall be deemed waived. Motions to the pleadings shall not be granted unless the motion conforms to Section ~~100.8~~100.7 of this Part.

- | fe) Motions for a continuance shall be made immediately when the party learns that a continuance is needed. Motions for a continuance shall be in writing, be filed more than five business days before the pre-hearing or hearing, and shall be granted only for good cause shown. Statements as to when the party learned that a continuance was needed, steps that were taken to avoid the continuance, and the current reasons the continuance is needed shall be contained in the motion. After one continuance has been granted to a party, additional continuances may be granted to that party only if:
 - 1) The administrative law judge finds that the moving party has presented sufficient evidence showing entitlement to another continuance; or
 - 2) There is an emergency; or
 - 3) All parties agree.

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- gf)** If there is an unforeseen emergency, motions for a continuance may be made by telephone rather than in writing. Motions by telephone shall be made through a conference call involving the administrative law judge and all parties and shall be confirmed within three business days by filing a written motion.
- hg)** Whenever possible, as much of the hearing as possible shall be completed, and only those matters that must be continued shall be continued.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 100.55 Discovery

- a) General discovery (depositions, interrogatories, or requests to produce) shall not be permitted in SFIA cases.
- b) Disclosure of the following shall be required:
- 1) At least 21 days prior to the commencement of the hearing, each party shall provide all other parties with a copy of any document that it may offer into evidence. This subsection (b)(1) shall not require any party to again provide copies of documents already provided.
 - 2) At least 21 days prior to the commencement of the hearing, each party shall provide all other parties with a list containing the name and address of any witness who may be called to testify.
 - 3) The alleged violator shall be entitled to any exculpatory evidence in the enforcing agency's possession that tends to support the alleged violator's position or that might impeach the credibility of an enforcing agency witness.
- c)** All parties shall be under a continuing obligation to promptly update requested discovery until the hearing is concluded without the necessity for further or additional requests.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1.20	Amendment
1.30	Amendment
1.60	Amendment
1.77	Amendment
1.88	Amendment
1.100	Amendment
1.110	Amendment
1.280	Amendment
1.285	Amendment
1.310	Amendment
1.320	Amendment
1.330	Amendment
1.410	Amendment
1.420	Amendment
1.470	Amendment
1.515	Amendment
1.520	New Section
1.530	Amendment
1.610	Amendment
1.630	Amendment
1.760	Amendment
1.762	Amendment
1.770	Amendment
1.780	Amendment
1.781	Amendment
1.782	Amendment
1.783	Amendment
1.790	Amendment
1.Appendix D	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues involved:

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Science Standards. Illinois is realigning the state's educational system around college and career readiness. To this end, the adoption of the Next Generation Science Standards (NGSS) will provide standards for kindergarten and grades 1 through 12 that are aligned to the Common Core State Standards for mathematics and English language arts that are already incorporated as part of the Illinois Learning Standards (ILS). NGSS are based on the assumption that the learning expectations will adequately prepare students for college or a career after high school. NGSS also include information regarding their application for English language learners and students with disabilities. Additionally, it is anticipated that implementation of these standards will provide opportunities for agency staff to share experiences and best practices within Illinois and across other participating states.

Enhanced Physical Education Standards. PA 97-1102, effective August 27, 2012, established the Illinois Enhance Physical Education Task Force, which, among its charges, was to update the ILS for Physical Development and Health "based on research in neuroscience that impacts the relationship between physical activity and learning". As a result, the task force recommended the addition of two new standards and revisions to several others. In proposing the revisions, the task force relied on existing research in neuroscience and national standards for health education. The standards represent a beginning for districts to recalibrate their physical education programs to increase the amount of time that students spend in moderate and vigorous activity and change the focus from "athletics to physical fitness", so that physical education and activity can benefit students at all fitness levels.

Other Proposed Modifications. PA 97-1025, effective January 1, 2013, amended Section 2-3.25g of the School Code relative to requirements for school districts' requesting a waiver from agency rules to enter into a contract to provide driver's education through a commercial driving school. The law also added additional requirements concerning the notices that districts must post regarding public hearings held to take testimony about any type of waiver request. References to both these new requirements are being made in Section 1.100 of the rules.

Section 1.320 is being amended to acknowledge that school districts that are implementing performance evaluation plans for teachers and principals must execute a signed assurance – and make that assurance available upon request to the State Board – indicating whether the evaluation system aligns to the state model for teacher or principal evaluations, as applicable, or a locally determined evaluation system that aligns to the requirements of Article 24A of the School Code or Part 50, the agency's rules for the evaluation of certified employees. This change is being proposed as a result of discussions with the U.S. Department of Education concerning the agency's review and monitoring of performance evaluation plans, as part of the state's request for a waiver.

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Proposed new Section 1.520 clarifies existing requirements related to the provision of instruction for hospitalized and homebound general education students and the receipt of personnel reimbursement under Section 14-13.01 of the School Code for these services. These requirements now are stated in Part 226 (Special Education). While the provisions in Part 226 apply to both students with disabilities who receive home or hospital instruction, as well as to general education students, their placement in rules governing special education generated confusion for or were overlooked by school districts that were providing home or hospital services for general education students. As proposed, Section 1.520 will differ from the requirements in Part 226 in that districts will be able to use an individual holding only a substitute teaching license to deliver instruction, provided that that person is under the supervision of a licensed teacher. In these situations, however, districts may not claim reimbursement for substitute teachers, as they are not considered to be fully "licensed" for the position.

The remaining proposed changes are primarily technical in nature, in that they address modifications necessitated by the agency's new licensure system and other outdated provisions.

- 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? Yes
- 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 of the publication of this Notice to:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education

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100 North First Street, S-493
Springfield, Illinois 62777-0001

217/782-5270

Comments may also be submitted electronically, addressed to:

rules@isbe.net

- 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 2013

The full text of the proposed rulemaking begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

- 1.10 Public School Accountability Framework
- 1.20 Operational Requirements
- 1.30 State Assessment
- 1.40 Adequate Yearly Progress
- 1.50 Calculation of Participation Rate
- 1.60 Subgroups of Students; Inclusion of Relevant Scores
- 1.70 Additional Indicators for Adequate Yearly Progress
- 1.75 Student Information System
- 1.77 Educator ~~Licensure Information~~~~Certification~~ System (~~ELIS~~)
- 1.80 Academic Early Warning and Watch Status
- 1.85 School and District Improvement Plans; Restructuring Plans
- 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency ~~under~~~~Under~~ Title III
- 1.90 System of Rewards and Recognition – The Illinois Honor Roll
- 1.95 Appeals Procedure
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates
- 1.110 Appeal Process ~~under~~~~Under~~ Section 22-60 of the School Code

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Approval of Providers of Training for School Board Members ~~under Section 10-16 of the School Code~~
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students
- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
- 1.245 Waiver of School Fees

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- 1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
- 1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
- 1.270 Book and Material Selection (Repealed)
- 1.280 Discipline
- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
- 1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Qualifications and Responsibilities
- 1.320 Evaluation of [Licensed Educators](#)~~Certified Staff in Contractual Continued Service~~
- 1.330 [Toxic](#)~~Hazardous~~ Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.445 Required Course Substitute
- 1.450 Special Programs (Repealed)
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test (Repealed)
- 1.465 Ethnic School Foreign Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors
- 1.520 [Home and Hospital Instruction](#)~~School Food Services (Repealed)~~
- 1.530 Health Services
- 1.540 Pupil Personnel Services (Repealed)

SUBPART F: STAFF [LICENSURE](#)~~CERTIFICATION~~ REQUIREMENTS

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Section

- 1.610 Personnel Required to be Qualified
- 1.620 Accreditation of Staff (Repealed)
- 1.630 [Paraprofessionals; Other Unlicensed Noncertificated](#) Personnel
- 1.640 Requirements for Different Certificates (Repealed)
- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.705 Requirements for Supervisory and Administrative Staff
 - 1.710 Requirements for Elementary Teachers
 - 1.720 Requirements for Teachers of Middle Grades
 - 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004
 - 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
 - 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
 - 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
 - 1.740 Standards for Reading through June 30, 2004
 - 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
 - 1.750 Standards for Media Services through June 30, 2004
 - 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
 - 1.760 Standards for [School Support Pupil](#) Personnel Services
 - 1.762 Supervision of Speech-Language Pathology Assistants
 - 1.770 Standards for Special Education Personnel
 - 1.780 Standards for Teachers in Bilingual Education Programs
 - 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
 - 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
 - 1.783 Requirements for [Administrators Administrators](#) of Bilingual Education Programs
 - 1.790 Substitute Teacher
-
- 1.APPENDIX A Professional Staff [Licensure Certification](#)
 - 1.APPENDIX B Certification Quick Reference Chart (Repealed)
 - 1.APPENDIX C Glossary of Terms (Repealed)
 - 1.APPENDIX D State Goals for Learning

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- 1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
- 1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
- 1.APPENDIX G Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, 27-23.8 and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective

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October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 37 Ill. Reg. _____, effective _____.

SUBPART A: RECOGNITION REQUIREMENTS

Section 1.20 Operational Requirements

- a) Districts' and schools' recognition status is based upon compliance with the requirements imposed by law, including but not limited to the recognition standards established by the State Board of Education pursuant to Section 2-3.25 of the School Code and this Part, as modified or waived, if applicable, pursuant to Section 2-3.25g of the School Code and Section 1.100 of this Part [or Section 22-60 of the School Code and Section 1.110 of this Part](#).
 - 1) No later than September 30 of each year, each school district shall apply for recognition of each school operated by the district. This application shall be submitted to the respective regional superintendent of schools through an electronic submission process established by the State Superintendent of Education, except that a district operated pursuant to Article 34 of the School Code [105 ILCS 5/Art. 34] shall submit its application directly to the State Superintendent.
 - 2) No later than October 15 of each year, each regional superintendent of schools shall summarize, through an electronic process established by the State Superintendent of Education, the degree to which the schools in the districts for which he or she is responsible adhere to operational compliance requirements. The regional superintendent shall recommend the assignment of recognition status as applicable considering the compliance-related information supplied.
 - 3) As part of this process, the regional superintendent of schools shall periodically visit the region's school districts as he or she may deem necessary to ascertain the degree to which the districts' schools comply with operational requirements.
- b) Based upon the information provided by the district and the regional superintendent, the State Superintendent shall [assignprepare](#) a [certificate of](#)

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recognition status for each school and for each district as a whole, which will be posted on the Illinois State Board of Education's website at www.isbe.net and shall transmit these certificates to all districts. In each case, the recognition status assigned shall be either "Fully Recognized", "On Probation", "Recognized Pending Further Review", or "Nonrecognized".

- 1) Each school or district that meets the requirements imposed by law, including the requirements established by the State Board pursuant to Section 2-3.25 of the School Code and this Part, shall be fully recognized.
- 2) A school or district shall be placed on probation if it:
 - A) exhibits deficiencies that present a health hazard or a danger to students or staff;
 - B) fails to offer required coursework;
 - C) employs personnel who lack the required qualifications and who are not in the process of attaining such qualifications;
 - D) fails or refuses to serve students according to relevant legal and/or regulatory requirements; and/or
 - E) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.
- 3) A school or district shall be recognized pending further review if it exhibits areas of noncompliance that:
 - A) are not serious enough to warrant probation as delineated in subsection (b)(2) of this Section; and
 - B) may be corrected prior to the end of the school year following the school year in which they were identified.
- 4) A district shall be recognized pending further review whenever one or more of the district's schools are first removed from full recognition, whether recognized pending further review or placed on probation. The district shall subsequently be placed on probation if the instances of

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noncompliance cited for one or more schools have not been corrected within the time allowed under subsection (b)(3)(B) of this Section.

- c) The recognition status of a district or a school may be changed by the State Board of Education at any time to reflect information confirmed during compliance monitoring or by any other means. Any change in status that may occur during the subsequent school year will be posted in accordance with subsection (b) of this Section no later than 30 days after the change in status is determined.
- d) The superintendent of a district that is recognized pending further review or in which one or more schools are recognized pending further review may, within 30 days after receipt of notification to this effect, request a conference at which representatives of the district will have an opportunity to discuss compliance issues with representatives of the State Board of Education.
- e) The State Superintendent shall schedule a conference with the superintendent of a district that is placed on probation, or in which one or more schools are placed on probation, at which representatives of the district will discuss compliance issues with representatives of the State Board of Education. Within 60 days following this conference, the school district shall submit to the regional superintendent of schools and the State Superintendent of Education a corrective plan that conforms to the requirements of subsection (f) of this Section.
- 1) If the plan is required to relate to areas of noncompliance at the district level, the plan shall be signed by the secretary of the local board of education as evidence that the board adopted a resolution authorizing its submission.
 - 2) If the plan is required to relate to areas of noncompliance at one or more schools, the plan shall be signed by the district superintendent and each affected principal.
- f) The State Superintendent of Education shall respond to the submission of a plan within 15 days after receiving it and may consult with the regional superintendent of schools to determine the appropriateness of the actions proposed by the district to correct the cited deficiencies. The State Superintendent shall approve a plan if it:
- 1) specifies steps to be taken by the district that are directly related to the area or areas of noncompliance cited;

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- 2) provides evidence that the district has the resources and the ability to take the steps described without giving rise to other issues of compliance that would lead to probationary status; and
 - 3) specifies a timeline for correction of the cited deficiencies that is demonstrably linked to the factors leading to noncompliance and is no longer than needed to correct the identified problems.
- g) If a district's plan is not approvable under subsection (f) of this Section, the State Superintendent shall notify the district to this effect. If no plan is submitted, or if no approvable plan is received within 60 days after the district's conference with the State Board, the status of the district, or of the affected school or schools, as applicable, shall be changed to "nonrecognized".
- h) If, at any time while a plan for corrective action is in effect, the State Superintendent determines that the agreed-upon actions are not being implemented in accordance with the plan or the underlying areas of noncompliance are not being remedied, the status of the district, or of the affected school or schools, as applicable, shall be changed to "nonrecognized".
- i) The superintendent of a district that is nonrecognized pursuant to this Section, or in which one or more schools are nonrecognized pursuant to this Section, may request a conference with representatives of the State Board of Education within 15 days after receipt of notification to this effect. (See Section 1.95 of this Part for procedures related to nonrecognition pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f].)
- 1) If a conference is requested by a superintendent on behalf of a nonrecognized school or district and the areas of concern are not resolved, the State Superintendent shall furnish the school board with a Notice of Opportunity for Hearing. The school board may submit an appeal by adopted board resolution within 15 days after receipt of the notice. The appeal must identify the specific findings with which the district disagrees. The district will be given a hearing in accordance with the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). A final decision shall be rendered by the State Board of Education.
 - 2) If no conference is requested, the district shall be deemed not to intend to appeal the nonrecognition.

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- j) Neither a district nor a school shall be nonrecognized under this Section without first having been placed on probation. A district that is nonrecognized, or in which one or more schools are nonrecognized, shall be subject to the provisions of Section 18-8.05(A)(3)(a) of the School Code [105 ILCS 5/18-8.05(A)(3)(a)].

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.30 State Assessment

The State Superintendent of Education shall develop and administer assessment instruments and other procedures in accordance with Section 2-3.64 of the School Code [105 ILCS 5/2-3.64]. In addition, school districts shall collaborate with the State Superintendent in the design and implementation of special studies.

- a) Development and Participation
- 1) Assessment instruments and procedures shall meet generally accepted standards of validity and reliability as stated in "Standards for Educational and Psychological Testing" (~~2013~~)(1999), published by the American Educational Research Association, ~~1430 K~~~~1230-17th~~ St., N.W., Washington, D.C. ~~2000520036~~. (No later amendments to or editions of these standards are incorporated.)
 - 2) Districts shall participate in special studies, tryouts, and/or pilot testing of these assessment procedures and instruments when one or more schools in the district are selected to do so by the State Superintendent.
 - 3) A school shall generally be selected for participation in these special studies, tryouts, and/or pilot testing no more than once every four years, except that participation may be required twice every four years in the case of the Illinois Alternate Assessment.
 - 4) *All pupils enrolled in a public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, a charter school operating in compliance with the Charter Schools Law [105 ILCS 5/Art. 27A], a school operated by a regional office of education under Section 13A-3 of the School Code [105 ILCS 5/13A-3], or a public school administered by a local public agency or the Department of Human Services shall be required to participate in*

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the State assessment, whether by taking the regular assessment, with or without accommodations, or by participating in an alternate form of the assessment (Sections 2-3.25a and 2-3.64 of the School Code).

- A) Students who are served in any locked facility that has a State-assigned RCDTS (region/county/district/type/school) code, students who attend public university laboratory schools under Section 18-8.05(K) of the School Code, and students beyond the age of compulsory attendance (other than students with IEPs) whose programs do not culminate in the issuance of regular high school diplomas are not required to participate in the State assessment.
 - B) It is the responsibility of each district or other affected entity to ensure that all students required to participate in the State assessment do so. See also Section 1.50 of this Part.
- 5) Each district or other affected entity shall ensure the availability of reasonable accommodations for participation in the State assessment by students with disabilities, as reflected in those students' IEPs or plans developed under Section 504 of the Rehabilitation Act of 1973 (29 USC 794), or limited English proficiency.
- b) Assessment Procedures
- 1) All assessment procedures and practices shall be based on fair testing practice, as described in "Code of Fair Testing Practices in Education" (2004), published by the Joint Committee on Testing Practices of the American Educational Research Association, American Psychological Association, and National Council on Measurement in Education, 750 First Avenue, N.E., Washington, D.C. 20002-4242. (No later amendments to or editions of this code are incorporated.)
 - 2) Districts and other affected entities shall protect the security and confidentiality of all assessment questions and other materials that are considered part of the approved State assessment, including but not necessarily limited to test items, reading passages, charts, graphs, and tables.

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- 3) Districts shall promptly report to the State Superintendent all complaints received by the district of testing irregularities. A district shall fully investigate the validity of any such complaint and shall report to the State Superintendent the results of its investigation.
 - 4) Districts shall administer the Prairie State Achievement Examination (PSAE) or the Illinois Alternate Assessment (IAA), if applicable under subsection (d) of this Section, to students in grade 11. (See Section 2-3.64 of the School Code.) For the purpose of this subsection (b)(4), "grade 11" means the point in time when a student has earned the number of credits necessary for enrollment in grade 11, as determined by his or her school district in accordance with Sections 1.420(b) and 1.440 of this Part. A district shall not promote a student to grade 12 status until that student has taken either the PSAE or IAA, as applicable.
- c) **Accommodations**
Students who have been identified at the local level as having limited proficiency in English as provided in 23 Ill. Adm. Code 228.15, including students not enrolled in programs of bilingual education, may participate in an accommodated State assessment, subject to the limitations set forth in Section 2-3.64 of the School Code. A student with limited proficiency in English shall be afforded extra time for completion of the State assessment when, in the judgment of the student's teacher, extra time is necessary in order for the student's performance to reflect his or her level of achievement more accurately, provided that each test must be completed in one session. See also Section 1.60(b) of this Part.
- d) **Illinois Alternate Assessment**
Students with the most significant ~~intellectual~~intellectual~~cognitive~~ disabilities whose IEPs identify the regular State assessment as inappropriate for them even with accommodations shall participate in the Illinois Alternate Assessment (IAA), based on alternate achievement standards, for all subjects tested. See also Section 1.60(c) of this Part.
- e) **Review and Verification of Information**
Each school district and each charter school shall have an opportunity to review and, if necessary, correct the preliminary data generated from the administration of the State assessment, including information about the participating students as well as the scores achieved.

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- 1) Within 10 days after the preliminary data for the Illinois Standards Achievement Test (ISAT) and the IAA are made available and within five days after preliminary data for the PSAE are made available, each district or charter school shall make any necessary corrections to its demographic and score data and then use a means prescribed by the State Board to indicate either:
 - A) that both its demographic and preliminary data are correct; or
 - B) that it is requesting rescoring of some or all portions of the assessment for specific students.
 - 2) When districts request rescoring, staff of the State Board and/or its contractor shall have an additional period of 21 days within which to work with the affected district or charter school to make any resulting corrections.
 - 3) At the end of the 21-day period discussed in subsection (e)(2) of this Section, all districts' and charter schools' data shall stand as the basis for the applicable school report cards and determination of status. Any inaccuracies that are believed to persist at that time shall be subject to the appeal procedure set forth in Section 1.95 of this Part.
- f) Reports of State Assessment Results
- 1) Following verification of the data under subsection (e) of this Section, the State Board shall send each school and district a report containing final information from the results of each administration of the State assessment.
 - A) The scores of students who are served by cooperatives or joint agreements, in Alternative Learning Opportunities Programs established under Article 13B of the School Code, by regional offices of education under Section 13A-3 of the School Code, by local agencies, or in schools operated by the Department of Human Services, scores of students who are served in any other program or school not operated by a school district and who are scheduled to receive regular high school diplomas, all scores of students who are wards of the State, and all scores of students who have IEPs, shall be reported to the students' respective districts of residence

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and to the schools within those districts that they would otherwise attend.

- B) The scores of students enrolled in charter schools shall be reported to the chief administrator of the charter school and to any school district serving as a chartering entity for the charter school.
- 2) Each report shall include, as applicable to the receiving entity:
- A) results for each student to whom the State assessment was administered (excluding any scores deemed by the State Board to be invalid due to testing irregularities); and
 - B) summary data for the school and/or district and the State, including but not limited to raw scores, scale scores, comparison scores, including national comparisons when available, and distributions of students' scores among the applicable proficiency classifications (see subsection (h) of this Section).
- g) Each school district and each charter school shall receive notification from the State Board of Education as to the status of each affected school and the district based on the attainment or non-attainment of adequate yearly progress as reflected in the final data. These determinations shall be subject to the appeal process set forth in Section 1.95 of this Part.
- h) **Classification of Scores**
Each score achieved by a student on a regular or alternate State assessment shall be classified among a set of performance levels, as reflected in score ranges that the State Board shall disseminate at the time of testing, for the purpose of identifying scores that "demonstrate proficiency".
- 1) Each score achieved by a student on a regular State assessment (i.e., the ISAT or the PSAE) shall be classified as "academic warning", "below standards", "meets standards", or "exceeds standards". Among these scores, those identified as either meeting or exceeding standards shall be considered as demonstrating proficiency.
 - 2) Each score achieved by a student on the IAA shall be classified as "entry", "foundational", "satisfactory", or "mastery". Among these scores, those

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identified as "satisfactory" or "mastery" shall be considered as demonstrating proficiency.

- i) **Scores Relevant to Adequate Yearly Progress**
For purposes of determining whether a district or a school has made adequate yearly progress, scores achieved on a State assessment in reading or mathematics shall be "relevant scores". For schools without grades higher than 2 (that is, for schools where no State assessment is administered), the determination as to whether a school in this group has made adequate yearly progress shall be the determination applicable to the school where the largest number of students go on into the third grade.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.60 Subgroups of Students; Inclusion of Relevant Scores

A student's scores shall count among those for his or her school or district, as applicable, for a given year only if he or she was enrolled continuously in the district on or before May 1 of the previous academic year through State testing the following spring. Students who feed into another school within the same district during the summer based upon the district's progression of students among attendance centers based on grade level shall have their scores counted for the school and district. Any student who is continuously enrolled within the district but, for reasons not mandated by the district, changes to a new school within the district after May 1 will be counted at the district level but not at the school level. Nothing in this Section is intended to exempt a student from the requirement for participation in the State assessment, except as provided in subsection (b)(1) of this Section.

- a) Relevant scores shall be disaggregated by content area for any subgroup identified in this subsection (a) whose membership meets the minimum subgroup size. For purposes of this Section 1.60, "minimum subgroup size" shall mean 45 students across all the grades tested in the school or district, as applicable. Except as provided in subsection (b) of this Section, each student's scores shall be counted in each of the subgroups to which he or she belongs.
 - 1) Students with disabilities, i.e., students who have Individualized Education Programs (IEPs);
 - 2) For school years through 2009-10, racial/ethnic groups:
 - A) White,

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- B) Black,
 - C) Hispanic,
 - D) American Indian or Alaskan Native,
 - E) Asian/Pacific Islander,
 - F) Multiracial/ethnic;
- 3) For school year 2010-11 and beyond, racial/ethnic groups:
- A) Hispanic or Latino of any race,
 - B) For students who are not Hispanic or Latino:
 - i) American Indian or Alaska Native,
 - ii) Asian,
 - iii) Black or African American,
 - iv) Native Hawaiian or Other Pacific Islander,
 - v) White,
 - vi) Two or more races;
- 4) Students who have been identified at the local level as having limited proficiency in English as provided in 23 Ill. Adm. Code 228.15; and/or
- 5) Students who are eligible for free or reduced-price meals under the Child Nutrition Act of 1966 (42 USC 1771 et seq.) or the National School Lunch Act (42 USC 1751 et seq.).
- b) Special provisions shall apply to the treatment of scores achieved by students of limited English proficiency in certain circumstances.

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- 1) An Illinois student who is in his or her first year of enrollment in school in the United States and who is identified as having limited proficiency in English may elect to participate in the State assessment in reading. Any ~~such~~ student who elects not to participate shall nevertheless be treated as having participated for purposes of calculating the participation rate.
 - 2) The score achieved by a student who elects to participate in the regular State assessment in reading under subsection (b)(1) of this Section shall be counted for purposes of calculating the participation rate but not for purposes of calculating performance.
 - 3) An Illinois student who is in his or her first year of enrollment in school in the United States and who is identified as having limited proficiency in English shall be required to participate in the State assessment in mathematics. The score achieved by such a student shall be counted for purposes of calculating the participation rate but not for purposes of calculating performance.
 - 4) A student who has previously been identified as having limited proficiency in English and whose scores have been attributed to that subgroup shall continue to have his or her scores attributed to that subgroup for the first two years after the last year when he or she was considered to have limited English proficiency. However, districts and schools shall not be required to count students to whom this subsection (b)(4) applies as part of the subgroup with limited English proficiency for purposes of determining whether the minimum subgroup size exists.
- c) All relevant scores of a district's students with disabilities who participate in the alternate form of the State assessment shall be included in the district's calculations for purposes of determining whether adequate yearly progress has been made.
- 1) The number of scores earned by students who participate in the alternate form of the State assessment that may be counted as demonstrating proficiency in a content area shall be no more than 1 percent of all scores achieved by the district's students in that subject. (See the regulations of the U.S. Department of Education at 34 CFR 200.6.)
 - 2) Except as provided in subsection (c)(3) of this Section, for purposes of calculating adequate yearly progress at the district level, each score that

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demonstrates proficiency but is in excess of the 1 percent maximum set forth in subsection (c)(1) of this Section shall be counted as not demonstrating proficiency and shall be included as such in the calculations for each subgroup of which the student is a member.

- 3) A district may apply to the State Superintendent of Education for a one-year exception to the 1 percent maximum set forth in subsection (c)(1) of this Section, which may be renewed for one or more subsequent years if warranted. Using a format established by the State Superintendent, the district shall display information demonstrating that the prevalence of students for whom the alternate assessment is appropriate exceeds 1 percent of the total population. The district shall also supply a narrative explaining the disproportionate representation of [thesesuch](#) students in its population. The State Superintendent of Education shall approve a district's request for an exception if the district superintendent provides assurances that the district meets all the requirements of 34 CFR 200.6 and if the information supplied by the district demonstrates that:
 - A) families of students with the most significant [intellectualeognitive](#) disabilities have been attracted to live in the district by the availability of educational, health, or community services that respond to their needs; or
 - B) the district's student population is so small that the presence of even a small number of students with the most significant [intellectualeognitive](#) disabilities causes the district to exceed the 1 percent threshold (e.g., in a population of 50 students, one student represents 2 percent); or
 - C) other circumstances exist such that the overrepresentation of students with the most significant [intellectualeognitive](#) disabilities is outside the control of the district, i.e., the overrepresentation is not a result of inappropriate decision-making as to the form of the State assessment that should be used for particular students.
- 4) When scores that demonstrate proficiency and were achieved by students on the IAA make up more than 1 percent of a district's scores in either reading or mathematics, and the district has not received approval for an exception to the 1 percent maximum pursuant to subsection (c)(3) of this Section, the district shall be required to identify the "proficient" scores on

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the IAA that will be counted as not demonstrating proficiency for purposes of calculating adequate yearly progress (AYP). In making this determination, a district may choose to identify:

- A) scores of students who belong to the fewest subgroups;
 - B) scores of students who belong to the largest subgroups;
 - C) scores of students who belong to the smallest subgroups;
 - D) scores of students who belong to the subgroups whose performance is farthest above the target applicable to the year in question; or
 - E) scores of students who belong to the subgroups whose performance is farthest below the target applicable to the year in question.
- 5) The State Superintendent of Education shall notify each district that is affected by the requirement to identify excess "proficient" scores on the IAA. The deadline set by the State Superintendent shall allow at least five business days for districts' responses. For any district that does not submit the requested information on this selection within the time allowed, the State Superintendent shall identify the scores that will be considered as not demonstrating proficiency for this purpose.
- d) Targets for scores demonstrating proficiency
- 1) In each subject and for each subgroup of students, the percentage of scores demonstrating proficiency that is required for AYP shall increase from the original baseline of 40 percent for the 2002-03 school year according to the following schedule:
 - A) For 2003-04, 40 percent;
 - B) For 2004-05 and for 2005-06, 47.5 percent;
 - C) For 2006-07, 55 percent;
 - D) For 2007-08, 62.5 percent;

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- E) For 2008-09, 70 percent;
 - F) For 2009-10, 77.5 percent;
 - G) For 2010-11, 85 percent;
 - H) For 2011-12 and for 2012-13, 92.5 percent;
 - I) For 2013-14, 100 percent.
- 2) In order to avoid penalizing schools and districts for the decision bias that is associated with a minimum subgroup size, a 95 percent "confidence interval" shall be applied to subgroups' data. (A confidence interval is a mathematical approach designed to compensate for the unreliability of data derived from consideration of small groups.)
- e) "Safe Harbor"
A school or a district in which one or more subgroups fail to achieve the required academic target for a particular year may nevertheless be considered as having made AYP for that year. Each subgroup in question must have attained the minimum subgroup size in the preceding year and, for each such subgroup, there must have been a decrease of at least ten percent in the proportion of scores that do not demonstrate proficiency in comparison to that subgroup's scores for the preceding year. In addition, if the school is a high school, the relevant subgroup's graduation rate must at least equal the target rate for that year, and, if the school is an elementary or a middle school, the relevant subgroup's attendance rate must at least equal the target rate for that year (see Section 1.70 of this Part). This "safe harbor" method for calculating AYP shall apply only to subgroups within schools or districts; it shall not be used for the aggregate scores of a school or a district as a whole.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.77 Educator Licensure Information Certification System (ELIS)

Each school district shall ensure that information on the qualifications of its professional and paraprofessional staff is recorded on the electronic data system maintained by the State Board of Education so that the State Board may complete federally required reports. A district that lacks the technological capacity to participate in this electronic system shall be given an opportunity to

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demonstrate to the State Superintendent that this is the case, and the State Superintendent shall make available an alternative means that the district shall use in transmitting the required information.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency ~~under~~ Under Title III

This Section implements section 3122 of the No Child Left Behind Act of 2001 (NCLB) (20 USC 6842), which requires that states establish "Annual Measurable Achievement Objectives" (AMAOs) for educational agencies that use funds provided under Title III of the Act to serve students of limited proficiency in English and hold those entities accountable for meeting those objectives. Further, this Section implements section 3113(b)(5) of NCLB (20 USC 6823), which requires states to hold local educational agencies and schools accountable for meeting all the objectives described in NCLB section 3122.

- a) The three distinct AMAOs address progress, proficiency, and adequate yearly progress (AYP), respectively, in connection with students taking the annual English language proficiency assessment prescribed by the State Board of Education in 23 Ill. Adm. Code 228 (Transitional Bilingual Education). These objectives shall apply at the district or cooperative level, as applicable, i.e., based on the test scores achieved by all the students served by each entity that receives Title III funding. In order to "meet AMAOs" for any given year, a district or cooperative must achieve all of the applicable objectives described in this subsection (a).
 - 1) "Progress" relates to the percentage of a school district's or cooperative's students who are making progress in learning English. An individual student is determined to have made progress in English when his or her composite English proficiency level, which is derived from his or her score on a given administration of the English language proficiency assessment, increased in comparison to the previous composite English proficiency level achieved by at least .5 of a proficiency level or, in the second administration of the English language proficiency assessment, the student achieved the maximum composite English proficiency level attainable on the assessment. (Also see subsection (a)(1)(E) of this Section.) The composite English proficiency levels of students tested but not being served in bilingual education programs shall not be counted for

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this purpose ([e.g., a student whose parents have refused English learning services](#)).

- A) For the purpose of this subsection (a), "composite English proficiency level" means the level associated with the overall scale score achieved on the English language proficiency assessment. The overall scale score is calculated using individual scores achieved in each of the four domains of listening, speaking, reading and writing, with greater value being placed on literacy development (i.e., reading and writing scores are weighted).
- B) The Illinois annual progress target shall be 54.4 percent of students showing progress for school year 2010-11, which shall increase to 69.6 percent by school year 2015-16.
- C) The percentage of a district's or cooperative's students who show progress shall increase by a minimum of 3 percent each year.
- D) The provisions of this subsection (a)(1) shall apply provided that the number of students enrolled during the time in which the State-prescribed English language proficiency assessment is administered and being served in bilingual education programs is no fewer than 45 at the district or cooperative level, as applicable.
- E) A student's composite English proficiency level shall be counted for this purpose only if he or she has participated in at least two consecutive administrations of the State-prescribed English language proficiency assessment, except as provided in [this subsection \(a\)\(1\)\(E\)subsections \(a\)\(1\)\(D\)\(i\) and \(ii\) of this Section](#).
 - i) For a student who previously was enrolled in an Illinois school district and who re-enrolled in an Illinois school district during the current school year, the level of attainment for making progress shall be determined as prescribed in subsection (a)(1) of this Section using the student's current composite English proficiency level on the State-prescribed English language proficiency assessment compared to the student's most recent, previous composite English proficiency level achieved when he or she was enrolled in an Illinois district.

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- ii) For a student enrolled in an Illinois school district and who, for any reason other than not having been enrolled in an Illinois school district at the time of testing, does not have composite English proficiency levels from two consecutive administrations of the State-prescribed English language proficiency assessment, the level of attainment for making progress shall be calculated by multiplying the number of years between the two most recent administrations of the State-prescribed English language proficiency assessment in which the student has participated by .5. For example, a student who took the test in school year 2010-11 and school year 2008-09 must increase his or her composite English proficiency level by 1.0 of a proficiency level in order to be considered as making progress (.5 of a proficiency level x 2 years = 1.0 of a proficiency level).
- 2) "Proficiency" relates to the percentage of students who attained the scores identified by the State Board of Education (~~ISBE~~) as demonstrating English language proficiency and eligibility to exit [an English learner program](#)~~bilingual education~~. The scores of students tested but not being served in bilingual education programs shall not be counted for this purpose ([e.g., a student whose parents have refused English learning services](#)).
- A) The Illinois annual proficiency target shall be six percent of students attaining English proficiency for school year 2009-10, with the target increasing to 15 percent by school year 2015-16.
- B) The percentage of the district's or cooperative's students attaining proficiency shall increase by 1 or 2 percent each year. The State Superintendent shall inform districts and cooperatives annually of the percentage to be used.
- C) The provisions of this subsection (a)(2) shall apply provided that the number of students enrolled during the time in which the State-prescribed English language proficiency assessment is administered and being served in bilingual education programs is no fewer than 45 at the district or cooperative level, as applicable.

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- 3) "Adequate yearly progress" or "AYP" has the meaning given to that term in Section 1.40 of this Part, except that, for purposes of this Section, AYP is specific to the scores earned on the reading and mathematics portions of the State assessment by students with limited proficiency in English, to their participation in the State assessment, and to their attendance or graduation rate, as applicable. The AYP objective shall apply only when the number of students served is treated as a subgroup under Section 1.60(a) of this Part.
- b) In order to avoid penalizing districts and cooperatives for the decision bias that is associated with drawing inferences from a small distribution, a 95 percent "confidence interval" shall be applied to the data involved in each calculation discussed in subsection (a) of this Section. (A confidence interval is a mathematical approach designed to compensate for the unreliability of data derived from consideration of small groups.)
- c) The scores of all students served by a cooperative shall be analyzed as one group for purposes of determining whether the cooperative has met AMAOs in a given year. When a district changes cooperative membership, the scores of its students from the most recently completed school year will be used to determine whether the new cooperative has met progress under subsection (a)(1) of this Section. The determination for a cooperative shall also apply to each of its member districts.
- d) Section 3122(b) of NCLB requires entities funded under Title III that fail to reach AMAOs for two consecutive years to prepare improvement plans designed to ensure that the entities will meet those objectives in the future. Each entity that is subject to this requirement shall submit its plan no later than six months after it receives notification from ISBE of its failure to meet AMAOs for the second consecutive year. Should a district or cooperative elect not to apply for Title III funding in the subsequent year, it shall be required to submit an improvement plan before it next applies, unless data on the performance of its students demonstrate that the entity met AMAOs in the most recent year preceding its new application for funding. ISBE shall not approve an application for Title III funds from an entity that is subject to this requirement until its plan has been submitted.
- e) When an entity funded under Title III has failed to reach AMAOs for four consecutive years, ISBE shall, as required by section 3122(b)(4) of NCLB:
 - 1) require the entity to modify its curriculum, program, and method of instruction; or

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- 2) make a determination regarding the entity's continued receipt of funds under Title III and require the entity to replace educational personnel relevant to the entity's failure to meet the achievement objectives.
- f) The sanctions chosen pursuant to subsection (e) of this Section shall be identified based upon ISBE's analysis of the factors that prevented the entity from attaining the AMAOs, including those factors presented in the improvement plan submitted in accordance with subsection (d) of this Section. In particular, ISBE shall deny continued Title III funding to an entity that:
- 1) fails or refuses to serve students according to relevant legal and/or regulatory requirements; or
 - 2) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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

- a) As authorized in Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g], a school district or independent authority established pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f], *a joint agreement made up of school districts, or a Regional Superintendent of Schools applying on behalf of a school or program operated by the regional office of education*; or, ~~as authorized under Sections 13A-5 and 13A-10 of the School Code [105 ILCS 5/13A-5 and 13A-10] with respect to regional safe schools programs~~, the governing board of an Intermediate Service Center ~~operating such a program~~ may petition for:
- 1) State Board approval of waivers or modifications of State Board of Education rules and of modifications of School Code mandates, which may be requested to meet the intent of the rule or mandate in a more effective, efficient or economical manner or when necessary to stimulate innovation or to improve student performance; and/or
 - 2) General Assembly approval of waivers of School Code mandates, which may be requested only to stimulate innovation or improve student performance.

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- b) "The School Code" comprises only those statutes compiled at 105 ILCS 5.
- 1) Waivers from State Board rules or School Code mandates pertaining to those areas enumerated in Section 2-3.25g(b) of the School Code [105 ILCS 5/2-3.25g(b)] are not permitted.
- A) For the purposes of this subsection (b)(1), provisions of the School Code or the rules of the State Board of Education that reflect or implement the No Child Left Behind Act of 2001 (Public Law 107-110) shall include all requirements for:
- i) the entities to be held accountable for the achievement of their students;
 - ii) the participation of students in the various forms of the State assessment;
 - iii) the timing of administration of the State assessment;
 - iv) the use of students' scores on the State assessment in describing the status of schools, districts, and other accountable entities;
 - v) the use of indicators other than test scores in determining the progress of students;
 - vi) the required qualifications of paraprofessionals;
 - vii) the placement of schools not making adequate yearly progress on academic early warning status or academic watch status, and the results to schools and districts that follow from such placement;
 - viii) the district's responsibility to prepare revised school and/or district improvement plans in response to placement on academic warning or watch status;
 - ix) the appointment of school or district improvement panels for schools or school districts on academic watch status;

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- x) the use of State interventions according to the timeline set forth in Section 2-3.25f of the School Code; and
 - xi) the appeals process set forth in Section 1.95 of this Part, and the authority of the State Board of Education to make final determinations on ~~thesesueh~~ appeals.
- B) Waivers or modifications of mandates pertaining to the use of student performance data and performance categories for teacher and principal evaluations, as required under Article 24A of the School Code [105 ILCS 5/Art. 24A], are not permitted and on September 1, 2014, any previously authorized waiver or modification from such requirements shall terminate (Section 2-3.25g(b) of the School Code)~~after the applicable implementation date specified in Section 24A-2.5 of the School Code [105 ILCS 5/24A-2.5].~~
- 2) Waivers of mandates contained in Section 5-1 of the School Code [105 ILCS 5/5-1] or in Section 5-2.1 of the School Code [105 ILCS 5/5-2.1] also shall not be requested.
- c) Each application for a waiver or modification shall provide the following, on a form supplied by the State Board of Education.
- 1) Identification of the rules or mandates involved, either by quoting the exact language of or by providing a citation to the rules or mandates at issue. Applicants unable to determine the exact language or citation may obtain a copy of, or citation to, the rules or mandates involved by contacting the State Board of Education Legal Department by mail at 100 North First Street, Springfield, Illinois, 62777-0001, by email at waivers@isbe.net, or by telephone at 217-782-5270.
 - 2) Identification as to the specific waivers and/or modifications sought. For modifications, the specific modified wording of the rules or mandates must be stated.
 - 3) Identification as to whether the request is for an initial waiver or modification or for the renewal of a previously approved request. Renewals of waivers and modifications of Section 27-6 of the School Code [105 ILCS 5/27-6] shall be subject to the requirements of subsection

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(l) of this Section.

- 4) For requests based upon meeting the intent of the rule or mandate in a more effective, efficient, or economical manner, a narrative description that sets forth:
 - A) the intent of the rule or mandate to be achieved;
 - B) the manner in which the applicant will meet that intent;
 - C) how the manner proposed by the applicant will be more effective, efficient or economical; and
 - D) if the applicant proposes a more economical manner, a fiscal analysis showing current expenditures related to the request and the projected savings that would result from approval of the request.
- 5) If the request is necessary for stimulating innovation or improving student performance, the request must include the specific plan for improved student performance and school improvement upon which the request is based. This plan must include a description of how the applicant will determine success in the stimulation of innovation or the improvement of student performance.
- 6) If the request is for a waiver of the administrative expenditure limitation established by Section 17-1.5 of the School Code [105 ILCS 5/17-1.5], the request must include the amount, nature, and reason for the requested relief and all remedies that have been exhausted to comply with the administrative expenditure limitation and shall otherwise comply with Section 17-1.5(d) of the School Code.
- 7) The time period for which the waiver or modification is sought. Pursuant to Section 2-3.25g of the School Code, this time period may not exceed five years, except for requests made pursuant to subsection (c)(6) of this Section, which may not exceed one year (see Section 17-1.5(d) of the School Code), and except for requests for relief from the mandate set forth in Section 27-6 of the School Code, which may not exceed two years.
- 8) A description of the public hearing held to take testimony about the

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request from educators, parents and students, which shall include the information required by Section 2-3.25g of the School Code.

- 9) An assurance stating the date of the public hearing conducted to consider the application and, if applicable, the specific plan for improved student performance and school improvement; affirming that the hearing was held before a quorum of the board or before the regional superintendent, as applicable, and that it was conducted as prescribed in Section 2-3.25g of the School Code; and stating the date the application (and, if applicable, the plan) was approved by the local governing board or regional superintendent.

10) [For waivers or modifications of State Board of Education administrative rules governing contracting of driver's education \(23 Ill. Adm. Code 252\), the information required under Section 2-3.25g\(d\) of the School Code.](#)

- d) Each applicant must attach to the application a [dated](#) copy of the notice [of the public hearing that was](#) published in a newspaper of general circulation, ~~and~~ a [dated](#) copy of the written notifications [about the public hearing](#) provided to the applicant's collective bargaining agent and to those State legislators representing the applicant, [and a dated copy of the notice of the public hearing posted on the applicant's website](#), each of which must comply with the requirements of Section 2-3.25g of the School Code.
- e) Applications must be sent by certified mail, return receipt requested, and addressed as specified on the application form.
- f) Applications must be postmarked not later than 15 calendar days following the local governing board's approval. Applications addressed other than as specified on the application form shall not be processed.
- g) Applications for the waiver or modification of State Board rules or for the modification of School Code mandates shall be deemed approved and effective 46 calendar days after the date of receipt by the State Board of Education unless disapproved in writing. Receipt by the State Board shall be determined by the date of receipt shown on the return receipt form, except in the case of an incomplete application.
- 1) An applicant submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information and

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the date by which the information must be received in order to avoid the application's return as ineligible for consideration.

- 2) The 45-day response time referred to in this subsection (g) shall not commence until the applicant submits the additional material requested by the State Board.
 - 3) Each application that has not been made complete by the date identified in accordance with subsection (g)(1) of this Section shall be ineligible for consideration and shall be returned to the applicant with an explanation as to the deficiencies.
- h) The State Board may disapprove a request for the waiver or modification of State Board rules or for the modification of School Code mandates if the request:
- 1) is not based upon sound educational practices;
 - 2) endangers the health or safety of students or staff;
 - 3) compromises equal opportunities for learning; or
 - 4) does not address the intent of the rule or mandate in a more effective, efficient or economical manner or does not have improved student performance as a primary goal.
- i) Disapproval of an application for a waiver or modification of a State Board rule or for a modification of a School Code mandate shall be sent by certified mail to the applicant no later than 45 calendar days after receipt of the application by the State Board. An applicant wishing to appeal the denial of a request may do so within 30 calendar days after receipt of the denial letter by sending a written appeal by certified mail to the Illinois State Board of Education, Rules and Waivers [Division Unit](#), 100 North First Street, S-493, Springfield, Illinois 62777-0001 or by email to waivers@isbe.net. The written appeal shall include the date the local governing board approved the original request, the citation of the rule or School Code section involved, and a brief description of the issue. Appeals of denials shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code.
- j) The State Superintendent of Education shall periodically notify school districts and other potential applicants of the date by which applications must be

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postmarked in order to be processed for inclusion in the next report to the General Assembly. Each application will be reviewed for completeness. Complete applications shall be submitted to the General Assembly in the next report. Incomplete applications shall be treated as discussed in subsections (g)(1) and (g)(3) of this Section.

- k) The State Superintendent of Education shall notify Regional Superintendents of Schools [and Intermediate Service Centers](#) of the disposition of requests for waivers or modifications submitted by school districts located within their regions.
- l) The limitation on renewals established in Section 2-3.25g(e) of the School Code shall apply to each waiver or modification of Section 27-6 of the School Code that is approved on or after January 1, 2008. Once an eligible applicant has received approval for a waiver or modification of that Section on or after January 1, 2008, any request submitted by that applicant for a subsequent time period shall be considered a renewal request, regardless of the rationale for the request or the schools or students to be affected. No applicant shall receive approval for more than two renewals after January 1, 2008, and no applicant shall receive approval for more than six years cumulatively beginning with that date.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.110 Appeal Process ~~under~~ Section 22-60 of the School Code

Section 22-60 of the School Code [105 ILCS 5/22-60] authorizes regional superintendents of schools to grant exemptions from certain mandates contained in the School Code [105 ILCS 5] or in administrative rules of the State Board of Education. Any decision of the regional superintendent regarding a school district's or private school's request for an exemption may be appealed to the State Superintendent by the school district, the private school or a resident of the district. [For the purposes of this Section, references to "regional superintendent" shall be understood to include the intermediate service centers established in that portion of Cook County located outside of the City of Chicago.](#)

- a) A school district, private school or resident wishing to appeal the decision of the regional superintendent to deny or approve an exemption request may do so by sending a written appeal on or before April 15 by certified mail to the Illinois State Board of Education, [Public School Recognition Governmental Relations](#) Division, 100 [West Randolph](#)~~North First~~ Street, [Suite 14-300S-404](#),

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[ChicagoSpringfield](#), Illinois [6060162777](#) or by email to mandateappeal@isbe.net.
The written appeal shall include:

- 1) the date the regional office of education acted on the exemption request;
 - 2) a copy of the original request that includes the citation of the rule or School Code section involved;
 - 3) a copy of the regional superintendent's decision to grant or deny the request;
 - 4) a narrative explanation of the petitioner's objections to the regional superintendent's decision (not to exceed two pages), along with any documentation that directly supports the argument being made; and
 - 5) the name, address, telephone number and contact person of the school district or private school submitting the appeal, or the name, address and telephone number of the resident submitting the appeal.
- b) The State Superintendent of Education shall provide written notice of the date, time, and location of the hearing to consider the appeal to the petitioner not less than 10 days before the hearing date. The notice shall be sent by certified mail, return receipt requested. Copies of the notice of hearing also shall be provided to the school district's regional superintendent of schools and, in the case of a resident's appeal, to the school district superintendent or private school administrator. Any hearing shall be held no later than May 15 of each year.
- c) A petitioner may present oral testimony at the hearing, not to exceed 30 minutes. Any responses to the petitioner's testimony made by the school district, private school or regional superintendent of schools also shall be limited to no more than 30 minutes.
- d) The State Superintendent of Education shall consider the net costs associated with the implementation of the mandate and other evidence of its financial impact presented by the school district or private school to determine if implementation or operation is cost-prohibitive. For purposes of this Section, "cost-prohibitive" means that the financial burden of implementing or operating the mandate is greater than the benefits to be received.

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- e) The State Superintendent shall inform the petitioner of his or her decision at the conclusion of the hearing. (See Section 22-60(b) of the School Code.) A written summary of the decision, including reasons for accepting or denying the appeal, shall be provided to each affected party no later than 10 calendar days after the hearing.
- f) A school district, private school or regional superintendent of schools shall provide to a resident of the district, upon the resident's request, a copy of the original exemption request or a copy of the decision regarding the exemption request, along with the reason for the denial or approval, no later than 10 calendar days after the request has been made.
- g) City of Chicago School District 299 or a private school located in the City of Chicago shall submit any request for an exemption from a statutory or regulatory mandate to the Division ~~Supervisor Administrator~~ of the ~~Public School Recognition Educator and School Development~~ Division, 100 ~~West Randolph North First~~ Street, ~~Suite 14-300E-310~~, ~~Chicago Springfield~~, Illinois ~~6060162777~~, within the timelines and in the format specified in Section 22-60 of the School Code.
- 1) The division ~~supervisor administrator~~ shall schedule a public hearing to take testimony from the district and interested residents about the request.
 - 2) A committee comprised of representatives from each department of the State Board of Education with a responsibility for the statutory or regulatory mandate shall review the request and the testimony provided at the public hearing. The committee shall recommend to the division ~~supervisor administrator~~ whether the request should be granted, and the division ~~supervisor administrator~~ shall send written notification of his or her decision to the district or private school on or before March 15, along with reasons why the exemption was granted or denied.
 - 3) A public hearing conducted under this subsection (g) shall comply with the Open Meetings Act [5 ILCS 120].
 - 4) The process for a school district, private school or resident to appeal a decision made pursuant to subsection (g)(2) of this Section shall be as provided in this Section.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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SUBPART B: SCHOOL GOVERNANCE

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

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

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

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

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

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.280 Discipline

Section 24-24 of the School Code [105 ILCS 5/24-24] provides for teachers, other ~~licensed or certified~~ educational employees ([except for individuals holding an educator license with stipulations endorsed for paraprofessional educator](#)) and persons providing a related service for or with respect to a student as determined by the board of education to maintain discipline in the schools.

- a) The board of education shall establish and maintain a parent-teacher advisory

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committee as provided in Section 10-20.14 of the School Code [105 ILCS 5/10-20.14].

- b) The board of education shall establish a policy on the administration of discipline in accordance with the requirements of Sections 10-20.14 and 24-24 of the School Code [105 ILCS 5/10-20.14 and 24-24] and disseminate that policy as provided in Section 10-20.14 of the School Code.
- c) Any use of isolated time out or physical restraint permitted by a board's policy shall conform to the requirements of Section 1.285 of this Part. If isolated time out or physical restraint is to be permitted, the policy shall include:
 - 1) the circumstances under which isolated time out or physical restraint will be applied;
 - 2) a written procedure to be followed by staff in cases of isolated time out or physical restraint;
 - 3) designation of a school official who will be informed of incidents and maintain the documentation required pursuant to Section 1.285 of this Part when isolated time out or physical restraint is used;
 - 4) the process the district or other administrative entity will use to evaluate any incident that results in an injury that the affected student (or the responsible parent or guardian), staff member, or other individual identifies as serious;
 - 5) a description of the alternative strategies that will be implemented when determined advisable pursuant to Section 1.285(f)(4) of this Part; and
 - 6) a description of the district's or other administrative entity's annual review of the use of isolated time out or physical restraint, which shall include at least:
 - A) the number of incidents involving the use of these interventions,
 - B) the location and duration of each incident,
 - C) identification of the staff members who were involved,

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- D) any injuries or property damage that occurred, and
 - E) the timeliness of parental notification and administrative review.
- d) In addition to, or as part of, its policy on the maintenance of discipline, each board of education shall adopt policies and procedures regarding the use of behavioral interventions for students with disabilities who require ~~such~~ intervention. Each board's policies and procedures shall conform to the requirements of Section 14-8.05(c) of the School Code [105 ILCS 5/14-8.05(c)].

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint

Isolated time out and physical restraint as defined in this Section shall be used only as means of maintaining discipline in schools (that is, as means of maintaining a safe and orderly environment for learning) and only to the extent that they are necessary to preserve the safety of students and others. Neither isolated time out nor physical restraint shall be used in administering discipline to individual students, i.e., as a form of punishment. Nothing in this Section or in Section 1.280 of this Part shall be construed as regulating the restriction of students' movement when that restriction is for a purpose other than the maintenance of an orderly environment (e.g., the appropriate use of safety belts in vehicles).

- a) "Isolated time out" means the confinement of a student in a time-out room or some other enclosure, whether within or outside the classroom, from which the student's egress is restricted. The use of isolated time out shall be subject to the following requirements:
 - 1) Any enclosure used for isolated time out shall:
 - A) have the same ceiling height as the surrounding room or rooms and be large enough to accommodate not only the student being isolated but also any other individual who is required to accompany that student;
 - B) be constructed of materials that cannot be used by students to harm themselves or others, be free of electrical outlets, exposed wiring, and other objects that could be used by students to harm themselves or others, and be designed so that students cannot climb up the walls (including walls far enough apart so as not to

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offer the student being isolated sufficient leverage for climbing);
and

- C) be designed to permit continuous visual monitoring of and communication with the student.
- 2) If an enclosure used for isolated time out is fitted with a door, either a steel door or a wooden door of solid-core construction shall be used. If the door includes a viewing panel, the panel shall be unbreakable.
- 3) An adult who is responsible for supervising the student shall remain within two feet of the enclosure.
- 4) The adult responsible for supervising the student must be able to see the student at all times. If a locking mechanism is used on the enclosure, the mechanism shall be constructed so that it will engage only when a key, handle, knob, or other similar device is being held in position by a person, unless the mechanism is an electrically or electronically controlled one that is automatically released when the building's fire alarm system is triggered. Upon release of the locking mechanism by the supervising adult, the door must be able to be opened readily.
- b) "Physical restraint" means holding a student or otherwise restricting his or her movements. "Physical restraint" as permitted pursuant to this Section includes only the use of specific, planned techniques (e.g., the "basket hold" and "team control").
- c) The requirements set forth in subsections (d) through (h) of this Section shall not apply to the actions described in this subsection (c) because, pursuant to Section 10-20.33 of the School Code [105 ILCS 5/10-20.33], *"restraint" does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and designed to:*
- 1) *prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property; or*
- 2) *remove a disruptive student who is unwilling to leave the area voluntarily.*
- d) The use of physical restraint shall be subject to the following requirements.

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- 1) Pursuant to Section 10-20.33 of the School Code, physical restraint may only be employed when:
 - A) *the student poses a physical risk to himself, herself, or others,*
 - B) *there is no medical contraindication to its use, and*
 - C) *the staff applying the restraint have been trained in its safe application as specified in subsection (h)(2) of this Section.*
- 2) Students shall not be subjected to physical restraint for using profanity or other verbal displays of disrespect for themselves or others. A verbal threat shall not be considered as constituting a physical danger unless a student also demonstrates a means of or intent to carry out the threat.
- 3) Except as permitted by the administrative rules of another State agency operating or licensing a facility in which elementary or secondary educational services are provided (e.g., the Illinois Department of Corrections or the Illinois Department of Human Services), mechanical or chemical restraint (i.e., the use of any device other than personal physical force to restrict the limbs, head, or body) shall not be employed.
- 4) Medically prescribed restraint procedures employed for the treatment of a physical disorder or for the immobilization of a person in connection with a medical or surgical procedure shall not be used as means of physical restraint for purposes of maintaining discipline.
- 5) Any application of physical restraint shall take into consideration the safety and security of the student. Further, physical restraint shall not rely upon pain as an intentional method of control.
- 6) In determining whether a student who is being physically restrained should be removed from the area where ~~the~~ such restraint was initiated, the supervising ~~adult~~ ~~adult(s)~~ shall consider the potential for injury to the student, the student's need for privacy, and the educational and emotional well-being of other students in the vicinity.
- 7) If physical restraint is imposed upon a student whose primary mode of communication is sign language or an augmentative mode, the student

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shall be permitted to have his or her hands free of restraint for brief periods, unless the supervising adult determines that ~~this~~ freedom appears likely to result in harm to the student or others.

e) Time Limits

- 1) A student shall not be kept in isolated time out for longer than is therapeutically necessary, which shall not be for more than 30 minutes after he or she ceases presenting the specific behavior for which isolated time out was imposed or any other behavior for which it would be an appropriate intervention.
- 2) A student shall be released from physical restraint immediately upon a determination by the staff member administering the restraint that the student is no longer in imminent danger of causing physical harm to himself, herself, or others.

f) Documentation and Evaluation

- 1) A written record of each episode of isolated time out or physical restraint shall be maintained in the student's temporary record. The official designated pursuant to Section 1.280(c)(3) of this Part shall also maintain a copy of each of these records~~such record~~. Each ~~such~~ record shall include:
 - A) the student's name;
 - B) the date of the incident;
 - C) the beginning and ending times of the incident;
 - D) a description of any relevant events leading up to the incident;
 - E) a description of any interventions used prior to the implementation of isolated time out or physical restraint;
 - F) a description of the incident and/or student behavior that resulted in isolated time out or physical restraint;
 - G) a log of the student's behavior in isolated time out or during

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physical restraint, including a description of the restraint ~~technique~~ technique(s) used and any other interaction between the student and staff;

- H) a description of any injuries (whether to students, staff, or others) or property damage;
 - I) a description of any planned approach to dealing with the student's behavior in the future;
 - J) a list of the school personnel who participated in the implementation, monitoring, and supervision of isolated time out or physical restraint;
 - K) the date on which parental notification took place as required by subsection (g) of this Section.
- 2) The school official designated pursuant to Section 1.280(c)(3) of this Part shall be notified of the incident as soon as possible, but no later than the end of the school day on which it occurred.
 - 3) The record described in subsection (f)(1) of this Section shall be completed by the beginning of the school day following the episode of isolated time out or physical restraint.
 - 4) The requirements of this subsection (f)(4) shall apply whenever an episode of isolated time out exceeds 30 minutes, an episode of physical restraint exceeds 15 minutes, or repeated episodes have occurred during any three-hour period.
 - A) A licensed educator~~re-certified staff person~~ knowledgeable about the use of isolated time out or trained in the use of physical restraint, as applicable, shall evaluate the situation.
 - B) The evaluation shall consider the appropriateness of continuing the procedure in use, including the student's potential need for medication, nourishment, or use of a restroom, and the need for alternate strategies (e.g., assessment by a mental health crisis team, assistance from police, or transportation by ambulance).

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- C) The results of the evaluation shall be committed to writing and copies of this documentation shall be placed into the student's temporary student record and provided to the official designated pursuant to Section 1.280(c)(3) of this Part.
- 5) When a student has first experienced three instances of isolated time out or physical restraint, the school personnel who initiated, monitored, and supervised the incidents shall initiate a review of the effectiveness of the [proceduresprocedure\(s\)](#) used and prepare an individual behavior plan for the student that provides either for continued use of these interventions or for the use of other, specified interventions. The plan shall be placed into the student's temporary student record. The review shall also consider the student's potential need for an alternative program or for special education.
- A) The district or other entity serving the student shall invite the student's [parentsparent\(s\)](#) or [guardiansguardian\(s\)](#) to participate in this review and shall provide ten days' notice of its date, time, and location.
- B) The notification shall inform the [parentsparent\(s\)](#) or [guardiansguardian\(s\)](#) that the student's potential need for special education or an alternative program will be considered and that the results of the review will be entered into the temporary student record.
- g) Notification to Parents
- 1) A district whose policies on the maintenance of discipline include the use of isolated time out or physical restraint shall notify parents to this effect as part of the information distributed annually or upon enrollment pursuant to Sections 10-20.14 and 14-8.05(c) of the School Code [105 ILCS 5/10-20.14 and 14-8.05(c)].
- 2) Within 24 hours after any use of isolated time out or physical restraint, the school district or other entity serving the student shall send written notice of the incident to the student's [parentsparent\(s\)](#), unless the parent has provided the district or other entity with a written waiver of this requirement for notification. [TheSuch](#) notification shall include the student's name, the date of the incident, a description of the intervention used, and the name of a contact person with a telephone number to be

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called for further information.

- h) Requirements for Training
 - 1) Isolated Time Out

Each district, cooperative, or joint agreement whose policy permits the use of isolated time out shall provide orientation to its staff members covering at least the written procedure established pursuant to Section 1.280(c)(2) of this Part.
 - 2) Physical Restraint
 - A) Physical restraint as defined in this Section shall be applied only by individuals who have received systematic training that includes all the elements described in subsection (h)(2)(B) of this Section and who have received a certificate of completion or other written evidence of participation. An individual who applies physical restraint shall use only techniques in which he or she has received [such](#) training within the preceding two years, as indicated by written evidence of participation.
 - B) Training with respect to physical restraint may be provided either by the employer or by an external entity and shall include, but need not be limited to:
 - i) appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship-building, and the use of alternatives to restraint;
 - ii) a description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
 - iii) the simulated experience of administering and receiving a variety of physical restraint techniques, ranging from minimal physical involvement to very controlling interventions;

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- iv) instruction regarding the effects of physical restraint on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
 - v) instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
 - vi) demonstration by participants of proficiency in administering physical restraint.
- C) An individual may provide training to others in a particular method of physical restraint only if he or she has received written evidence of completing training in that technique that meets the requirements of subsection (h)(2)(B) of this Section within the preceding one-year period.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section 1.310 Administrative Qualifications and Responsibilities

Administrators and supervisors shall be appropriately ~~licensed~~~~certified~~, meeting the requirements stated in ~~Sections 21B-20 and 21B-25~~~~Section 21-7.1~~ of the School Code [105 ILCS 5/~~21B-20 and 21B-25~~~~21-7.1~~] and Section 1.705 of this Part.

- a) Chief school business officials, effective July 1, 1977, shall be appropriately ~~licensed~~~~certified~~, meeting the requirements stated in Section ~~21B-25~~~~21-7.1~~ of the School Code.
- b) Department chairpersons ~~and teacher leaders~~ who are required to supervise and/or evaluate teachers shall meet the applicable requirements of Section 1.705 of this Part. (See also Section ~~21B-25~~~~21-7.1~~ of the School Code.) This regulation shall apply only to those individuals ~~serving as department chairs~~ first assigned to this position on or after September 1, 1978 ~~and individuals holding a teacher leader endorsement issued in accordance with 23 Ill. Adm. Code 25.32 (Teacher Leader Endorsement)~~.

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- c) Divided Service
- 1) An administrator, i.e., a superintendent or principal, may serve in two professional capacities provided that full-time equivalency results in a maximum of one full-time position.
 - 2) In school districts with an enrollment of 100 or fewer, an individual may serve as superintendent/principal and teach (up to ½ day).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.320 Evaluation of Licensed Educators~~Certified Staff in Contractual Continued Service~~

Each school district shall develop an evaluation plan (the Plan) for the evaluation of all licensed educator~~certified school district employees in contractual continued service~~. Where cooperative educational programs operate between or among school districts, or are operated by regional superintendents of education~~Regional Superintendents of Schools~~, pursuant to Sections 3-15.14, 10-22.31 and/or 10-22.31a of the School Code [105 ILCS 5/3-15.14, 10-22.31, and/or 10-22.31a], the Plan shall be developed by the administrative agent who is the fiscal and legal agent for the cooperative program, or the governing board, or the board of control of the entity. In this Section, all of these~~such~~ entities are included in the term "school district".

- a) The Plan shall conform to the requirements of Article 24A of the School Code [105 ILCS 5/Art. 24A] and, upon the school district's implementation date of a performance evaluation system incorporating data and indicators of student growth as set forth in Section 24A-2.5 of the School Code [105 ILCS 5/24A-2.5], meet the requirements of 23 Ill. Adm. Code 50 (Evaluation of Certified Employees under Articles 24A and 34 of the School Code). ~~The, and the~~ school district shall involve teachers in the development of the Plan or, ~~when~~where applicable, develop the Plan in cooperation with the exclusive bargaining representatives. Development of the Plan under a performance evaluation system shall conform to the requirements of Section 24A-4 of the School Code [105 ILCS 5/24A-4].
- b) On or before July 1 of the calendar year in which a school district is required to implement a performance evaluation system incorporating data and indicators of student growth for teachers or principals and assistant principals, a school district shall execute and make available to submit to the State Board of Education, upon

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request, a signed assurance specific to its principal evaluation plan and one specific to its teacher evaluation plan as to whether the Plan:

- 1) incorporates the State Performance Evaluation Model for Teachers or the State Performance Evaluation Model for Principals, as applicable; or
- 2) incorporates a locally developed principal evaluation plan or teacher evaluation plan that aligns to the provisions of Article 24A of the School Code and 23 Ill. Adm. Code 50.

c) Consulting Teachers

- 1) The school official responsible for selecting a consulting teacher when required under Section 24A-5(j) of the School Code must undertake a diligent effort to identify a consulting teacher, which effort must include, but should not be limited to:
 - A) contacting qualified teachers within the district;
 - B) requesting the regional superintendent of schools to supply a roster of qualified consulting teachers; and
 - C) requesting the exclusive bargaining agent for the district to supply a roster of qualified consulting teachers.
- 2) If the school official cannot identify a qualified consulting teacher after completing the effort described in subsection ~~(c)(b)~~(1) of this Section, the employing school district's regional office of education shall supply a qualified consulting teacher.
- 3) If the consulting teacher becomes unavailable during the course of a remediation plan, a new consulting teacher shall be selected in the same manner as the initial consulting teacher. The remediation plan shall be amended as necessary upon consultation with the new consulting teacher for the balance of the remediation period. The consulting teacher shall be informed, through conferences with the evaluator and the teacher under remediation, of the results of the periodic evaluations conducted pursuant to Section 24A-5(k) of the School Code in order to continue to provide assistance to the teacher under a remediation plan.

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(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.330 ~~Toxic~~Hazardous Materials Training

Each district shall maintain an inservice training plan for working with ~~toxic~~hazardous materials (as defined in [Section 3 of the Toxic Substances Disclosure to Employees Act \[820 ILCS 255/3\]](#)) ~~that meets the requirements of Section 16 of the Act~~~~56 Ill. Adm. Code 205) consisting of the "Right to Know" training offered by the Illinois Department of Labor (Toxic Substances Section)~~. Each district shall ensure that all new staff members whose assignments bring them into recurring contact, i.e., daily, weekly, or monthly, with ~~toxic~~hazardous materials who have not ~~received education and training~~~~attended such a program~~ within the past 12 months receive the approved course of training prior to working with ~~toxic~~hazardous materials ([see Section 16 of the Act](#)). Examples may include science teachers, maintenance workers, and cafeteria employees. Each district shall keep on file a list of the job titles in the district whose incumbents are subject to the requirements of this Section and the names of employees who have attended a training program, including the location, presenters, and date of the program.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.410 Determination of the Instructional Program

Subject to the requirements listed [in this Subpart D below](#), the instructional program of a school district shall be determined by the board of education with involvement of parents, students, the professional staff, and the local community. The basic curriculum shall include organized experiences ~~that~~which provide each student ample opportunity to achieve the goals [set forth in Appendix D of this Part](#)~~for which the school system exists~~ and ~~that~~which meet the minimum program defined by ~~the~~The School Code and the State Board of Education. It is recommended that activities, including student internships and observations of government in action, be a part of the instructional program where appropriate.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.420 Basic Standards

- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.
- b) Every school district shall have an organized plan for recording pupil progress

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and/or awarding credit, including credit for courses completed by correspondence, on line, or from other external sources, that can be disseminated to other schools within the State.

- c) Every school district shall:
- 1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in ~~our~~ schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.
 - 2) Include in its instructional program concepts designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.
- d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.
- e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.
- f) Sections 10-19, 18-8.05, 18-12, and 18-12.5 of the School Code [105 ILCS 5/10-19, 18-8.05, 18-12, and 18-12.5] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.
- 1) Section 18-8.05(F)(2)(c) of the School Code provides that, with the approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that, due to a condition beyond the control of the district, the district has been forced to use multiple sessions. The State Superintendent's approval will be granted when the district demonstrates that, due to a condition beyond the control of the district, its facilities are inadequate to house a program offering five clock-hours daily to all students.

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- A) The district superintendent's request to the State Superintendent shall be accompanied by an assurance that the local school board has approved the plan for multiple sessions, including the date of the meeting at which this occurred, and evidence of the approval of the responsible regional superintendent.
 - B) Each request shall include a description of the circumstances that resulted in the need for multiple sessions; information on the buildings and grades affected; the intended beginning and ending dates for the multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.
 - C) Approval for multiple sessions shall be granted for the school year to which the request pertains. Each request for renewed approval shall conform to the requirements of subsections (f)(1)(A) and (B) of this Section.
 - D) Students who are in attendance for at least 150 minutes of school work but fewer than 240 minutes may be counted for a half day of attendance. Students in attendance for fewer than 150 minutes of school work shall not be counted for purposes of calculating average daily attendance.
- 2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for certain students so they may be included in a district's calculation of average daily attendance. Districts may count ~~thesesuch~~ students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.
- 3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.
- A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.

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- B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
- C) All teachers hold educator licenses~~certificates~~ that are registered with the regional superintendent of schools~~Regional Superintendent~~ for their county of employment. Other than substitute teachers, license~~recertification~~ appropriate to the grade level and subject areas of instruction is held by all teachers.
- 4) Sections 18-12 and 18-12.5 of the School Code set forth requirements for a school district to claim General State Aid in certain circumstances when one or more, but not all, of the district's school buildings are closed either for a full or partial day. A school district shall certify the reasons for the closure in an electronic format specified by the State Superintendent within 30 days from the date of the incident. In addition, the certification submitted for reasons of a public health emergency under Section 18-12.5 of the School Code shall be accompanied by a signed statement from the local health department to the State Superintendent that includes:
- A) the name of the building that is being recommended for closure;
- B) the specific public health emergency that warrants the closure; and
- C) the anticipated building closure dates recommended by the health department.
- 5) Attendance for General State Aid Purposes
- A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance. Students in attendance for fewer than two hours of school work shall not be counted for purposes of calculating average daily attendance.
- B) For purposes of determining average daily attendance on the

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district's General State Aid claim, students enrolled full time in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance. Students in attendance for fewer than two and one-half hours of school work shall not be counted for purposes of calculating average daily attendance.

- C) For purposes of determining average daily attendance for General State Aid received under Sections 18-12 and 18-12.5 of the School Code, "immediately preceding school day" shall include school days in the previous school year in instances in which the building closure occurs before three or more days of instruction have been provided in the school year for which attendance is being counted.
- D) For the purposes of determining average daily attendance for General State Aid under Section 10-29 of the School Code [105 ILCS 5/10-29], a school district operating a remote educational program shall document the clock hours of instruction for each student, and make available to the State Superintendent of Education or his or her designee upon request, a written or online record of instructional time for each student enrolled in the program that provides sufficient evidence of the student's active participation in the program (e.g., log in and log off process, electronic monitoring, adult supervision, two-way interaction between teacher and student, video cam). "Clock hours of instruction" shall be calculated in accordance with Section 18-8.05(F)(2)(j) of the School Code [105 ILCS 5/18-8.05(F)(2)(j)].
- g) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code (see Section 10-19 of the School Code).
- h) Local boards of education shall establish and maintain kindergartens for the instruction of children (see Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).

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- 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.
- 2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, those students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.
 - A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.
 - B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.
 - C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.
- 3) Each school district offering a kindergarten program, whether full-day or half-day, shall administer the Illinois Kindergarten Individual Development Survey (KIDS) annually, beginning in the 2015-16 school year. A school district is not obligated to administer KIDS in any school year in which the State does not provide funding sufficient for the cost of the test administration and establishment of a professional development system for teachers and administrators.
 - A) A school district may be asked to participate in ~~a pilot of the KIDS in the 2012-13 school year or~~ a limited statewide implementation of KIDS in the 2013-14 school year and/or the 2014-15 school year, provided that the cost of participating in the pilot is paid by the State. Selection of school districts will be made to ensure a representative sample and will be based upon factors such as

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demographics, economics and geographic location. The State Superintendent of Education shall notify each school district selected to participate in the ~~limited statewide implementation pilot no later than July 1, 2012,~~ and not later than July 1, ~~2013 or July 1, 2014, respectively, for the limited statewide implementation.~~

- B) Within 15 calendar days after receiving the notification required under subsection (h)(3)(A) of this Section, a school district may petition the State Superintendent to be excused from participating in the ~~pilot or~~ limited statewide implementation. The written petition shall state the reasons why the school district believes it lacks the capacity to administer the KIDS. The State Superintendent shall notify the school district of his or her acceptance or rejection of the petition no later than 15 days after it is received.
- i) Career Education
- 1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.
 - 2) Every district shall initiate a Career Awareness and Exploration Program that should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.
- j) Co-Curricular Activities
- 1) Programs for extra classroom activities shall provide opportunities for all students.
 - 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.
- k) Consumer Education and Protection
- 1) A program in consumer education shall include at least the topics required by Section 27-12.1 of the School Code [105 ILCS 5/27-12.1].
 - 2) The superintendent of each unit or high school district shall maintain

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evidence showing that each student has received adequate instruction in consumer education prior to the completion of grade 12. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.

- 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 ~~and shall include installment purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.~~
 - 4) Teachers instructing in consumer education courses shall hold educator licensure certification valid for the grade levels taught and have completed at least three semester hours in consumer education courses.
- l) Conservation of Natural Resources
Each district shall provide instruction on *current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals* (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).
 - m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State, national and international concern.
 - n) Health Education
 - 1) Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].
 - A) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.
 - B) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.

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- C) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.
 - D) If health education is offered in conjunction with another course on a "block of time" basis in a middle school, a junior high school, or a high school, instruction may be offered in any combination of the grade levels in the school, provided that the total time devoted to health education is the equivalent of one full semester's work.
- 2) Nothing in this Section shall be construed as requiring or preventing the establishment of classes or courses in comprehensive sex education or family life education as authorized by Sections 27-9.1 and 27-9.2 of the School Code [105 ILCS 5/27-9.1 and 27-9.2].
- o) **Library Media Programs**
Each school district shall provide a program of library media services for the students in each of its schools. Each district's program shall meet the requirements of this subsection (o).
- 1) **General**
The program shall include an organized collection of resources that circulate to students and staff in order to supplement classroom instruction, foster reading for pleasure, enhance information literacy, and support research, as appropriate to students of all abilities in the grade levels served. No later than the beginning of the 2014-15 school year, a district that relies solely upon the collection of a local public library shall maintain evidence that students receive instruction, direction, or assistance in locating and using resources that are applicable to these purposes from an individual who is qualified under Section 1.755 of this Part and who is acting on behalf of the school district.
 - 2) **Financial Resources**
Each district's annual budget shall include an identifiable allocation for resources and supplies for the program, except that a unit district serving fewer than 400 students or an elementary or high school district serving fewer than 200 students may demonstrate that it is meeting its students' needs through alternate means that the district has determined are adequate in light of local circumstances.

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- 3) **Facilities**
If there is no single location within a particular attendance center that is specifically devoted to a library media center, such as where classroom collections have been established instead, the district shall ensure that equitable access to library media resources is made available to students in all the grade levels served. If students' only access to library media resources is achieved by visiting a location outside their attendance center, the district shall maintain records demonstrating that all students' regular schedules include time for this purpose.
- 4) **Staff**
Nothing in this subsection (o)(4) shall be construed as prohibiting districts or schools from sharing the services of individuals qualified under Section 1.755 of this Part, and nothing in this subsection (o) shall be construed as permitting an individual who is not qualified as a library information specialist to assume that role. ~~Each~~No later than the beginning of the 2009-10 school year, each district shall assign responsibility for overall direction of its program of library media services to an employee who holds a professional educator license endorsed for a teaching or an administrative field~~an elementary, a secondary, a special K-12, a special preschool-age 21, an early childhood, or an administrative certificate.~~ Except as otherwise provided in subsection (o)(4)(A) of this Section, the individual to whom this responsibility is assigned shall meet the requirements of Section 1.755 of this Part, and the individual to whom this responsibility is assigned shall not provide the services described in Section 1.755 of this Part unless he or she meets the requirements of that Section.
- A) In the event that no employee of the district holds any of the qualifications enumerated in Section 1.755 of this Part, the individual to whom direction of the program is assigned shall be required to participate annually in professional development consisting of:
- i) undergraduate or graduate coursework in library science offered by a regionally accredited institution of higher education; or
 - ii) one or more workshops, seminars, conferences, institutes, symposia, or other similar training events that are offered

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by the Illinois State Library, a regional library system, or another professional librarians' organization; or

- iii) one or more "library academies" if these are made available by or at the direction of the State Superintendent of Education.

- B) A district that is otherwise unable to fulfill the requirements of this subsection (o)(4) shall ensure that the overall direction of the library media program (e.g., selection and organization of materials, provision of instruction in information and technology literacy, structuring the work of library paraprofessionals) is accomplished with the advice of an individual who is qualified pursuant to Section 1.755 of this Part.

p) Physical Education

- 1) Appropriate activity related to physical education shall be required of all students each day unless otherwise permitted by Section 27-6 of the School Code [105 ILCS 5/27-6]. The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.
- 2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.
- 3) If a district determines that it is difficult to implement a program of physical education that involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.
- 4) *The physical education and training course offered in grades 5 through 10 may include health education* (Section 27-5 of the School Code [105 ILCS 5/27-5]).
- 5) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act of 1987 [225 ILCS 60], prevents their participation in the courses provided for normal children* (Section 27-6 of

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the School Code).

- 6) Pursuant to Section 27-6 of the School Code, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 shall be excused from participation in physical education.
- A) Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem "appropriate" for this purpose, which shall include, but need not be limited to, reliance upon religious prohibitions.
- B) A board shall, ~~however,~~ have no authority to honor parental excuses based upon students' participation in athletic training, activities, or competitions conducted outside the auspices of the school district, except as otherwise authorized under Section 27-6(b) of the School Code.
- C) For each type of excuse that will be considered "appropriate", the school board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.
- 7) In addition, pursuant to Section 27-6(b) of the School Code, each school board that chooses to excuse pupils enrolled in grades 9 through 12 from engaging in physical education courses under that subsection shall establish a policy to excuse pupils on an individual basis and shall have the policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.
- q) School SupportPupil Personnel Services
To assure provision of School SupportPupil Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:
- 1) Guidance and Counseling Needs;

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- 2) Psychological Needs;
 - 3) Social Work Needs;
 - 4) Health Needs.
- r) Social Sciences and History
- Each school system shall provide history and social sciences courses that do the following:
- 1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in ~~the~~ world (see Section 27-21 of the School Code [105 ILCS 5/27-21]);
 - 2) *include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State* (Section 27-21 of the School Code);
 - 3) *include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system* (Section 27-21 of the School Code);
 - 4) *include the study of that period in world history known as the Holocaust* (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);
 - 5) *include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles* (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]);
 - 6) *include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment* (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]); and
 - 7) *include the study of the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression* (Section 27-21 of the School Code).

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

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.470 Adult and Continuing Education

- a) Local school districts, in accordance with Section 10-20.12 of ~~the~~~~The~~ School Code ~~[105 ILCS 5/10-20.12]~~, shall provide for the educational needs of adults ~~younger than~~~~under~~ 21 years of age who wish to re-enter high school to acquire a high school diploma (~~subject to the limitations of 105 ILCS 5/26-2~~) or an equivalency certificate. Local boards of education may permit other adults to re-enter high school under this provision.
- b) Local school districts may establish special classes for the instruction
- 1) of persons of age 21 years or ~~older~~~~over~~, and
 - 2) of persons ~~younger~~~~less~~ than age 21 and not otherwise in attendance in public school, for the purpose of providing adults in the community and youth whose schooling has been interrupted with educational programs appropriate to the needs of these individuals. If a program is approved by the State Board of Education, a school may issue credit for a course on the basis of qualitative attainment rather than on the time element. (~~See~~ Section 10-22.20 of ~~the~~~~The~~ School Code ~~[105 ILCS 5/10-22.20]~~.)
- c) [Awarding of Credit](#)

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- 1) Local school districts, as provided in a definite policy of the boards of education, may offer credit through proficiency testing, correspondence courses, military experiences, life experiences and other nonformal educational endeavors.
- 2) Secondary schools may obtain credit recommendations for service experience by submitting the form, "Request for Evaluation of Service School Training" to the [American Council on Education Commission on Accreditation of Service Experiences](#), 1 DuPont Circle, [N.W.](#), Washington, D.C. 20036.

AGENCY NOTE: The State Board of Education recommends that a high school grant credit toward a diploma for the successful completion of the following service educational experiences:

United States Armed Forces Institute courses;
United States Armed Forces Institute subject examinations;
High School courses offered through USAFI by cooperating colleges and universities, credit upon transfer from the school offering the course;
Marine Corps Institute courses;
Service School training;
High school credit toward a diploma for basic or recruit training is not recommended.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART E: SUPPORT SERVICES

Section 1.515 Training of School Bus Driver Instructors

Initial and refresher training is required of all school bus drivers by Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1]. Pursuant to Section 3-14.23 of the School Code [105 ILCS 5/3-14.23], regional superintendents of schools are responsible for conducting training programs for school bus drivers. These programs shall be established by the State Board of Education and approved by the Secretary of State pursuant to the Secretary's rules titled School Bus Driver Permit (92 Ill. Adm. Code 1035).

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- a) 92 Ill. Adm. Code 1035.30 of the Secretary's rules requires the certification of bus driver instructors by the State Board of Education. The following standards shall apply to this certification.
- 1) The person must be at least 21 years of age.
 - 2) The person must hold or have held an Illinois School Bus Driver's Permit, hold a current [professional educator license](#)~~teaching certificate~~ endorsed for driver education, or have the approval of the regional superintendent as having had other direct involvement in school bus transportation.
 - 3) The person must provide a current, valid card as evidence of having completed a course in first aid from the American Red Cross, the American Heart Association, or another national organization that is recognized by the Illinois Department of Public Health.
 - 4) The person must have assisted a certified instructor in conducting an initial school bus driver training course and a refresher course; the person must also have taught each of these types of courses under the observation of a certified instructor and have received a satisfactory evaluation of overall teaching performance.
 - 5) Certification of bus driver instructors shall be renewed annually. Renewal shall be sought by the regional superintendent of the region where services will be provided, with the permission of the individuals in question and using a form supplied by the State Superintendent of Education. Renewal of certification shall be based on the criteria set forth in subsections (a)(1) through (a)(4) of this Section.
- b) The State Superintendent shall notify each regional superintendent of the certification status of all affected instructors in his or her region and of any deficiencies preventing the certification of any individual. The regional superintendent shall be responsible for notifying instructors of their status.
- c) The regional superintendent shall be responsible for notifying the employers of all bus drivers who complete initial or refresher training courses.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

| Section 1.520 [Home and Hospital Instruction](#)~~School Food Services (Repealed)~~

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The provisions of this Section apply to any student who has not been identified as eligible for special education services, in accordance with 23 Ill. Adm. Code 226 (Special Education), and who receives services at home or in a hospital or other setting because he or she is unable to attend school elsewhere due to a medical condition, and for which the resident school district is seeking reimbursement under Section 14-13.01(a) of the School Code [105 ILCS 5/14-13.01(a)]. Requirements pertaining to home and hospital instruction for students with disabilities shall be as set forth in 23 Ill. Adm. Code 226.300 (Continuum of Placement Options).

- a) When a student has a medical condition that will cause an absence for two or more consecutive weeks (i.e., 10 school days) of school or ongoing intermittent absences, as defined in Section 14-13.01(a) of the School Code, the school district for that child shall consider the need for home or hospital services. The provision of home or hospital services shall be based upon a written statement from a physician licensed to practice medicine in all its branches that specifies:
 - 1) the child's medical condition;
 - 2) the impact on the child's ability to participate in education (the child's physical and mental level of tolerance for receiving educational services); and
 - 3) the anticipated duration or nature of the child's absence from school.
- b) The amount of instructional or related service time provided through the home or hospital program shall be determined in relation to the child's educational needs and physical and mental health needs. The amount of instructional time shall not be less than five hours per week unless the physician has certified in writing that the child should not receive as many as five hours of instruction in a school week. In the event that the child's illness or a teacher's absence reduces the number of hours in a given week to which the child is entitled, the school district shall work with the child's teachers and the child's parents to provide the number of hours missed, as medically advisable for the child.
- c) A child whose home or hospital instruction is being provided via telephone or other technological device shall receive not less than two hours per week of direct instructional services.
- d) Instructional time shall be scheduled only on days when school is regularly in session, unless otherwise agreed to by all parties.

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- e) For the purpose of determining average daily attendance, school districts shall calculate days of attendance for hospitalized or homebound students in accordance with the provisions of [Section 18-8.05\(F\)\(2\)\(e\) of the School Code.](#)
- f) Home or hospital instructors shall meet the requirements of 23 Ill. Adm. Code 1.610 (Personnel Required to be Qualified), except that the use of an individual who holds only a substitute teaching license is permissible if the individual provides instruction under the supervision of an individual who holds a professional educator license endorsed in a teaching field and is the teacher in whose class the student is enrolled. A school district using the services of a substitute teacher for home or hospital instruction pursuant to this subsection (f), however, is not eligible for reimbursement under Section 14-13.01 of the School Code.
- g) A school district is not obligated to provide home and hospital instruction when the referral for the services is presented when two weeks or less remains in the school year.
- h) Homebound instruction shall be provided for students who are pregnant according to the provisions set forth in Section 10-22.6a of the School Code.

(Source: Old Section repealed at 29 Ill. Reg. 15789, effective October 3, 2005; new Section added at 37 Ill. Reg. _____, effective _____)

Section 1.530 Health Services

- a) Each school shall maintain records for each student that reflect compliance with the examinations and immunizations prescribed by Section 27-8.1 of the School Code and the applicable rules and regulations of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 (Child Health Examination Code). The information relative to examinations and immunizations shall be placed in the student permanent record in accordance with 23 Ill. Adm. Code 375 (Student Records).
 - 1) School districts shall, by November 15 of each school year, report to the State Superintendent of Education the number of students who have received the necessary health examinations and immunizations, the number of students who are not exempt and have not received the necessary health examinations and immunizations, and the number of

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students exempt from the health examination and immunization requirements for religious or medical reasons, in the manner prescribed by the State Superintendent.

- 2) Any school district that, for two years in a row and in any combination, either fails to deliver its report to the State Superintendent of Education by November 15 or delivers a report that does not comply with the percentage requirements of Section 27-8.1 of the School Code shall be issued a Notice of Non-Compliance. Unless, within seven school days after the mailing of the notice, the district presents written evidence to the State Superintendent that it has delivered the report required by Section 27-8.1 and the report complies with the percentage requirements of that Section, the State Superintendent shall reduce by 10 percent each subsequent payment to the district of General State Aid funds under Section 18-8.05 of the School Code, provided that all amounts withheld shall be restored to the district after compliance is documented. The reduction in the district's General State Aid payments shall commence on January 1 and shall occur semi-monthly thereafter, provided that all amounts withheld shall be restored to the district after compliance is documented.
- b) Students participating in interscholastic athletics shall have an annual physical examination. A district shall include as part of any agreement, contract, code, or other written instrument that the district requires a student athlete and his or her parents or guardian to sign before participating in practice or interscholastic competition information relative to the school board's adopted concussion and head injury policy. (See 105 ILCS 5/10-20.53 and 34-18.45.)
- c) Each district shall adopt an emergency procedure to be followed in cases of injury to or sudden illness of students and/or staff.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART F: STAFF ~~LICENSURE~~CERTIFICATION REQUIREMENTS**Section 1.610 Personnel Required to be Qualified**

All professional employees of public schools and school districts shall be properly ~~licensed~~certified as required by Section ~~21B-1521-1~~ of the School Code [105 ILCS 5/~~21B-1521-1~~].

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- a)** No one shall teach or supervise in a public school unless that individual holds an educator license appropriate to the position to which that individual has been assigned, or unless the requirements of 23 Ill. Adm. Code 25.464 have been met. (See Appendix A Appendices A and B of this Part.) Schools' and districts' compliance with these requirements shall be a factor in their recognition status, as discussed in Section 1.20 of this Part.
- b)a)** No one shall be licensed ~~certified~~ to teach or supervise in the public schools of the State of Illinois who is not of good character, as defined in Section 21B-15 of the School Code, ~~good health, a citizen of the United States or legally present and authorized for employment~~ and at least 2019 years of age ~~(Section 21-1 of the School Code [105 ILCS 5/21-1]).~~
- b)** ~~A person not a citizen of the United States but who meets the other requirements of subsection (a) of this Section may be issued a certificate valid for teaching or supervising in all grades of the common schools. An applicant for a certificate who is not a citizen of the United States must sign and file with the State Board of Education a letter of intent indicating that, either within 10 years after the date that the letter is filed or at the earliest opportunity after the person becomes eligible to apply for U.S. citizenship, the person will apply for U.S. citizenship. (Section 21-1 of the School Code)~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.630 Paraprofessionals; Other Unlicensed ~~Nonecertificated~~ Personnel

- a)** Pursuant to Sections 10-22.34 and 34-18 of the School Code [105 ILCS 5/10-22.34 and 34-18], school boards may employ nonteaching personnel or use volunteer personnel for nonteaching duties not requiring instructional judgment or evaluation of pupils.
- b)** Paraprofessionals; ~~Teacher Aides~~
- 1)** School boards may further utilize volunteer ~~nonecertificated~~ personnel or employ ~~nonecertificated~~ personnel who do hold an educator license with stipulations endorsed for paraprofessional educator to serve as paraprofessionals (or "teacher aides") to assist in the instruction of pupils, so long as each ~~nonecertificated~~ individual is under the immediate supervision of a teacher who holds a valid professional educator license endorsed for the teaching field of assignment ~~certificated~~ and is directly

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engaged in teaching subject matter or conducting activities (see Sections 10-22.34 and 34-18 of the School Code). To "assist in the instruction of pupils", i.e., to serve as a paraprofessional, means to support teachers through interactions with students that will help them master curricular content, such as by tutoring; or to assist with classroom management, such as by organizing instructional materials.

- 2) Beginning July 1, 2013, an individual employed as a paraprofessional shall meet the requirements set forth in 23 Ill. Adm. Code 25.510 (Paraprofessionals) except in the following circumstances:
- A) Any individual whose paraprofessional approval was continued after June 30, 2013, in accordance with the provisions of 23 Ill. Adm. Code 25.15 (Types of Licenses; Exchange), may continue to serve as a paraprofessional subject to any limitations of his or her approval.
 - B) An individual who holds an educator license indicative of completion of a bachelor's degree may serve as a paraprofessional without obtaining an educator license with stipulations endorsed for paraprofessional educator.
 - C) An individual who holds an educator license with stipulations endorsed for career and technical educator may serve as a paraprofessional without obtaining an additional endorsement for paraprofessional educator.

~~Employment as a paraprofessional requires a statement of approval issued by the State Board of Education, in consultation with the State Teacher Certification Board, except that a paraprofessional first employed on or before June 30, 2005, in a program that serves students with disabilities shall be subject to this requirement as of July 1, 2007, and except that an individual who holds any certificate indicative of completion of at least a bachelor's degree, or who holds a provisional vocational certificate, may serve as a paraprofessional without a statement of approval.~~

- 3) Each paraprofessional shall be under the direct supervision and control of a fully ~~licensed~~certificated teacher when assisting with instruction, whether this occurs in classrooms, laboratories, shops, playgrounds, libraries, or other educational settings where instructional judgment

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requires the supervision of a fully ~~licensed~~~~certificated~~ teacher. The ~~fully licensed~~~~certificated~~ teacher shall be responsible for planning the activities to be conducted by the paraprofessional and for evaluating the pupils with whom the paraprofessional works. The ~~fully licensed~~~~certificated~~ teacher shall be continuously aware of the paraprofessional's activities, i.e., the teacher shall be responsible for controlling the paraprofessional's activities and shall be able to modify them at any time.

- 4) Paraprofessionals shall not be utilized as substitutes for or replacement of ~~fully licensed~~~~certificated~~ teachers, and they shall not have equivalent responsibilities. ~~Fully licensed~~~~Certificated~~ teachers shall exercise professional judgment when assigning duties to paraprofessionals and shall retain the responsibility for determining students' scholastic activities.
- 5) Each school district shall:
 - A) submit a list of all paraprofessionals it employs to the State Superintendent of Education with its annual application for recognition;
 - B) maintain a file for each paraprofessional that describes his or her functions and includes his or her statement of approval, ~~if applicable, or verification of his or her holding an educator license with stipulations endorsed for paraprofessional educator and evidence that he or she has met the relevant requirements of 23 Ill. Adm. Code 25.510;~~ and
 - C) be responsible for ensuring that no individual is employed as a paraprofessional without ~~an educator license with stipulations endorsed for paraprofessional educator a statement of approval,~~ except as permitted under subsection (b)(2) of this Section, and that paraprofessionals ~~whose paraprofessional approval was continued~~ are assigned only to tasks for which their approval is valid.
- c) Other Licensed Personnel
 - 1) School boards may designate ~~unlicensed~~~~noncertificated~~ persons of good character, ~~as defined in Section 21B-15 of the School Code,~~ to serve as

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supervisors, chaperones or sponsors, either on a voluntary or on a compensated basis, for school activities not connected with the academic program of the schools (see Section 10-22.34a of the School Code [105 ILCS 5/10-22.34a]).

d) ~~School boards may utilize noncertificated persons, under the direction of a certified teacher, for providing specialized instruction related to a course assigned to the certified teacher on a regular basis, not otherwise readily available in the immediate school environment, in the fields for which they are particularly qualified or skilled (see Section 10-22.34b of the School Code [105 ILCS 5/10-22.34b]).~~

2)e) ~~Unlicensed~~~~Noncertificated~~ personnel in special education programs under contract to the local board of education, other than paraprofessionals, shall be governed by 23 Ill. Adm. Code 226 (Special Education). Also, beginning July 1, 2006, educational interpreters for persons who are deaf or hard of hearing shall be approved pursuant to 23 Ill. Adm. 25.550 (Approval of Educational Interpreters).

3)f) In accordance with Section 10-22.34(d) of the School Code [105 ILCS 5/10-22.34(d)], school districts may utilize ~~unlicensed~~~~noncertificated~~ persons who are completing their clinical experiences and/or student teaching.

A)h) A candidate participating in clinical experiences shall not be required to hold ~~an educator license with stipulations endorsed for a statement of approval as a~~ paraprofessional if:

i)A) the candidate is engaging in the clinical experience as part of an approved Illinois teacher preparation program in which he or she is enrolled;

ii)B) when the candidate assists in instruction, he or she is under the immediate supervision of a teacher who holds a valid ~~professional educator license~~~~certificat~~ and is directly engaged in teaching the subject matter or conducting other learning activities; and

iii)C) the cooperating teacher constantly evaluates the candidate's activities and is able to control or modify them.

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B)2) ~~Unlicensed~~~~Nonecertificated~~ personnel enrolled in a student teaching course at a college or university are not required to be under the constant supervision of a teacher, provided that their activity has the prior approval of the representative of the higher education institution, that teaching plans have been previously discussed with and approved by the supervising teacher, and the teaching is performed in accordance with the requirements of 23 Ill. Adm. Code 25.620 (Student Teaching) (see Section 10-22.34(d) of the School Code).

C)g) In accordance with Section 10-22.34b of the School Code [105 ILCS 5/10-22.34b], school districts may, with the prior approval of the responsible regional superintendent of schools, utilize ~~unlicensed~~~~noncertified~~ persons *to provide specialized instruction not otherwise readily available in the immediate school environment in the fields for which they are particularly qualified by reason of specialized knowledge or skill*. The regional superintendent shall approve an assignment of this type when:

i)1) the ~~licensed~~~~certified~~ teacher holding a professional educator license endorsed in a teaching field under whose direction the instruction will be provided has specified in writing the material to be covered and the amount of time to be allotted for the specialized instruction;

ii)2) the district superintendent has identified in writing the selected individual's professional competence or outstanding proficiency in the area of specialization in which instruction is to be provided;

iii)3) the district superintendent has affirmed in writing that a district representative has determined the environment where instruction will be provided, if away from the school, to be safe and appropriate to the age of the students involved; and

iv)4) the district superintendent has described the precise function to be served by the specialized instruction and any compensation to be paid to the selected individual.

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(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART G: STAFF QUALIFICATIONS

Section 1.760 Standards for School Support~~Pupil~~ Personnel Services

- a) School psychologists, social workers in schools, ~~and school guidance~~ counselors, speech-language pathologist (nonteaching) and school nurses, except as provided in subsection (c) of this Section, shall hold a professional educator license endorsed for school support personnel in their respective area~~Type 10 or Type 73 Certificate with the appropriate endorsement.~~
- b) Registered Professional Nurse means any nurse who is licensed to practice professional nursing in Illinois in accord with the Nurse Practice Act [225 ILCS 65]~~The Illinois Nursing Act (Ill. Rev. Stat. 1985, ch. 111, par. 3401 et seq.)~~ and whose license is active and in good standing as determined by the Illinois Department of Financial and Professional Regulation~~Registration and Education.~~
- c) School Nurse means any registered professional nurse who holds a professional educator license endorsed for school support services~~Type 73 School Service Personnel Certificate with an endorsement~~ in school nursing, or any ~~noncertificated~~ registered professional nurse who does not hold the professional educator license but was employed in the school district of current employment before July 1, 1976. School districts may employ noncertificated registered professional nurses to perform professional nursing services [105 ILCS 5/10-22.23].
- d) School boards that employ school nurses shall be responsible for verifying that each ~~such~~ person holds a valid nursing license and professional educator license~~certificate~~ except as provided in subsection (c) of this Section.
- e) School boards that employ one or more school nurses for the purpose of providing professional nursing services shall develop and keep on file a written job description defining the duties of ~~theirsaid~~ school nurses~~nurse(s)~~.
- f) Any job description prepared pursuant to subsection (e) of this Section will be accepted by the State Board of Education as complying with Section 10-22.23 of the~~The~~ School Code (Ill. Rev. Stat. 1985, ch. 122, par. 10-22.23) if it contains at least:

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- 1) the duty to provide [registered](#) professional nursing [practiceservices](#) as defined in [Section 50-10 of the Nurse Practice Act](#) ~~(Ill. Rev. Stat. 1985, ch. 111, par. 3405 (4)(1))~~; and
 - 2) at least one or more additional duties as the school board shall select from subsection (g) of this Section.
- g) Additional duties of the school nurse shall include one or more of the following:
- 1) [assessment of health care needs through](#) screening for deficits in vision, hearing, growth and development, immunization status, and other physical defects (e.g., [orthopedic, malnutrition, asthma, metabolic disorders, blood pressure, obesity-scoliosis, hernia](#));
 - 2) identifying student health problems, making referrals for their diagnosis, treatment and remediation, and providing follow-up for each referral;
 - 3) recommending modification of the school programs for a student who requires a change because of a health deficit and developing health care plans when students need special physical health care procedures to be provided at school;
 - 4) establishing a communicable disease prevention and control program, [including blood-borne pathogen control programs, in collaboration with State and local health departments and federal and State occupational safety and health agencies](#);
 - 5) assessing the health status of students and providing health counseling (e.g. on diet, exercise) for students, parents and school staff;
 - 6) [processing physicians' orders](#), administering and monitoring medication and treatment given in school (subject to local policy regarding the administration of medication at school);
 - 7) providing crisis intervention for students and/or staff in the advent of sudden illness or injury;
 - 8) establishing an accident prevention program [in collaboration with the district's administration](#);

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- 9) acting as liaison between the home, school, community health agencies and the private medical sector;
 - 10) participating in the identification, evaluation and placement of students into special education programs; (e.g., as a referring agent, a consultant to parents, teachers, ~~etc.~~, and/or as a member of a multidisciplinary team pursuant to the provisions of 23 Ill. Adm. Code 226 (Special Education));
 - 11) collecting and analyzing health-related data (e.g., immunization records, medical records, incidence of specific diseases); ~~and~~ making recommendations based upon these data; and reporting the data to State agencies as may be required;
 - 12) maintaining accurate school health records and ensuring the confidentiality of their contents in accordance ~~in accord~~ with the Illinois School Student Records Act [105 ILCS 10], ~~(Ill. Rev. Stat. 1985, ch. 122, par. 50-1 et seq.)~~ and 23 Ill. Adm. Code 375 (Student Records), and the Family Educational Rights and Privacy Act (20 USC 1232g);
 - 13) carrying out other specified duties ~~that which~~ the school nurse is qualified to perform, provided that the school nurse shall not provide instruction to students ~~be assigned teaching duties~~ unless the nurse holds the appropriate teaching ~~endorsement certificate~~; however, this subsection (g)(13) does not preclude a school nurse from providing limited classroom instruction as may be requested by the licensed teacher on specific health or illness topics (e.g., asthma, HIV prevention, puberty);-
 - 14) coordinating and managing student health through care management, including delegating nursing tasks included in the individual student health plan (e.g., screening tests, diabetes monitoring) to licensed and unlicensed persons, in accordance with the Nurse Practice Act; and
 - 15) providing instruction to or practicum experience for nursing students enrolled in community health/public health/pediatrics courses through a written agreement between the nursing education program and the school district.
- h) The duty to provide registered professional nursing, ~~services~~ as defined in Section 50-10 of the Nurse Practice Act, ~~"The Illinois Nursing Act"~~ shall not be included

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among the functions assigned to any school district personnel not covered by the job description required for school nurses.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.762 Supervision of Speech-Language Pathology Assistants

- a) Pursuant to Section 14-6.03 of the School Code [105 ILCS 5/14-6.03], school districts and cooperative entities may employ licensed speech-language pathology assistants ("SLPAs"), ~~as well as speech language pathology paraprofessionals who are approved by the State Board of Education ("paraprofessionals").~~ These individuals are required by that Section to serve under the supervision of experienced speech-language pathologists, who are further required by Section 3.5(b) of the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110/3.5(b)] to be licensed under that Act. Therefore, a school district or cooperative entity shall not assign a speech-language pathologist with a professional educator license issuedeertified under Article ~~21B21~~ of the School Code [105 ILCS 5/Art. 21B21] but not licensed under the Illinois Speech-Language Pathology and Audiology Practice Act to supervise any SLPA ~~or paraprofessional~~.
- b) Except as provided in subsection (d) of this Section, a speech-language pathologist who supervises one or more SLPAs shall provide evidence of having completed training of at least ten hours' duration that was provided by an organization approved by the Illinois Department of Financial and Professional Regulation pursuant to the Department's rules titled "The Illinois Speech-Language Pathology and Audiology Practice Act" (68 Ill. Adm. Code 1465) and that addressed all the following topics:
- 1) Establishing and maintaining effective working relationships;
 - 2) Ethical, legal, regulatory, and reimbursement aspects of the profession;
 - 3) Strategies for direct and indirect supervision (supervisory process and practices, effective use of assistants);
 - 4) Evaluating the performance of assistants;
 - 5) The scope of assistants' responsibility; and

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- 6) Instructing and assisting SLPAs with:
- A) the execution of goals and objectives, data collection, and student outcomes,
 - B) standards and strategies for oral and written communication,
 - C) techniques, materials, and equipment utilized in the profession, and
 - D) the maintenance of records.
- c) In order to be eligible to supervise SLPAs, a speech-language pathologist shall provide to the employing district or cooperative a copy of a signed certificate of completion [of the training](#) furnished by the provider. The employing district or cooperative shall maintain this written evidence on file.
- d) ~~The requirements of subsections (b) and (c) of this Section shall not apply to speech language pathologists who supervise paraprofessionals only.~~ A speech-language pathologist who supervises one or more SLPAs shall be exempt from the requirements of subsections (b) and (c) of this Section provided that he or she presents to the employing district or cooperative entity, and the employer maintains, written evidence demonstrating that the speech-language pathologist had acquired at least one full school year's experience in supervising paraprofessional speech-language pathology staff serving individuals of school age prior to January 1, 2003.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.770 Standards for Special Education Personnel

Individuals who provide special education services shall meet the requirements set forth in Subpart I of 23 Ill. Adm. Code 226; [\(Special Education\)](#) and [Subpart B of 23 Ill. Adm. Code 25 \(Educator Licensure\)](#).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.780 Standards for Teachers in Bilingual Education Programs

- a) No individual shall be assigned as a bilingual education teacher in prekindergarten, kindergarten or any of ~~grades~~[Grades](#) 1-12 unless he or she:

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- 1) holds a valid professional educator license endorsed~~certificate that is valid~~ for the grade levels of the students to be served and an endorsement ~~or statement of approval~~ for bilingual education that is specific to the language of instruction, issued pursuant to Section 1.781 of this Part; or
 - 2) holds a valid educator license with stipulations endorsed for transitional bilingual ~~educator certificate~~ specific to the language of instruction, issued pursuant to 23 Ill. Adm. Code 25.90; or
 - 3) holds a valid educator license with stipulations endorsed for visiting international educator and~~Visiting International Teaching Certificate that is valid for~~ the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i); or
 - 4) was employed in a State-approved bilingual education program prior to September 1, 1985 and continues to hold a valid professional educator license endorsed~~certificate that is valid~~ for the grade level or levels of the students to be served.
- b) No individual shall be assigned as a teacher of English as a Second Language (ESL) in prekindergarten, kindergarten or any of ~~grades~~Grades 1-6 unless he or she:
- 1) holds a valid professional educator license endorsed~~certificate that is valid~~ for the grade levels of the students to be served and an endorsement ~~or statement of approval~~ for ESL or English as a New Language (ENL), issued pursuant to Section 1.782 of this Part; or
 - 2) holds a valid professional educator license endorsed~~certificate that is valid~~ for the grade levels of the students to be served and an endorsement ~~or statement of approval~~ for bilingual education or ENL with a language designation; or
 - 3) holds a valid educator license with stipulations endorsed for transitional bilingual ~~educator certificate~~ issued pursuant to 23 Ill. Adm. Code 25.90; or
 - 4) holds a valid educator license with stipulations endorsed for visiting international educator and~~Visiting International Teaching Certificate that~~

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~~is valid for~~ the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i); or

- 5) was employed in an approved bilingual education program prior to September 1, 1985; and continues to hold a [valid professional educator license endorsed](#)~~certificate that is valid~~ for the grade level or levels of the students to be served.
- c) No individual shall be assigned as a teacher of English as a Second Language in any of ~~grades~~[Grades](#) 7-12 unless he or she:
- 1) holds a [valid professional educator license endorsed](#)~~certificate that is valid~~ for the grade levels of the students to be served and an endorsement ~~or statement of approval~~ for ESL or ENL, issued pursuant to Section 1.782 of this Part; or
- 2) holds a [valid educator license with stipulations endorsed for visiting international educator and](#)~~Visiting International Teaching Certificate that is valid for~~ the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i).
- d) Additional requirements for teachers in grades 5 through 8 serving students with home languages other than English shall be as set forth in Section 1.720 of this Part.
- e) Additional requirements for teachers in State-supported early childhood programs serving students with home languages other than English shall be as set forth in 23 Ill. Adm. Code 228.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12

- a) Bilingual education teachers employed in an approved bilingual education program prior to September 1, 1985 are not subject to the requirements set forth below, provided they continue to hold a certificate issued prior to that date and valid for their current teaching role [and have exchanged that certificate for the appropriate educator license \(see 23 Ill. Adm. Code 25.15 \(Types of Licenses; Exchange\)\)](#).

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- b) On September 1, 1985 and thereafter, bilingual education teachers in State-approved bilingual education programs must:
- 1) Possess a [valid educator license with stipulations endorsed for transitional bilingual educator](#)~~Transitional Bilingual Certificate~~ issued in accordance with 23 Ill. Adm. Code 25.90; or
 - 2) Possess a valid [professional educator license endorsed for bilingual education](#)~~Illinois teacher certificate and either an endorsement or a statement of approval issued by the State Board of Education~~ when evidence is presented demonstrating that the following requirements have been met:
 - A) Verification of reading, writing, grammar skills, and speaking proficiency in the non-English language for which the endorsement or approval is sought (either graduating from an institution where the non-English language was the medium of instruction or through passage of the test of language proficiency in that language); and
 - B) 18 semester hours distributed among the following areas and including 100 clock hours of clinical experience or 3 months teaching experience in a bilingual education program:
 - i) Foundations of bilingual education,
 - ii) Assessment of the bilingual student,
 - iii) Methods and materials for teaching ~~limited~~-English [learners \(ELs\)](#)~~proficient (LEP) students~~ in bilingual programs,
 - iv) Methods and materials for teaching English as a Second Language,
 - v) Cross-cultural studies for teaching [ELs](#)~~LEP students~~.
 - 3) Hold a [valid educator license with stipulations endorsed for visiting international educator and](#)~~Visiting International Teaching Certificate that~~

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~~is valid~~ for the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12

- a) Bilingual teachers ~~currently~~presently teaching English as a Second Language and employed in an approved bilingual education program prior to September 1, 1985 are not subject to the requirements set forth below, provided they continue to hold a certificate issued prior to that date and valid for their current teaching role and have exchanged that certificate for the appropriate educator license (see 23 Ill. Adm. Code 25.15 (Types of Licenses; Exchange)).
- b) On September 1, 1985 and thereafter, teachers of English as a Second Language in State-approved bilingual education programs must:
- 1) Possess a valid professional educator license endorsed for special K-12 and ~~certificate endorsed~~ for teaching English as a Second Language, issued by the State Board of Education in accordance with 23 Ill. Adm. Code 25 (Certification); or
 - 2) Possess a valid professional educator license endorsed for English as a Second Language~~Illinois teaching certificate and either an endorsement or a statement of approval issued by the State Board of Education~~ when evidence is presented of having completed 18 semester hours distributed among the following areas and including 100 clock hours of clinical experience or 3 months experience teaching English as a Second Language:
 - A) Linguistics (including English and non-English phonology and syntax);
 - B) Theoretical foundations of teaching English as a Second Language;
 - C) Assessment of the bilingual student;
 - D) Methods and materials for teaching English as a Second Language; and

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- E) Cross-cultural studies for teaching LEP students; or
- 3) Hold [an educator license with stipulations endorsed for visiting international educators](#) ~~Visiting International Teaching Certificate~~ that is valid for the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.783 Requirements for Administrators of Bilingual Education Programs

Beginning July 1, 2014, no individual shall be assigned to administer a bilingual education program with 200 or more students unless he or she is [licensed](#) ~~certified~~ in accordance with Section 1.705(m) of this Part and meets the requirements of either subsection (a) or (b) of this Section, as applicable. Individuals assigned to administer a bilingual education program with fewer than 200 students shall meet the requirements of 23 Ill. Adm. Code 228.35(d)(2) or (3), as applicable.

- a) Transitional Bilingual Education
- 1) A person designated to administer a transitional bilingual education program shall:
- A) hold the bilingual [education approval](#) ~~or~~ endorsement issued pursuant to Section 1.781 of this Part; or
- B) hold the English as a new language endorsement issued pursuant to Section 1.782 of this Part, with a language designation; or
- C) present evidence of having completed 18 semester hours distributed among the following:
- i) Foundations of bilingual education,
- ii) Assessment of the bilingual student,
- iii) Methods and materials for teaching [ELs](#) ~~limited English proficient (LEP) students~~ in bilingual programs,

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- iv) Methods and materials for teaching English as a Second Language, and
 - v) Cross-cultural studies for teaching ~~ELs/LEP students~~.
- 2) Either linguistics (including English and non-English phonology and syntax) or bilingualism and reading shall be required in instances in which the distribution of coursework among each of the five areas in subsection (a)(1)(C) of this Section does not total 18 semester hours.
- b) Transitional Program of Instruction
A person designated to administer a transitional program of instruction shall:
- 1) hold the bilingual ~~education approval or~~ endorsement issued pursuant to Section 1.781 of this Part; or
 - 2) hold the English as a second language ~~approval or~~ endorsement issued pursuant to Section 1.782 of this Part; or
 - 3) hold the English as a new language endorsement issued pursuant to Section 1.782 of this Part; or
 - 4) present evidence of having completed the coursework enumerated in subsection (a)(1)(C) of this Section, subject to the provision of subsection (a)(2).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.790 Substitute Teacher

- a) ~~A person substituting for any member of the professional staff should have the qualifications required of the staff member for whom that individual is substituting.~~ 1) To serve as a substitute teacher, a person shall hold a valid substitute teaching license issued pursuant to Section 21B-20(3) certificate as specified in Section 21-9 of the School Code [105 ILCS 5/21B-20(3)21-9]. Any individual who holds a valid and active Illinois educator license indicative of completion of at least a bachelor's degree may serve as a substitute teacher without having to also hold the substitute teaching license.
- b)2) A teacher holding a substitute ~~teaching license~~ teacher certificate may teach only

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in the place of a ~~licensed~~certified teacher who is under contract with the employing board. (See Section 21B-20(3) of the School Code.)

- c) In accordance with Section 21B-20(3) of the School Code, there is no limit on the number of days that a substitute teacher may teach except that:
- 1) A person who holds only a substitute teaching license may teach; for no longer than a period not to exceed 90 paid school days for any one licensed teacher who is under contract with the school district or 450 paid hours in any one school district in any one school term. Where such teaching is partly on a daily and partly on an hourly basis, a school day shall be considered as five hours (Section 21-9 of the School Code).
 - 2) A person who holds a professional educator license endorsed for a teaching field may teach for no longer than 120 paid school days for any one licensed teacher who is under contract with the school district.
- d) A school district may employ a substitute teacher to fill a position when there is no licensed teacher under contract with the school district only in an emergency situation, as defined in Section 21B-20(3) of the School Code. Any substitute teacher hired under this subsection (d) shall work no more than 30 calendar days per each vacant position.
- b) Substitute teachers who hold a substitute certificate or a certificate for grades other than the class being taught may teach only when a teacher certified for the grade is not available (Section 21-9 of the School Code).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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Section 1.APPENDIX D State Goals for Learning

The State Goals for Learning are broad statements of what students in kindergarten through grade 12 should know and be able to do as a result of their public education. The Illinois Learning Standards provide more specific definition of the essential knowledge and skills desired of Illinois students. The State Assessment and the Illinois Kindergarten Individual Development Survey are designed to measure students' mastery of the Illinois Learning Standards, so that a clear connection will emerge between students' learning and the goals and standards of the State of Illinois.

ENGLISH LANGUAGE ARTS AND LITERACY IN HISTORY/SOCIAL STUDIES,
SCIENCE, AND TECHNICAL SUBJECTS

There are no State Goals for Learning in this area. The applicable standards shall be the "Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects" (2010) published by the Common Core State Standards Initiative, [National Governors Association, Hall of the States, 444 North Capitol Street, Suite 267, Washington DC 20001-1512](http://www.corestandards.org/the-standards/english-language-arts-standards) and posted at <http://www.corestandards.org/the-standards/english-language-arts-standards>. No later amendments to or editions of these standards are incorporated by this Section.

MATHEMATICS

There are no State Goals for Learning in this area. The applicable standards shall be the "Common Core State Standards for Mathematics" (2010) published by the Common Core State Standards Initiative, [National Governors Association, Hall of the States, 444 North Capitol Street, Suite 267, Washington DC 20001-1512](http://www.corestandards.org/the-standards/mathematics) and posted at <http://www.corestandards.org/the-standards/mathematics>. No later amendments to or editions of these standards are incorporated by this Section.

SCIENCE

[The science goals and standards set forth below shall be applicable through the 2015-16 school year. Beginning in the 2016-17 school year, there are no State Goals for Learning in this area and the applicable standards shall be the "Next Generation Science Standards" \(2013\) published by Achieve, Inc., 1400 16th Street NW, Suite 510, Washington DC 20036 and posted at http://www.nextgenscience.org/. No later amendments to or editions of these standards are incorporated by this Section.](http://www.nextgenscience.org/)

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State Goal 11: Understand the processes of scientific inquiry and technological design to investigate questions, conduct experiments and solve problems.

Standards:

Know and apply the concepts, principles and processes of scientific inquiry.

Know and apply the concepts, principles and processes of technological design.

State Goal 12: Understand the fundamental concepts, principles and interconnections of the life, physical and earth/space sciences.

Standards:

Know and apply concepts that explain how living things function, adapt and change.

Know and apply concepts that describe how living things interact with each other and with their environment.

Know and apply concepts that describe properties of matter and energy and the interactions between them.

Know and apply concepts that describe force and motion and the principles that explain them.

Know and apply concepts that describe the features and processes of the Earth and its resources.

Know and apply concepts that explain the composition and structure of the universe and Earth's place in it.

State Goal 13: Understand the relationships among science, technology and society in historical and contemporary contexts.

Standards:

Know and apply the accepted practices of science.

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Know and apply concepts that describe the interaction between science, technology and society.

SOCIAL SCIENCE

State Goal 14: Understand political systems, with an emphasis on the United States.

Standards:

Understand and explain basic principles of the United States government.

Understand the structures and functions of the political systems of Illinois, the United States and other nations. (NOTE: Not applicable to kindergarten.)

Understand election processes and responsibilities of citizens.

Understand the roles and influences of individuals and interest groups in the political systems of Illinois, the United States and other nations.

Understand United States foreign policy as it relates to other nations and international issues. (NOTE: Not applicable to kindergarten.)

Understand the development of United States political ideas and traditions. (NOTE: Not applicable to kindergarten.)

State Goal 15: Understand economic systems, with an emphasis on the United States.

Standards:

Understand how different economic systems operate in the exchange, production, distribution and consumption of goods and services.

Understand that scarcity necessitates choices by consumers.

Understand that scarcity necessitates choices by producers. (NOTE: Not applicable to kindergarten.)

Understand trade as an exchange of goods or services.

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Understand the impact of government policies and decisions on production and consumption in the economy. (NOTE: Not applicable to kindergarten.)

State Goal 16: Understand events, trends, individuals and movements shaping the history of Illinois, the United States and other nations.

Standards:

Apply the skills of historical analysis and interpretation.

Understand the development of significant political events.

Understand the development of economic systems. (NOTE: Not applicable to kindergarten.)

Understand Illinois, United States and world social history. (NOTE: Not applicable to kindergarten.)

Understand Illinois, United States and world environmental history. (NOTE: Not applicable to kindergarten.)

State Goal 17: Understand world geography and the effects of geography on society, with an emphasis on the United States.

Standards:

Locate, describe and explain places, regions and features on the Earth.

Analyze and explain characteristics and interactions of the Earth's physical systems. (NOTE: Not applicable to kindergarten.)

Understand relationships between geographic factors and society.

Understand the historical significance of geography.

State Goal 18: Understand social systems, with an emphasis on the United States.

Standards:

Compare characteristics of culture as reflected in language, literature, the arts,

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traditions and institutions.

Understand the roles and interactions of individuals and groups in society.

Understand how social systems form and develop over time. (NOTE: Not applicable to kindergarten.)

PHYSICAL DEVELOPMENT AND HEALTH

State Goal 19: Acquire movement and motor skills and understand concepts necessary needed to engage in moderate to vigorous health-enhancing physical activity.

Standards:

Demonstrate physical competency in a variety of motor skills and individual and team sports, creative movement patterns and leisure and work-related activities.

Analyze various movement concepts and applications.

Demonstrate knowledge of rules, safety and strategies during physical activity.

State Goal 20: Achieve and maintain a health-enhancing level of physical fitness based upon continual self-assessment.

Standards:

Know and apply the principles and components of health-related and skill-related fitness as applied to learning and performance of physical activities.

Assess individual fitness levels.

Set goals based on fitness data and develop, implement and monitor an individual fitness improvement plan.

State Goal 21: Develop team-building skills necessary to become a successful member of a team by working with others through physical activity.

Standards:

Demonstrate personal individual responsibility during group physical activities.

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Demonstrate cooperative skills during structured group physical activity.

State Goal 22: Understand principles of health promotion and the prevention and treatment of illness and injury.

Standards:

Explain the basic principles of health promotion, illness prevention and safety, [including how to access valid information, products and services.](#)

Describe and explain the factors that influence health among individuals, groups and communities.

Explain how the environment can affect health.

[Describe how to advocate for the health of individuals, families and communities.](#)

State Goal 23: Understand human body systems and factors that influence growth and development.

Standards:

Describe and explain the structure and functions of the human body systems and how they interrelate.

Explain the effects of health-related actions on the body systems.

Describe factors that affect growth and development.

[Describe and explain the structures and functions of the brain and how they are affected by different types of physical activity and levels of fitness.](#)

State Goal 24: Promote and enhance health and well-being through the use of effective communication and decision-making skills.

Standards:

Demonstrate procedures for communicating in positive ways, resolving differences and preventing conflict.

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Apply decision-making skills related to the protection and promotion of individual, [family and community](#) health.

Demonstrate skills essential to enhancing health and avoiding dangerous situations.

FINE ARTS

State Goal 25: Know the language of the arts.

Standards:

Understand the sensory elements, organizational principles and expressive qualities of the arts.

Understand the similarities, distinctions and connections in and among the arts.

State Goal 26: Through creating and performing, understand how works of art are produced.

Standards:

Understand processes, traditional tools and modern technologies used in the arts.

Apply skills and knowledge necessary to create and perform in one or more of the arts.

State Goal 27: Understand the role of the arts in civilizations, past and present.

Standards:

Analyze how the arts function in history, society and everyday life. (NOTE: Not applicable to kindergarten.)

Understand how the arts shape and reflect history, society and everyday life. (NOTE: Not applicable to kindergarten.)

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3) Section Number: 1600.500 Proposed Action: Amend
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) A Complete Description of the Subjects and Issues Involved: Revise the current Part on Rules of Practice – Nature and Requirements of Formal Hearings to clarify procedures.
- 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:

Michael B. Weinstein, General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820

217/378-8825
- 13) Initial Regulatory Flexibility Analysis:

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- 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: None

The full text of the proposed rulemaking begins on the next page:

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEMPART 1600
UNIVERSITIES RETIREMENT

SUBPART A: GENERAL

Section

- 1600.100 Definitions
- 1600.110 Freedom of Information Act
- 1600.120 Open Meetings Act
- 1600.130 Procurement

SUBPART B: CONTRIBUTIONS AND SERVICE CREDIT

Section

- 1600.202 Return to Employment
- 1600.203 Independent Contractors
- 1600.205 Compensation Subject to Withholding
- 1600.210 Crediting Interest on Participant Contributions and Other Reserves
- 1600.220 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
- 1600.230 Election to Pay Contributions Based upon Employment that Preceded Certification as a Participant
- 1600.240 Election to Make Contributions Covering Periods of Military Leave Protected under USERRA
- 1600.241 Survivor Benefits for Members Who Die While on Military Leave Protected under USERRA
- 1600.250 Sick Leave Accrual Schedule
- 1600.260 Part-time/Concurrent Service Adjustment
- 1600.270 Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%

SUBPART C: CLAIMS PROCEDURE AND EVIDENTIARY REQUIREMENTS

Section

- 1600.300 Effective Beneficiary Designations
- 1600.305 Full-Time Student Survivors Insurance Beneficiaries

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- 1600.310 Dependency of Beneficiaries
 | 1600.320 Disability Claims ~~Procedures~~Procedure

SUBPART D: BENEFIT CALCULATION AND PAYMENT

Section

- 1600.400 Determination of Final Rate of Earnings Period
 1600.410 Twenty Percent Limitation on Final Rate of Earnings Increases
 1600.420 Making Preliminary Estimated Payments
 1600.430 Excess Benefit Arrangement
 1600.431 Indirect Payments to Minors and Legally Disabled Persons
 1600.432 Indirect Payments to Child Survivors Through the Surviving Spouse
 1600.440 Voluntary Deductions from Annuity Payments
 1600.450 Overpayment Recovery

SUBPART E: ADMINISTRATIVE REVIEW

Section

- | 1600.500 Administrative Staff Determinations and Rules for Appeal~~Rules of Practice~~ –
 Nature and Requirements of Formal Hearings

SUBPART F: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

- 1600.600 Definitions
 1600.605 Requirements for a Valid Qualified Illinois Domestic Relations Order
 1600.610 Invalid Orders
 1600.615 Filing a QILDRO with the System
 1600.620 Modified QILDROs
 1600.625 Benefits Affected by a QILDRO
 1600.630 Effect of a Valid QILDRO
 1600.635 QILDROs Against Persons Who Became Members Prior to July 1, 1999
 1600.640 Alternate Payee's Address
 1600.645 Electing Form of Payment
 1600.650 Automatic Annual Increases
 1600.655 Expiration of a QILDRO
 1600.660 Reciprocal Systems QILDRO Policy Statement
 1600.665 Providing Benefit Information for Divorce Purposes

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SUBPART G: BOARD TRUSTEE ELECTION

Section

1600.700	Nomination of Candidates
1600.705	Election Date/Election Day – Defined
1600.710	Petitions
1600.715	Eligible Voters
1600.720	Election Materials
1600.725	Marking of Ballots
1600.730	Return of Ballots and Ballot Counting Process
1600.735	Certification of Ballot Counting
1600.740	Challenges to Election Results
1600.745	Candidate Informational Communication
1600.750	Filling a Vacancy in the Term of an Elected Trustee

AUTHORITY: Implementing and authorized by Section 15-177 of the Illinois Pension Code [40 ILCS 5/15-177].

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. 6170, effective March 21, 2006; amended at 30 Ill. Reg. 7778, effective April 5, 2006; amended at 30 Ill. Reg. 9911, effective May 9, 2006; amended at 30 Ill. Reg. 17509, effective October 19, 2006; amended at 31 Ill. Reg. 4267, effective February 22, 2007; amended at 31 Ill. Reg. 4927, effective March 12, 2007; recodified at 31 Ill. Reg. 10194; amended at 32 Ill. Reg. 16515, effective September 25, 2008; emergency amendment at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days; emergency expired September 23, 2009; amended at 33 Ill. Reg. 10757, effective July 1, 2009; amended at 33 Ill. Reg. 16755, effective November 23, 2009; amended at 34 Ill. Reg. 9523, effective June 25, 2010; amended at 35 Ill. Reg. 10952, effective June 22, 2011; amended

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at 36 Ill. Reg. 3938, effective February 22, 2012; amended at 37 Ill. Reg. 1309, effective January 15, 2013; amended at 37 Ill. Reg. 3866, effective March 15, 2013; amended at 37 Ill. Reg. 10698, effective June 26, 2013; amended at 37 Ill. Reg. 15517, effective September 12, 2013; amended at 37 Ill. Reg. _____, effective _____.

SUBPART E: ADMINISTRATIVE REVIEW

Section 1600.500 Administrative Staff Determinations and Rules for Appeal ~~Rules of Practice~~ – Nature and Requirements of Formal Hearings

- a) Administrative Determination
The Board of Trustees hereby delegates to the SURS administrative staff the responsibility~~shall be responsible~~ for the daily claims-processing function of SURS, including making initial determinations as to all applications for annuities and processing of all claims for benefits, ~~or~~ service credit, or any other claims against or relating to SURS, consistent with the provisions of the Illinois Pension Code.
- b) Review by Director of Member Services
Any participant, annuitant or beneficiary adversely affected by the disposition of a claim by the administrative staff may file a written request for review by the SURS Director of Member Services or such other person as may be designated by the Executive Director. The designee shall have all the powers and duties of the Director of Member Services, as set forth in this subsection (b). A request for review by the Director of Member Services must be received within 35 days from the date of the decision from which review is sought. The Director of Member Services' review will be based upon all materials contained in the file, as well as any additional materials the claimant attaches to the written request for review filed with the Director of Member Services pertaining to the claim. All filings or submissions, whether optional or required under this Section, shall be considered timely if date stamped by SURS within the time prescribed. The Director of Member Services' decision shall be served on the participant, annuitant or beneficiary by delivery to a third-party commercial carrier or by registered or certified mail, return receipt requested.
- c) Review by the Claims Panel
 - 1) A Claims Panel shall hear all administrative contested matters. The Panel shall meet periodically as determined by the Executive Director.

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- 2) Request for Review. Any participant, annuitant or beneficiary (hereinafter "claimant") adversely affected by the disposition of a claim by the Director of Member Services may request, in writing, a review by the Claims Panel, as well as a copy of all relevant documents from the claimant's file. A request for review must be received by the General Counsel of SURS, or his or her designee, within 35 days from the date of the decision from which review is sought.
- 3) Notice of Hearing. Upon receipt of a claimant's Request for Review, the Director of Member Services, or his or her designee, shall assign the claim a docket number; schedule the claim for the first available meeting of the Claims Panel; and notify the claimant, by a Notice of Hearing, that he or she is required to file a single Statement of Claim. The Notice of Hearing may be accompanied by any relevant documentation from the claimant's file.
- 4) Statement of Claim. The Statement of Claim must be received by the SURS General Counsel, or his or her designee, no later than 35 days from the date of the mailing of the Notice of Hearing. The Statement of Claim shall include: a formal Appearance, containing the claimant's name, SURS identification number and address; the name and address of the claimant's authorized representative, if any; a statement of the facts forming the basis for the appeal; any documents or other materials the claimant wishes to be considered in conjunction with the appeal, in addition to those already contained in the claimant's file; whether the claimant desires a hearing or whether the claimant desires to waive a hearing and allow the Claims Panel to reach a decision based upon the Statement of Claim and the relevant documents in the claimant's file; a list of witnesses, if any, the claimant intends to present at a hearing; and an explanation of the relief sought. The Statement of Claim shall not exceed 15 pages in length, unless an exception is granted by the Claims Panel Hearing Officer. The Hearing Officer may grant a motion to Strike/Dismiss all or part of the Statement of Claim.
- 5) [Response to Statement of Claim. SURS staff may submit a Response to the Statement of Claim, which shall also not exceed 15 pages in length, unless an exception is granted by the Claims Panel Hearing Officer.](#)

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- 6) Notification. The Notice of Hearing shall also provide a claimant *with written notice of: the date, time and place of the hearing; the subject matter of the hearing; and relevant procedural and substantive statutory and regulatory provisions* [5 ILCS 100/10-25]. The Notice shall inform the claimant that he or she will be afforded the opportunity to provide a statement of his or her position, present oral evidence, and conduct examination and cross-examination of witnesses as necessary for full and true disclosure of the facts. Notice shall also be given to the claimant that he or she is required to provide written confirmation, at least 14 days prior to the scheduled date of the hearing, of his or her intent to appear at the hearing, whether in person or by telephone conference call. The claimant is not required to physically appear at the hearing. The claimant may appear at the hearing by telephone conference call. The claimant may also choose to affirmatively waive his or her appearance at the hearing. In the absence of the claimant, the Claims Panel will consider the claimant's Statement of Claim and such other matters as may be properly brought before it at the hearing.
- 76) Pre-hearing Conference. Upon request of the General Counsel or upon the decision of the Hearing Officer, a pre-hearing conference shall be held for the purpose of simplification or definition of issues or procedures at the hearing.
- 87) Representation. The claimant and SURS may be represented by counsel or a designated spokesperson at the hearing.
- 98) Burden of Proof. It shall be the burden of the claimant to establish a right to the benefit claimed, or the right to the continuation of the benefit claimed in cases of revocation of the benefit by SURS, by establishing that right by a preponderance of the evidence.
- d) Discovery. All discovery is at the discretion of the Hearing Officer. Requests to take discovery must be made in writing to the Hearing Officer with notice to the other party. Discovery may be taken with the prior permission of the Hearing Officer only upon good cause shown, that is, if the evidence sought is material and cannot be obtained in any other way. Failure to comply with orders of the Hearing Officer may be sanctioned by the Hearing Officer, by means including, but not limited to, dismissal of a claim.

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- e) Depositions
- 1) The Hearing Officer may order the taking of evidence depositions of a person, specifying the subject matter to be covered, under oral examination or written questions, for use as evidence at the hearing, provided:
 - A) The Hearing Officer has determined upon request that there is a need to preserve a person's testimony. The need to preserve a person's testimony shall be determined using criteria similar to that set forth under Illinois Supreme Court Rule 212(b);
 - B) The request is made on motion by a party who gives notice of the motion to the other party; and
 - C) The Hearing Officer has determined that an evidence deposition containing oral testimony will be necessary to the Claims Panel in determining the merits of the claim.
 - 2) The taking of depositions shall be in accordance with the provisions for taking depositions in civil cases, and the order for the taking of a deposition may provide that any designated books, papers, documents or tangible objects that are not privileged shall be produced at the same time and place.
 - 3) Any party to the hearing shall, during any deposition process, have the right to confront and cross-examine any witness whose deposition testimony is to be presented to the Claims Panel.
 - 4) Depositions shall be taken in the county of residence or employment of the witness, unless the witness waives that right in writing.
 - 5) Depositions shall be taken at the cost of the party requesting the deposition.
- f) Subpoenas
- 1) The Hearing Officer may request the Secretary of the Board to issue a subpoena to compel the attendance of a witness at an evidence deposition

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or the production of documents when the witness has, or such documents contain, relevant evidence. A party may also request the Hearing Officer to request the Secretary of the Board to issue a subpoena to compel the attendance of a witness at an evidence deposition or the production of documents. The request shall either be in writing or on the record and shall:

- A) Identify the witness or document sought; and
 - B) State the facts that will be proven by each witness or document sought.
- 2) The Hearing Officer shall grant or deny the request, either in writing or on the record. If the request for subpoena is granted, the Hearing Officer shall, if necessary, reschedule the hearing to a specific date. The request for subpoena shall be denied if the Hearing Officer finds that the evidence sought is immaterial, irrelevant or cumulative. If the request for subpoena is denied, the specific reasons for denial of the request shall be made part of the record on appeal.
 - 3) If a witness fails to obey a subpoena, the party seeking enforcement of the subpoena shall prepare an application to the circuit court of the county in which the subpoenaed witness resides requesting enforcement of the subpoena, and shall present the application to the Hearing Officer, at the same time serving a copy of the application upon the other party. If satisfied that the subpoena was properly served and that the application is in proper form, the Hearing Officer shall sign a subpoena to be submitted with the application and the party seeking the subpoena may then file and prosecute the application in the circuit court, in the name of the Board. The petitioner in the application shall be styled as "Name of Petitioner ex rel. Board of Trustees of the State Universities Retirement System of Illinois" unless the petitioner is SURS, in which case the petition shall be brought in the name of the Board. In the event of an application being filed with the circuit court, the matter shall be continued pending the outcome of the application to enforce the subpoena.
 - 4) The fees of witnesses for attendance and travel shall be the same as fees of witnesses before the circuit courts of this State and shall be paid by the party seeking the subpoena.

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- g) Conduct of the Hearing
- 1) Hearing Officer. The hearing shall be conducted by the Hearing Officer. Other members of the Claims Panel may, but are not required to, attend the hearing. Members may attend hearings either in-person or by video or teleconference.
- A) The Hearing Officer shall have full power to conduct the hearing and the presence of any other members of the Claims Panel is not required. The Hearing Officer shall be one of the members of the Claims Panel chosen by the Panel to be the Hearing Officer.
- B) The Claims Panel shall consist of:
- i) the Executive Director of SURS;
- ii) an attorney licensed to practice law in the State of Illinois approved by the Board; and
- iii) one other person, selected by the Chairperson of the Board of Trustees of SURS, who shall be a member of the Board, a participant in SURS or an attorney licensed to practice law in the State of Illinois.
- C) Each member of the Panel shall be reimbursed for travel or other related expenses incurred in connection with his or her duties as a member of the Panel. If he or she is not a member of the Board or currently employed by one of the employers covered by SURS, the member shall receive reasonable compensation, as recommended by the Executive Director and approved by the Board, for time spent in reviewing claims and attending Panel hearings. At a minimum, the members of the Claims Panel shall have a general familiarity with the provisions of the Illinois Pension Code, this Part and the internal operating procedures of SURS.
- 2) Procedures
- A) The Hearing Officer shall conduct a full and fair hearing, receive

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testimony of the claimant and admit exhibits into evidence, avoid delay, maintain order and make a sufficient record for a full and true disclosure of the facts and issues.

- B) To accomplish these ends, the Hearing Officer shall make all procedural and evidentiary rulings necessary for the conduct of the hearing.
 - C) All testimony shall be taken under oath before an officer authorized to administer oaths by the laws of this State or of the United States or of the place where the testimony is to be given.
 - D) As a general matter, *the rules of evidence as applied in civil cases in the circuit courts of the State of Illinois shall be followed; however, evidence inadmissible under those rules may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Any part of the evidence may be received in written form, provided that the interests of the parties will not be prejudiced. Notice may be taken of generally recognized technical facts within SURS' specialized knowledge and SURS' experience, technical competence and specialized knowledge may be used in evaluation of the evidence.* [5 ILCS 100/10-40]
 - E) The Hearing Officer, and any member of the Claims Panel attending the hearing, may ask questions necessary for better understanding of the facts or law.
 - F) The Hearing Officer shall have the authority to impose reasonable time limits for each party to present its case and shall, in general, have the power to manage and control the hearing process.
 - G) The hearing shall be open to the public unless the Hearing Officer, for good cause shown, determines otherwise.
- 3) Record of Proceedings. Two records of proceedings shall be kept that shall be in the form of:
- A) a non-verbatim "bystander's report"; and

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- B) either a stenographic transcription or a tape recording. The claimant may obtain a stenographic transcription or a copy of a tape recording of the hearing by making a timely request within 21 days after the close of the hearing and paying the actual cost entailed.
- 4) Disqualification; Ex Parte Communications
- A) Disqualification
- i) *A Hearing Officer* or other member of the Claims Panel *may be disqualified on grounds of bias or conflict of interest.* A motion to disqualify a Hearing Officer or other member of the Claims Panel for bias or conflict of interest shall be made to the Hearing Officer by any party to the hearing at least 14 days prior to the commencement of the hearing, with a copy of the motion to be simultaneously submitted to the General Counsel. The motion shall be heard, considered and ruled upon by the Hearing Officer at or prior to the commencement of the hearing. The movant shall have the burden of proof with respect to the motion to disqualify. Either an *adverse ruling* or the fact that a Hearing Officer or other member of the Claims Panel is an employee of SURS or has a contract with SURS, standing alone, *shall not constitute bias or conflict of interest.* [5 ILCS 100/10-30]
- ii) The Executive Director may not be called as a witness unless it is demonstrated that the Executive Director has relevant noncumulative personal knowledge of facts bearing upon the claim. The Executive Director may not be disqualified as a member of the Claims Panel on the basis that the Executive Director is responsible for the overall administration of SURS.
- iii) In the event that a Hearing Officer or other member of the Claims Panel is disqualified or is otherwise unable to serve, the Board Chairperson may appoint another person to the

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Claims Panel and shall appoint another person if the Claims Panel is reduced to fewer than two members, or the Claims Panel shall appoint another Hearing Officer from among its members, as the case may be.

- B) *Ex Parte Communications Prohibited. Except in the disposition of matters that SURS is authorized by law to entertain or dispose of on an ex parte basis, the members of the Claims Panel shall not, after receiving notice of a hearing in a contested matter, communicate, directly or indirectly, in connection with any issue of fact, with any party, or in connection with any other issue with any party, or the representative of any party, except upon notice and opportunity for all parties to participate. However, an employee of SURS may communicate with other employees of SURS and an employee of SURS or member of the Claims Panel may have the aid and advice of one or more assistants. An ex parte communication received by any member of the Claims Panel shall be made a part of the record of the pending matter, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications and all responses made and the identity of each person from whom the ex parte communication was received. Communications regarding matters of procedure and practice, such as the format of pleadings, number of copies required, manner of service, and status of proceedings, are not considered ex parte communications. [5 ILCS 100/10-60]*
- 5) Decisions of the Claims Panel and Executive Committee
- A) Claims Panel Decisions
- i) The record of proceedings shall be completed upon conclusion of the hearing by the Hearing Officer, unless the Hearing Officer determines to re-open the proceedings. Upon conclusion of all evidence and arguments, the Claims Panel shall privately deliberate and make a Decision as to the disposition of the claim based on the evidence of record. The Claims Panel Decision shall be served on all parties and their agents, if any, by delivery to a third-party

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commercial carrier or by registered or certified mail, return receipt requested. If a Statement of Exceptions to the Decision is not filed pursuant to this subsection (g)(5)(A), the Decision is final for all purposes and not subject to administrative or judicial review. However, if a Statement of Exceptions to the Decision is filed or, if the members of the Panel are unable to agree on a Decision, then the claim shall be presented to the Executive Committee for a final administrative decision.

- ii) If a Statement of Exceptions is filed, it must be received by SURS, along with a brief in support, within 21 days after the date of mailing of the Claims Panel Decision. Any responsive brief shall be received within 21 days after the filing of the Statement of Exceptions. Any reply brief shall be received within 14 days after the filing of the responsive brief. The filing of any responsive or reply brief is optional. The Executive Director, or his or her designee, shall provide the Executive Committee with a summary of the decision of the Claims Panel. The Executive Committee will make a final administrative decision based on the Claims Panel Decision, any dissenting opinion, any Statement of Exceptions and briefs properly filed.
- iii) If the claim is presented to the Executive Committee because the members of the Claims Panel are unable to agree on a Decision, the Executive Committee shall make a final administrative decision based on any opinions of the Claims Panel members, the record and any briefs properly filed by the claimant or SURS. The filing of any opening, responsive or reply brief in response to the Claims Panel decision is optional. Any opening brief shall be received by SURS within 21 days after receiving notification from the Hearing Officer that the Claims Panel was unable to agree on a Decision. Any responsive brief shall be received within 21 days after the filing of any opening brief. Any reply brief shall be received within 14 days after the filing of any responsive brief.

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- iv) All filings shall be served upon the opposing party and shall contain a certificate of service. Filing deadlines in this subsection (g)(5)(A) may be continued to a date certain by the Hearing Officer for good cause shown on written application filed with SURS prior to the expiration of the deadline sought to be continued.

B) Executive Committee Decision

- i) When necessary pursuant to subsection (g)(5)(A), the Executive Committee of the Board shall make a decision on the claim. No oral argument shall be permitted before the Executive Committee unless otherwise determined by the Executive Committee.
- ii) The Executive Committee shall render one of the following decisions with respect to the claim: affirmance of the administrative action, reversal of the administrative action, or remand of the case to the administrative staff for further consideration. Remand of the case to the administrative staff shall not be considered a final decision of the Executive Committee. A decision by the Executive Committee either reversing or affirming the decision of the administrative staff shall constitute a final decision for the purpose of review under the Administrative Review Law [735 ILCS 5/Art. III]. *A final decision of the Executive Committee shall be in writing or stated in the record.*
- iii) The Executive Committee may adopt, as its own, the findings of fact and conclusions of law of the Claims Panel. *Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.*
- iv) *All decisions of the Executive Committee shall specify whether they are final and subject to the Administrative Review Law. [5 ILCS 100/10-50]*
- v) Parties and their agents, if any, shall be notified, personally,

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by delivery to a third-party commercial carrier, or by registered or certified mail, return receipt requested, of any decision of the Executive Committee. The date of mailing of the decision shall constitute the date of service for purposes of the Administrative Review Law or any other applicable law.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Uniform Commercial Code
- 2) Code Citation: 14 Ill. Adm. Code 180
- 3) Section Number: 180.12 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Article 9 of the Uniform Commercial Code [810 ILCS 5/Art. 9]
- 5) Effective Date of Rulemaking: September 19, 2013
- 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 any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the Illinois Register: June 21, 2013, 37 Ill. Reg. 8119
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made during the First Notice period. All technical changes recommended by JCAR were made, which consisted of adding the word "Swiss" after "Helvetica" in paragraph a).
- 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 rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Updates the forms that may be utilized for UCC filings and the font and case requirements for preparation of said forms.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

Michelle Nijm
Assistant General Counsel
100 W. Randolph, Ste. 5-400
Chicago, IL 60601

312/814-7246

- 17) Does this amendment 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 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 180
UNIFORM COMMERCIAL CODE

Section

180.10	Definitions
180.11	Tender of UCC Records for Filing/Search Request Delivery
180.12	Forms
180.13	Filing Fees/Methods of Payment/Overpayment and Underpayment Policies
180.14	Public Record Services
180.15	Acceptance and Refusal of Records
180.16	UCC Information Management System
180.17	Filing and Data Entry Procedures
180.18	Search Requests and Reports
180.19	XML Documents

AUTHORITY: Implementing and authorized by Article 9 of the Uniform Commercial Code [810 ILCS 5/Art. 9].

SOURCE: Adopted at 12 Ill. Reg. 17431, effective November 1, 1988; amended at 18 Ill. Reg. 2101, effective February 1, 1994; amended at 20 Ill. Reg. 7064, effective May 8, 1996; emergency amendment at 25 Ill. Reg. 9984, effective July 23, 2001, for a maximum of 150 days; emergency expired December 19, 2001; amended at 26 Ill. Reg. 7448, effective May 2, 2002; amended at 29 Ill. Reg. 19704, effective November 28, 2005; amended at 30 Ill. Reg. 12977, effective July 11, 2006; amended at 31 Ill. Reg. 8559, effective June 15, 2007; amended at 32 Ill. Reg. 12057, effective July 16, 2008; amended at 34 Ill. Reg. 1411, effective February 1, 2010; amended at 36 Ill. Reg. 3931, effective February 27, 2012; amended at 37 Ill. Reg. 15745, effective September 19, 2013.

Section 180.12 Forms

The forms prescribed by Section 9-521 of the UCC [810 ILCS 5/9-521] shall be accepted by the filing office. Forms approved by the ~~International Association of Commercial Administrators (IACA) on or prior to July 1, 2006 and forms approved by the~~ UCC Division shall be accepted. Copies of the ~~approved forms approved by IACA as of July 1, 2006~~ are available on the Secretary of State's website at www.cyberdriveillinois.com, ~~on IACA's website at www.iaca.org~~

SECRETARY OF STATE

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~~and at IACA, 3851 Essen Lane, Baton Rouge LA 70816. The incorporations of forms in this Section do not include any later amendments or editions.~~

- a) In order to insure the legibility after records are scanned into the imaging system of the UCC Division, the information on each record submitted shall be typewritten or computer generated typeface. The names and addresses of the debtor and the secured party shall be in ~~mixed case~~^{capital} letters with a font size of at least ~~109~~ point Helvetica/^{Swiss} style ~~or 12 point Times New Roman style~~ font.
- b) The remitter shall submit two copies of each record, along with a self-addressed stamped envelope. The UCC Division shall retain one copy for its records and return one copy to the remitter as an acknowledgement. If only one copy is submitted, it will be stamped "No Acknowledgement Received" and the UCC Division will retain that copy for its records. There will be no acknowledgement copy returned to the remitter.
- c) All UCC records must contain the full legal name of the debtor and indicate whether the debtor is an individual or an organization. If the debtor is an organization, the record must include the type of organization, the jurisdiction of the organization, and the organizational identification number of the debtor. Records that do not contain this information will not be accepted for filing. The disclosure on the records of the social security number or tax identification number of the debtor is voluntary only, and records will be accepted for filing without the number. The disclosure on the records of the social security number or tax identification number of the debtor is non-required information and, due to the sensitive nature of the information, it will be redacted from the record.
- d) When submitting a UCC-3 Amendment to delete more than a single debtor name, a separate UCC-3 Amendment form must, pursuant to Section 9-512 of the UCC, be completed for each debtor name to be deleted. A separate fee must also be tendered for each UCC-3 Amendment form submitted.
- e) When submitting a UCC-3 Amendment pursuant to Section 9-512 of the UCC, only one UCC-3 Amendment type per form will be permitted. A separate fee must also be tendered for each UCC-3 Amendment form submitted.

(Source: Amended at 37 Ill. Reg. 15745, effective September 19, 2013)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of the Part: Licensing Standards for Child Welfare Agencies

Code Citation: 89 Ill. Adm. Code 401

Section Numbers: 401.520

Date Originally Published in the Illinois Register: 5/24/13
37 Ill. Reg. 6927

At its meeting on September 17, 2013, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that, in the future, the agency reflect federal regulatory changes in a more timely manner.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

Heading of the Part: Interior Design Profession Title Act

Code Citation: 68 Ill. Adm. Code 1255

Section Numbers: 1255.20, 1255.30, 1255.50, 1255.60, 1255.65, 1255.70, 1255.80, 1255.90

Date Originally Published in the Illinois Register: 6/21/13
37 Ill. Reg. 8089

At its meeting on September 17, 2013, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that, with respect to the Department of Financial and Professional Regulation's rulemaking titled Interior Design Profession Title Act (68 Ill. Adm. Code 1255; 37 Ill. Reg. 8089), the Department be more timely in proposing rules implementing statute. This rulemaking was proposed almost 3 years after PA 96-1334 reauthorized the Act.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

Heading of the Part: The Illinois Landscape Architecture Act of 1989

Code Citation: 68 Ill. Adm. Code 1275

Section Numbers: 1275.30, 1275.40, 1275.50, 1275.60, 1275.65, 1275.70, 1275.75, 1275.80,
1275.Illustration A

Date Originally Published in the Illinois Register: 6/21/13
37 Ill. Reg. 8103

At its meeting on September 17, 2013, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that, with respect to the Department of Financial and Professional Regulation's rulemaking titled The Illinois Landscape Architecture Act of 1989 (68 Ill. Adm. Code 1275; 37 Ill. Reg. 8103), the Department be more timely in proposing rules implementing statute. This rulemaking was proposed over 3 years after PA 96-730 reauthorized the Act.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO EMERGENCY RULE

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Hospital Reimbursement Changes

Code Citation: 89 Ill. Adm. Code 152

Section Numbers: 152.300

Date Originally Published in the Illinois Register: 1/4/13
37 Ill. Reg. 282

At its meeting on February 6, 2013, the Joint Committee on Administrative Rules objected to the Department of Healthcare and Family Services establishing an effective date for its emergency rule titled Hospital Reimbursement Changes (89 Ill. Adm. Code 152; 37 Ill. Reg. 282 - 1/4/13) that was outside the 9 day window allowed by Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100], which states that an emergency rule can become effective immediately upon filing or on a stated date less than 10 days thereafter. HFS filed this emergency rule with the Secretary of State more than 9 days prior to its effective date.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

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 17, 2013 through September 23, 2013. The rulemakings are scheduled for review at the Committee's October 22, 2013 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>
11/1/13	<u>Secretary of State</u> , Commercial Driver Training Schools (92 Ill. Adm. Code 1060)	7/26/13 37 Ill. Reg. 11985	10/22/13
11/2/13	<u>Department of Central Management Services</u> , State Employees' Group Insurance Program Retiree Premium Contributions (80 Ill. Adm. Code 2200)	7/26/13 37 Ill. Reg. 11832	10/22/13
11/3/13	<u>Illinois Student Assistance Commission</u> , John R. Justice Student Loan Repayment Program (23 Ill. Adm. Code 2754)	7/19/13 37 Ill. Reg. 11272	10/22/13
11/6/13	<u>Secretary of State</u> , Illinois State Library, Government Documents Section (23 Ill. Adm. Code 3020)	6/14/13 37 Ill. Reg. 7929	10/22/13
11/6/13	<u>Secretary of State</u> , Illinois State Library Grant Programs (23 Ill. Adm. Code 3035)	6/14/13 37 Ill. Reg. 7933	10/22/13

PROCLAMATIONS

2013-336**Fetal Alcohol Syndrome Disorders Awareness Day**

WHEREAS, Fetal Alcohol Syndrome (FAS) is one of the most preventable causes of developmental disabilities and birth defects in newborns and as many as 40,000 infants are born every year in the United States with fetal alcohol symptoms; and,

WHEREAS, Fetal Alcohol Syndrome Disorders are the leading cause of developmental disabilities in western civilization, including the United States, and are 100 percent preventable; and,

WHEREAS, FAS is a lifelong, mentally and physically disabling condition caused by mothers who drink during pregnancy; and,

WHEREAS, research has found that even minimal drinking during pregnancy can kill developing brain cells and result in brain damage, facial deformities, and growth abnormalities. Heart, kidney, and liver defects are also common; and,

WHEREAS, those with FAS typically have difficulty communicating, learning, and memorizing. Consequently, they have trouble in school and are often deficient in interpersonal skills; and,

WHEREAS, unfortunately, there is no cure for FAS. However, with early detection and diagnosis, children with FAS can receive services that increase their chance for a better life; and,

WHEREAS, since 1999, September 9th has been observed as International FAS Day to encourage expectant mothers to abstain from alcohol during their nine months of pregnancy; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 9, 2013 as **FETAL ALCOHOL SYNDROME DISORDERS AWARENESS DAY** in Illinois, to raise awareness about Fetal Alcohol Syndrome, and to urge all expectant mothers to take extra precautions while pregnant for the health and well-being of their children.

Issued by the Governor September 3, 2013

Filed by the Secretary of State September 18, 2013

2013-337**Thomas Vincent Ramos Day**

WHEREAS, Thomas Vincent Ramos was a Garifuna community organizer in Belize whose efforts led to proclaiming the first Garifuna Holiday in Latin America and the Caribbean, which is known as Garifuna Settlement Day; and,

PROCLAMATIONS

WHEREAS, Thomas Vincent Ramos was born in Puerto Cortés, Honduras, on September 17, 1887, and was educated at Wesleyan Methodist primary schools in Stann Creek Town (now Dangriga) and Belize City; and,

WHEREAS, while in school, Thomas Vincent Ramos took correspondence courses in business administration, public speaking, journalism, and accounting; and,

WHEREAS, Thomas Vincent Ramos married Elisa Marian Fuentes in 1914 and moved permanently to Dangriga in 1923; and,

WHEREAS, after moving to Belize, Thomas Vincent Ramos became a school teacher and a visionary leader. Concerned with the systematic neglect of health facilities in Dangriga, he founded the Carib Development and Sick Aid Society and later the Carib International Society, which had affiliations in Guatemala and Honduras; and,

WHEREAS, the mission of the Carib Development Society was to help the sick and assist those who needed financial assistance to bury their deceased family members; and,

WHEREAS, a deeply religious man, Thomas Vincent Ramos was a preacher who wrote several Garifuna hymns, some of which are sung each year at his memorial; and,

WHEREAS, Thomas Vincent Ramos fought discrimination against the Garifuna people and all Afro-Belizeans. He founded the Independent Manhood and Exodus Uplift Society and the Colonial Industrial Instruction Association; and,

WHEREAS, the City of Chicago and State of Illinois are home to one of the largest Garifuna populations in the United States; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 17, 2013, as **THOMAS VINCENT RAMOS DAY** in Illinois, in celebration of his birthday and in recognition of his fortitude and tremendous contributions to the Garifuna people.

Issued by the Governor September 3, 2013

Filed by the Secretary of State September 18, 2013

2013-338
Earth Science Week

WHEREAS, the earth sciences, especially geology, are integral to finding, developing, and conserving the water, mineral, and energy resources needed for modern society; and,

PROCLAMATIONS

WHEREAS, the earth sciences provide a basis for preparing for and mitigating the effects of natural hazards such as floods, landslides, earthquakes, volcanic eruptions, sinkholes, and coastal erosion; and,

WHEREAS, the earth sciences are crucial to our understanding of environmental and ecological issues ranging from air and water quality to waste disposal; and,

WHEREAS, knowledge about geological factors regarding earth resources, hazards, and the environment are vital to land management and land use decisions at local, state, regional, national, international, and global levels; and,

WHEREAS, study of the earth sciences contributes critically important information to our understanding of the natural world; and,

WHEREAS, Earth Science Week, observed annually during the second full week of October, is an opportunity to seek a greater understanding and appreciation of the value of earth science research and its application and relevance to our daily lives, as well as for science teachers at all levels throughout the Land of Lincoln to undertake lessons and activities with their students directed toward the study of earth science; and,

WHEREAS, this year's theme, "Mapping Our World", Promotes awareness of the many exciting uses of maps and mapping technologies in the geosciences; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 13-19, 2013 as **EARTH SCIENCE WEEK** in Illinois.

Issued by the Governor September 4, 2013

Filed by the Secretary of State September 18, 2013

2013-339**Filipino American History Month**

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,

PROCLAMATIONS

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,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2013 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.

Issued by the Governor September 5, 2013

Filed by the Secretary of State September 18, 2013

2013-340

Sergeant Shawna Morrison Day

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of the United States military who selflessly serve to protect the security and wellbeing of our nation; and,

WHEREAS, every day these soldiers face great risks and in many cases put their safety on the line to perform their duties; and,

WHEREAS, on September 5, 2004, Sergeant Shawna Morrison, a member of the Illinois National Guard, was abruptly taken from us at the age of 26 from wounds she suffered in a mortar attack near Baghdad, Iraq; and,

PROCLAMATIONS

WHEREAS, Sergeant Morrison enlisted in the Illinois National Guard in 1996 at the age of 17 after graduating from high school in Paris, Illinois. She then re-enlisted in 2002, while a student at the University of Illinois, where she aspired to earn a degree in psychology; and,

WHEREAS, Sergeant Morrison was the first female student and soldier at the University of Illinois to die in combat operations in any war or conflict; and,

WHEREAS, a native of Paris, Illinois, Sergeant Morrison was a well-known member of her community and loving family member and friend who will always be remembered for the countless lives that she impacted; and,

WHEREAS, Sergeant Morrison, a brave young woman whose calling was serving in the Illinois National Guard, was devoted to protecting America and improving the lives of others; and,

WHEREAS, throughout her career as a proud member of the Illinois National Guard, Sergeant Morrison represented the State of Illinois admirably; and,

WHEREAS, an event will be held on September, 8, 2013, at Lincoln Hall Theater on the campus of the University of Illinois at Urbana-Champaign in recognition of Sergeant Shawna Morrison; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 8, 2013, as **SERGEANT SHAWNA MORRISON DAY** in Illinois, in honor and in remembrance of this heroic soldier, whose selfless service and sacrifice is an inspiration to the citizens of the Land of Lincoln.

Issued by the Governor September 5, 2013

Filed by the Secretary of State September 18, 2013

2013-341**Partnership Walk Day**

WHEREAS, citizens in Illinois and across the country expect certain basic rights, such as a quality education, adequate living conditions, and a safe, healthy environment. Many people in other parts of the world can only dream of having such rights; and,

WHEREAS, the Aga Khan Development Network is a group of private, international, non-denominational agencies dedicated to fostering long-term socio-economic development in impoverished regions of Asia and Africa; and,

PROCLAMATIONS

WHEREAS, Aga Khan Foundation U.S.A. (AKF USA), an agency of the Aga Khan Development Network, sponsors the Partnership Walk in major cities across the United States to promote awareness about alleviating global poverty and to raise financial support for development projects that promote self-reliance; and,

WHEREAS, on November 4, 2011, Governor Pat Quinn and His Highness the Aga Khan, who is the founder and Chairman of the Aga Khan Development Network, signed a historic agreement to expand collaboration in the areas of education, environmental stewardship and management, health sciences, library and information sciences, infrastructure development, agricultural sustainability, and culture; and,

WHEREAS, this year's walk presents an extraordinary opportunity to raise funds for the Aga Khan Foundation's important programs; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 8, 2013 as **PARTNERSHIP WALK DAY** in Illinois, in order to recognize the goodwill of the Aga Khan Development Network and to encourage others to join Aga Khan Foundation U.S.A. in their mission of ensuring that everyone has the same basic rights that the citizens of this state enjoy and expect.

Issued by the Governor September 6, 2013

Filed by the Secretary of State September 18, 2013

2013-342**Patriot Day and National Day of Service and Remembrance**

WHEREAS, on September 11, 2001, the peace and security of our nation was shattered by terrorist attacks that killed thousands of innocent and brave people at the World Trade Center Towers in New York City, at the United States Pentagon, and in the fields of Shanksville, Pennsylvania; and,

WHEREAS, the objective of the terrorists on 9/11 was to strike a powerful blow to the hearts of all Americans and to tear the fabric of our nation. But instead, there emerged from the ashes of that tragedy a remarkable spirit of unity, compassion, and determination that will never be forgotten, just as we will never forget those who were lost and injured on that day, and those who rose to service during the rescue-and-recovery effort and in defense of our nation; and,

WHEREAS, by a joint resolution in December of 2001, the U.S. Congress designated September 11 of each year as Patriot Day and on April 21, 2009, President Barack Obama signed into law the Edward M. Kennedy Serve America Act, which includes language to officially establish September 11 as an annually recognized National Day of Service and Remembrance; and,

PROCLAMATIONS

WHEREAS, this enduring and compassionate legacy truly honors the 9/11 victims and their families, the first responders and rescue-and-recovery workers, the servicemen and women who defend our freedom and safety, and the many volunteers who spontaneously contributed their efforts in the immediate aftermath of 9/11; and,

WHEREAS, on Patriot Day and National Day of Service and Remembrance, we pledge to carry on their legacy of courage and compassion, and to move forward together as one people; and,

THEREFORE I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 11, 2013, as **PATRIOT DAY AND NATIONAL DAY OF SERVICE AND REMEMBRANCE** across the State of Illinois, and I urge my fellow citizens to contribute their time and energy in assisting others through community service on this day and throughout the year to honor those who died on September 11, 2001.

Issued by the Governor September 6, 2013

Filed by the Secretary of State September 18, 2013

2013-343**Global Sustainability Education Week**

WHEREAS, Illinois is a national leader for greener initiatives through the development of environmental policies that promote and implement environmental sustainability practices, such as, clean energy and clean transportation projects; and,

WHEREAS, Illinois recognizes the imperative need for sustainability education in order to enhance the knowledge, awareness, and understanding of the significance of creating healthy environments, prosperous societies, and expanding economies for our present and future generations; and,

WHEREAS, it is our educators from early childhood through the college level who are tasked with providing our youth with the necessary knowledge and understanding required to be able to recognize significant environmental issues and associate environmental sustainability with the health of our ecosystems and communities; and,

WHEREAS, it is crucial for educators and students to apply the necessary knowledge and critical thinking skills across multiple disciplines which will create a correlation between the natural and social sciences in order to produce a more sustainable and peaceful world; and,

WHEREAS, solutions to today's key environmental issues and the future sustainability of our ecosystems and communities will rely on the citizens of the State of Illinois and their understanding, acknowledgement, and response to the connections that environmental issues have with economic and societal issues; and,

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 22-28, 2013 as **GLOBAL SUSTAINABILITY EDUCATION WEEK** in Illinois, and encourage all citizens to recognize the importance of global sustainability education.

Issued by the Governor September 9, 2013
Filed by the Secretary of State September 18, 2013

2013-344**No Texting and Driving Awareness Month & Drive 4 Pledges Day**

WHEREAS, the State of Illinois, the Office of the Governor, the Illinois Department of Transportation and the Illinois Toll Highway Authority are committed to safety and raising awareness about the dangers of texting and driving through the "Drive Now. Text Later." Campaign; and,

WHEREAS, statistics show that more than 100,000 crashes a year involve drivers who are texting. 75 percent of teens say texting and driving is common among their friends and while 97 percent of teen drivers say texting while driving is dangerous — 43 percent still admit to doing it; and,

WHEREAS, drivers who text while they are driving are breaking the law and jeopardizing their own safety and the safety of passengers, pedestrians, and other drivers; and,

WHEREAS, to further address this traffic safety issue through education, the "It Can Wait" campaign, led by AT&T and including more than 200 organizations, is establishing Sept. 19, 2013 as "Drive 4 Pledges Day" to encourage drivers to take the pledge to never text and drive again. The goal is to change behavior and save lives; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2013 as **NO TEXTING AND DRIVING AWARENESS MONTH** in Illinois, and also proclaim September 19, 2013 as **DRIVE 4 PLEDGES DAY** in Illinois to support the "It Can Wait" movement to encourage all drivers to take the pledge to never text and drive.

Issued by the Governor September 9, 2013
Filed by the Secretary of State September 18, 2013

2013-345**Breast Cancer Awareness Month & Mammography Day**

PROCLAMATIONS

WHEREAS, October 2013 marks the 29th year of the National Breast Cancer Awareness Month campaign to educate women about breast cancer and the importance of early detection through mammography; and,

WHEREAS, a projected 9,350 women in Illinois will be diagnosed with breast cancer in 2013; and,

WHEREAS, an estimated 1,610 women in Illinois will lose their life to breast cancer in 2013; and,

WHEREAS, breast cancer is the most common cancer diagnosed in women and is the second leading cause of cancer deaths for women; and,

WHEREAS, the best chance for detecting breast cancer early is through mammography screening, which, when paired with new treatment options, can dramatically improve a woman's chance of survival; and,

WHEREAS, the Illinois Breast and Cervical Cancer Program (IBCCP) provides free breast exams, mammograms, pelvic exams, and Pap tests to uninsured women. The IBCCP has provided 27,934 women with free breast screenings in the past fiscal year alone; and,

WHEREAS, since 1993, the United States has recognized the third Friday in October as National Mammography Day;

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2013 as **BREAST CANCER AWARENESS MONTH** and October 18, 2013, as **MAMMOGRAPHY DAY** in Illinois, and encourage all citizens to join me in the continued fight against breast cancer.

Issued by the Governor September 10, 2013

Filed by the Secretary of State September 18, 2013

2013-346

George Harrison Day

WHEREAS, Illinois is a leader in supporting the arts, and music has always been an important component of the artistic fabric of our state; and,

WHEREAS, there are few forms of music more purely American than the rock music genre; and,

PROCLAMATIONS

WHEREAS, the 50th anniversary of the Beatles' first visit to America will be commemorated in February 2014; and,

WHEREAS, one of the most talented rock musicians to ever set foot in the Land of Lincoln was George Harrison of the Beatles, who stayed in Benton, Illinois for two weeks in 1963; and,

WHEREAS, George Harrison got his musical start in Britain during the 1950's with the band the Rebels, where he gained popularity for his soaring guitar riffs and well-crafted melodies; and,

WHEREAS, known as "The Quiet Beatle," George Harrison was a gifted guitarist and outstanding songwriter whose compositions included "Something," "While My Guitar Gently Weeps," "Here Comes the Sun," "I Want To Tell You," and "All Things Must Pass"; and,

WHEREAS, throughout his illustrious musical career, George Harrison recorded more than 11 solo albums and was posthumously inducted into the Rock 'n' Roll Hall of Fame in 2003; and,

WHEREAS, George Harrison, who died of cancer on November 29, 2001, is one of the most accomplished and respected musicians of his generation, and the first Beatle in America; and,

WHEREAS, for nearly seven months, the Illinois State Historical Society has been raising funds from private groups and individuals for the George Harrison marker; and,

WHEREAS, the George Harrison historical marker dedication will take place on September 21, 2013, at 2 p.m. at the Capitol Park in Benton, Illinois; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 21, 2013, as **GEORGE HARRISON DAY** in Illinois, in recognition of George Harrison's tremendous musical success, contributions to the entertainment industry, and today's historical marker dedication ceremony in Benton, Illinois.

Issued by the Governor September 11, 2013

Filed by the Secretary of State September 18, 2013

2013-347**USS The Sullivans Day**

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of the United States military who selflessly serve to protect the security and wellbeing of our nation; and,

WHEREAS, every day these soldiers face great risks and in many cases put their safety on the line to perform their duties; and,

PROCLAMATIONS

WHEREAS, on November 13, 1942, the anti-aircraft light cruiser USS JUNEAU, commanded by Captain Lyman "Knut" Swenson, was torpedoed by a Japanese Sub I-26 during the Battle of Guadalcanal; and,

WHEREAS, as a result of this attack, the five Sullivan brothers, Frank, Joe, Matt, Al and George as well as 700 of their shipmates tragically lost their lives; and,

WHEREAS, natives of Waterloo, Iowa, the Sullivan brothers were well-known members of their community and loving family members and friends who will always be remembered for the countless lives that they impacted; and,

WHEREAS, the Sullivan brothers were raised in a strong Irish Catholic family by parents Thomas R. Sullivan and Alleta Sullivan; and,

WHEREAS, the Sullivan brothers, whose calling was serving our nation, were devoted to protecting America and improving the lives of others; and,

WHEREAS, throughout their careers as proud members of the United States Navy, the Sullivan brothers represented our country admirably; and,

WHEREAS, the five Sullivan brothers have been inducted into the "Irish American Hall of Fame"; and,

WHEREAS, named after the Sullivan brothers, USS The Sullivans DD-537 was commissioned by the United States Navy on September 30, 1943; and,

WHEREAS, USS The Sullivans DD-537 was retired in 1965, and is a National Historic Landmark docked at the Buffalo NY Naval Park; and,

WHEREAS, USS The Sullivans DDG-68 was commissioned on April 19, 1997, and is home ported at the Mayport Naval Station in Florida. USS The Sullivans is currently deployed to the Persian Gulf; and,

WHEREAS, on September 18-22 2013, the USS The Sullivans DD-537/DDG-68 Association will be celebrating its 25th Anniversary Reunion in Deerfield, Illinois; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 21, 2013, as **USS THE SULLIVANS DAY** in Illinois, in honor and in remembrance of the heroic Sullivan brothers, whose selfless service and sacrifice is an inspiration to the citizens of the Land

PROCLAMATIONS

of Lincoln, and in recognition of all of the sailors who have served aboard the USS The Sullivans DD-537/DDG-68.

Issued by the Governor September 12, 2013

Filed by the Secretary of State September 18, 2013

2013-348**Diversity and Inclusion Day**

WHEREAS, a diverse workplace, where all employees are ensured equal opportunities for success, is an economic necessity; and,

WHEREAS, the success of a company in the 21st century is dependent in part on its ability to maintain a workforce that mirrors the diverse community it serves; and,

WHEREAS, the Tenth Annual Changing Color of Leadership Conference and Bridge Awards Dinner, hosted by Chicago United, which is of special interest to Chicago-based businesses, will be held on Tuesday, November 19, 2013; and,

WHEREAS, the conference and dinner will provide chief executive officers, corporate executives and minority business owners the opportunity to network and engage in meaningful dialogue regarding diversity and inclusion in the workforce and business partnerships; and,

WHEREAS, the Tenth Annual Changing Color of Leadership Conference and Bridge Awards Dinner assists in advancing the ongoing efforts to promote diversity and inclusion at all levels to enhance the region's economy; and,

WHEREAS, through its many programs and products, Chicago United will bring together business, civic, and not-for-profit leaders to bridge the gap between race and business; and,

WHEREAS, our success as a state depends on our ability to create conditions that strengthen Illinois employers; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 19, 2013 as **DIVERSITY AND INCLUSION DAY** in Illinois.

Issued by the Governor September 13, 2013

Filed by the Secretary of State September 18, 2013

2013-349**Dr. Quentin Young Day**

PROCLAMATIONS

WHEREAS, a longtime leader on health policy and social justice issues, Dr. Quentin Young was Dr. Martin Luther King Jr.'s personal physician during his stays in Chicago, is Past President of the American Public Health Association, and has served as the Public Health Advocate for the State of Illinois; and,

WHEREAS, Dr. Quentin Young graduated from Northwestern Medical School in 1948 and completed his residency at Cook County hospital in Chicago; and,

WHEREAS, Dr. Quentin Young had a decades-long medical practice in the Hyde Park community on Chicago's South Side. He is a dedicated physician who has positively impacted many lives; and,

WHEREAS, throughout his illustrious medical career, Dr. Quentin Young has been affiliated with numerous organizations including the American College of Physicians' Health and Public Policy committee and the National Health Program. In addition, he founded the Committee to End Discrimination in Medical Institutions in 1951, the Health and Medicine Policy Research Group, and Physicians for a National Health Program; and,

WHEREAS, in 2001, Dr. Quentin Young and current Illinois Governor Pat Quinn walked from the Mississippi River to Lake Michigan to promote decent health care for everyone; and,

WHEREAS, Dr. Quentin Young was featured regularly as a medical commentator on WBEZ, Chicago Public Radio; and,

WHEREAS, a strong believer in grassroots democracy, civic engagement, and the importance of improving America's health care system, Dr. Quentin Young serves as a role-model for current and future medical professionals; and,

WHEREAS, Dr. Quentin Young turned 90 on September 5, 2013; and,

WHEREAS, birthdays are an excellent time to recount the many achievements and memories you have accumulated during your lifetime; and,

WHEREAS, as a long-time loving family member, friend, and neighbor, Dr. Quentin Young has touched many lives, inspiring people and empowering them to achieve to the very best of their abilities; and,

WHEREAS, on September 29, 2013, Dr. Quentin Young's 90th birthday will be celebrated at the Health and Medicine Policy Research Group's gala brunch; and,

PROCLAMATIONS

WHEREAS, the citizens of the Land of Lincoln are pleased to extend their best wishes to Dr. Quentin Young for a very happy 90th birthday celebration; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 29, 2013, as **DR. QUENTIN YOUNG DAY** in Illinois, in recognition of his commitment to civic engagement, dedication to the field of medicine, and in celebration of his 90th birthday.

Issued by the Governor September 13, 2013

Filed by the Secretary of State September 18, 2013

2013-350**Keep Chicago Beautiful Day**

WHEREAS, protecting the environment is becoming more important than ever; and,

WHEREAS, Keep Chicago Beautiful was established on June 11, 1987, in order to sustain and improve the quality of life for individuals on this Earth by protecting the environment for those who inhabit it, by pledging to reduce, reuse and recycle and to spread their work to those throughout the city, state and nation; and,

WHEREAS, Keep Chicago Beautiful has successfully founded the nationwide program known as "Waste in Place" which has educated younger generations on the importance of reducing, reusing and recycling, as well the advantages of eradicating litter to clean up Chicago; and,

WHEREAS, this organization understands the importance of maintaining a beautiful environment, leading by example through their efforts with the city of Chicago, and appreciates the significance of educating those who will nurture the environment for years to come; and,

WHEREAS, it is fitting and proper to officially recognize this organization on their efforts to preserve our environment and to keep it beautiful; and,

WHEREAS, on October 2, 2013, Keep Chicago Beautiful will celebrate their 26th Annual Vision Awards Event; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2, 2013, as **KEEP CHICAGO BEAUTIFUL DAY** and call upon all citizens to observe the day by becoming familiar with the actions that harm the environment and measures that can be taken to ensure that we maintain and preserve the beautiful environment in which we live.

Issued by the Governor September 13, 2013

Filed by the Secretary of State September 18, 2013

PROCLAMATIONS

2013-351**Smilesafe Kids Day**

WHEREAS, the State of Illinois is committed to the safe return of missing children; and,

WHEREAS, a current photograph is the most important resource in the recovery of a missing child, according to the National Center for Missing & Exploited Children. More than 1,200 children are reported missing each day in the United States; and,

WHEREAS, SmileSafe® Photo ID Cards have directly contributed to the recovery of missing children in 23 states; and,

WHEREAS, The National Center of Missing & Exploited Children, in partnership with Lifetouch School Photography, has provided some 18 million free SmileSafe Photo ID Cards during the last decade to parents in the State of Illinois; and,

WHEREAS, Illinois families utilize their SmileSafe Kids Cards and encourage programs that promote child safety; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 22, 2013 as **SMILESAFE KIDS DAY** in Illinois to raise awareness and prevent children from becoming victims.

Issued by the Governor September 13, 2013

Filed by the Secretary of State September 18, 2013

2013-352**Worldwide Day of Play**

WHEREAS, childhood obesity continues to rise at alarming rates; and,

WHEREAS, today's children and adults don't get as much physical activity as they should; and,

WHEREAS, nutritious diets and physical activity are important components in living healthy lifestyles and reducing disease; and,

WHEREAS, part of Nickelodeon's international grassroots effort is to get kids more physically active and to encourage positive, healthy, and playful lifestyles across the globe; and,

PROCLAMATIONS

WHEREAS, to accomplish that goal, Nickelodeon, along with the Boys & Girls Clubs of America and the National Football League are teaming up to celebrate the tenth annual Worldwide Day of Play by taking programming off of the air and shutting down its websites to reinforce one simple message: Get up, get out, and go play; and,

WHEREAS, the State of Illinois is committed to working to support kids in becoming the healthiest generation:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 21, 2013 as **WORLDWIDE DAY OF PLAY** in Illinois, and encourage citizens of all ages to observe this day with appropriate activities.

Issued by the Governor September 13, 2013

Filed by the Secretary of State September 18, 2013

2013-353**Acupuncture and Oriental Medicine Day**

WHEREAS, acupuncture and Oriental medicine have a long and rich history as components of a comprehensive traditional medical system that has been used for thousands of years to diagnose and treat illness, prevent disease and improve well-being; and,

WHEREAS, practitioners of acupuncture and Oriental medicine are dedicated to the highest standards of professionalism and maintain these standards through education, credentialing and a personal commitment; and,

WHEREAS, millions of Americans seek the services of acupuncturists and Oriental medicine practitioners each year; and,

WHEREAS, it is vital that those in need of medical services understand the full realm of available modalities and seek competent and professional care; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 24, 2013 as **ACUPUNCTURE AND ORIENTAL MEDICINE DAY** in Illinois, and encourage all citizens to learn more about the potential benefits of acupuncture and Oriental medicine.

Issued by the Governor September 16, 2013

Filed by the Secretary of State September 18, 2013

2013-354**Lights on Afterschool Day**

PROCLAMATIONS

WHEREAS, the citizens of the State of Illinois stand firmly committed to quality afterschool programs and opportunities; and,

WHEREAS, afterschool programs provide safe, challenging, and engaging learning experiences that help children develop social, emotional, physical and academic skills; and,

WHEREAS, afterschool programs also support working families by ensuring their children are safe and productive after the regular school day ends; and,

WHEREAS, afterschool programs benefit everyone because they build stronger communities by involving students, parents, business leaders and adult volunteers in the lives of young people, thereby promoting positive relationships among youth, families and adults; and,

WHEREAS, the State of Illinois has provided significant leadership in the area of community involvement and the education and well-being of our youth, which is grounded in the principle that quality afterschool programs are key to helping our children become successful adults; and,

WHEREAS, more than 28 million children in the U.S. have parents who work outside the home, and unfortunately, 15.1 million children have no place to go after school; and,

WHEREAS, of the school-age children in Illinois, approximately 26 percent are unsupervised after school; and,

WHEREAS, afterschool programs strengthen our communities by providing students a safe and healthy environment for them to learn while helping working parents; and,

WHEREAS, the State of Illinois is committed to investing in the health and safety of all young people by providing expanded learning opportunities that will help close the achievement gap and prepare young people to compete in the global economy; and,

WHEREAS, Lights On Afterschool is a national celebration of afterschool programs that will be held this year on October 17; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 17, 2013, as **LIGHTS ON AFTERSCHOOL DAY** in Illinois, in recognition of the importance of quality afterschool programs in the lives of children, families and communities.

Issued by the Governor September 16, 2013

Filed by the Secretary of State September 18, 2013

ILLINOIS ADMINISTRATIVE CODE
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