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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 2014

Issue#	Rules Due Date	Date of Issue
1	December 23, 2013	January 3, 2014
2	December 30, 2013	January 10, 2013
3	January 6, 2014	January 17, 2014
4	January 13, 2014	January 24, 2014
5	January 21, 2014	January 31, 2014
6	January 27, 2014	February 7, 2014
7	February 3, 2014	February 14, 2014
8	February 10, 2014	February 21, 2014
9	February 18, 2014	February 28, 2014
10	February 24, 2014	March 7, 2014
11	March 3, 2014	March 14, 2014
12	March 10, 2014	March 21, 2014
13	March 17, 2014	March 28, 2014
14	March 24, 2014	April 4, 2014
15	March 31, 2014	April 11, 2014
16	April 7, 2014	April 18, 2014
17	April 14, 2014	April 25, 2014
18	April 21, 2014	May 2, 2014

19	April 28, 2014	May 9, 2014
20	May 5, 2014	May 16, 2014
21	May 12, 2014	May 23, 2014
22	May 19, 2014	May 30, 2014
23	May 27, 2014	June 6, 2014
24	June 2, 2014	June 13, 2014
25	June 9, 2014	June 20, 2014
26	June 16, 2014	June 27, 2014
27	June 23, 2014	July 7, 2014
28	June 30, 2014	July 11, 2014
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32	July 28, 2014	August 8, 2014
33	August 4, 2014	August 15, 2014
34	August 11, 2014	August 22, 2014
35	August 18, 2014	August 29, 2014
36	August 25, 2014	September 5, 2014
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38	September 8, 2014	September 19, 2014
39	September 15, 2014	September 26, 2014
40	September 22, 2014	October 3, 2014
41	September 29, 2014	October 10, 2014
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45	October 27, 2014	November 7, 2014
46	November 3, 2014	November 14, 2014
47	November 10, 2014	November 21, 2014
48	November 17, 2014	December 1, 2014
49	November 24, 2014	December 5, 2014
50	December 1, 2014	December 12, 2014
51	December 8, 2014	December 19, 2014
52	December 15, 2014	December 26, 2014

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 1, 2014 until July 1, 2014.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services

2) Code Citation: 89 III. Adm. Code 431

3)

Section Numbers:	Proposed Actions:
431.20	Amendment
431.30	Amendment
431.55	New Section
431.80	Amendment
431.90	Amendment
431.100	Amendment
431.105	New Section
431.110	Amendment
431.120	Amendment
431.140	Amendment

4) Statutory Authority: Implementing Section 35.1 of the Children and Family Services Act [20 ILCS 505/35.1], the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110], Sections 11 and 11.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11 and 11.1], the AIDS Confidentiality Act [410 ILCS 305], and the Protection and Advocacy for Mentally Ill Persons Act [405 ILCS 45]; and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5] and Section 11.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11.1]

5) A Complete Description of the Subjects and Issues Involved: The proposed amendments are needed to reflect changes to the release of information and records retention.

6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None

7) Will this proposed rulemaking replace any emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
fax: 217/557-0692
e-mail: cfpolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses 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: The rulemaking was not included on either of the 2 most recent Regulatory Agendas because the need for the rulemaking was not anticipated.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 431
CONFIDENTIALITY OF PERSONAL INFORMATION OF PERSONS SERVED BY THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Section

431.15 Purpose
431.20 Definitions
431.30 Maintenance of Records
431.40 Required Consents Prior to Disclosure of Personal Information
431.50 Client Access to Records Which Contain Personal Information
431.55 Redaction
431.60 Subject Access to Records of Child Abuse and Neglect Investigations
431.70 Denial of Requests to Access Information
431.80 Disclosure of Records of Child Abuse and Neglect Investigations
431.85 Public Disclosure of Information Regarding the Abuse or Neglect of a Child
431.90 Disclosure of Personal Information Without Consent
431.100 Disclosure of ~~Information of a~~ Mental Health and Developmental Disabilities Information~~Nature~~
431.105 Disclosure of Alcoholism and Other Drug Abuse Records
431.110 Disclosure of Physical Health Information~~Information Regarding Acquired Immunodeficiency Syndrome (AIDS)~~
431.120 Removal of Records Prohibited
431.130 Impoundment of Records by the Office of the Inspector General (Repealed)
431.140 Applicability of This Part

AUTHORITY: Implementing Section 35.1 of the Children and Family Services Act [20 ILCS 505/35.1], the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110], Sections 11 and 11.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11 and 11.1], the AIDS Confidentiality Act [410 ILCS 305], and the Protection and Advocacy for Mentally Ill Persons Act [405 ILCS 45]; and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5] and Section 11.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11.1].

SOURCE: Adopted and codified at 5 Ill. Reg. 7815, effective August 3, 1981; amended at 6 Ill. Reg. 15517, effective January 1, 1983; amended at 10 Ill. Reg. 21647, effective December 31,

1986; amended at 11 Ill. Reg. 12613, effective August 1, 1987; amended at 13 Ill. Reg. 2407, effective March 1, 1989; amended at 15 Ill. Reg. 24, effective December 31, 1990; recodified at 18 Ill. Reg. 7951; amended at 19 Ill. Reg. 17082, effective December 15, 1995; amended at 23 Ill. Reg. 677, effective January 15, 1999; amended at 27 Ill. Reg. 1130, effective January 15, 2003; amended at 28 Ill. Reg. 317, effective December 31, 2003; amended at 32 Ill. Reg. 7088, effective May 1, 2008; amended at 37 Ill. Reg. 14868, effective August 30, 2013; amended at 38 Ill. Reg. _____, effective _____.

Section 431.20 Definitions

"ANCRA" means the Abused and Neglected Child Reporting Act [325 ILCS 5].

"Case record or record" means the record maintained for a family service case, a child service case, or a payment/monitoring-only case, which may include the child abuse/neglect (CA/N) investigative file. The term "case record" applies to records maintained by the Department or a purchase of service agency responsible for case management regardless of whether the services were provided directly by Department staff or purchased from a private provider. The confidentiality of case record information and access to that~~such~~ information may differ, depending on the type of information sought.

"Case transfer" means the conveying of information from one Department region, site or field office to another; from one purchase of service agency to the Department or to another; from the Department to a purchase of service agency. A different worker is assigned when a case is transferred and those activities necessary to transfer case management responsibility for service delivery to a family and/or child from worker to worker or Department office to Department office or Department office to purchase of service agency or purchase of service agency to purchase of service agency are completed. Transfer includes physical delivery of the case record as necessary for service provision.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody or custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Court appointed special advocate" means a person appointed by a court to protect the minor's best interests and insure the proper delivery of child welfare services.

"Disclose" and "permit access to" means to release, transfer, permit examination of, or otherwise communicate information orally, in writing, by electronic means or in any other manner.

"Department" or "DCFS" means the Illinois Department of Children and Family Services.

"HIPAA" means the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996, Public Law 104-191, which amends the Internal Revenue Service Code of 1986 and includes a section on Administrative Simplification requiring the protection of confidentiality and security of health data through setting and enforcing standards that protect the confidentiality and integrity of "individually identifiable health information".

"Impound" means to seize and retain in legal custody during the pendency of an investigation and any disciplinary, civil or criminal actions that~~which~~ result from an investigation conducted pursuant to the authority of the DCFS-Office of the Inspector General.

"Indicated Report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Mental health information" means records, reports or other information about the provision of mental health or developmental disability services as defined in the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

"Minor" means any individual who has not reached his or her 18th birthday.

"Person served by the Department" or "client~~Client~~" means any person who receives services or applies for services from the Department through its various offices. The term includes children for whom the Department is legally responsible, persons who involuntarily are investigated by the Department concerning allegations of child abuse or neglect and who may receive Department services during the course of, or subsequent to, the~~such an~~ investigation, persons who are receiving Department services through an order of the court, and persons who voluntarily request services from the Department.

"Personal information" means any identifying information, excluding work products, that is a part of the permanent record and that describes, locates or indexes anything about an individual including, but not limited to, education, financial transactions, medical history, criminal or employment records, registration or membership in an organization or activity, or admission to an institution. Personal information may be classified as mental health information, child abuse or neglect information, medical information, or other types of sensitive information and may be governed by different access, consent and disclosure requirements.

"Serious physical injury", for purposes of this Part, includes but is not limited to brain damage, skull fractures, subdural hematomas, internal injuries, wounds, third degree burns, multiple or spiral fractures, poisoning, or physical injury when evidence indicates the child has been tortured.

"State Central Register" means the specialized Department unit that receives and transmits reports of alleged child abuse and neglect.

"Subject of a report" means any child reported to the child abuse/neglect State Central Register and his or her parent, personal guardian or other person responsible for the child's welfare who is named in the report.

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists.

"Work product", for the purposes of this Part, means a worker's notes that are not part of the permanent record and concern interviewing technique, strategies for working with a person served by the Department and personal observations; these notes are kept for the worker's own personal use and are not disclosed to any other person except the worker's supervisor or attorney.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 431.30 Maintenance of Records

a) The Department, through its institutions, facilities and various offices shall maintain a record on all persons receiving services from the Department, either

directly or through the purchase of services, and on all persons for whom a child abuse or neglect report has been indicated or unfounded, or for whom a decision about the report has not yet been made. Upon request from the subjects of the report, the Department may keep records of unfounded reports of child abuse or neglect to prevent future harassment of the subjects. Additionally, in accordance with ANCRA Section 7.17~~ of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.17]~~, the Department may maintain case records containing identifying information related to child abuse or neglect reports.

b) The retention schedule for indicated, unfounded, undetermined and pending child abuse and neglect records is based on the seriousness of the allegations described in 89 Ill. Adm. Code 300, Appendix B, as follows:

1) 50 Years
All reports where allegations regarding the death of the child subject (Allegation #1/#51) or sexual penetration (Allegation #19) were indicated shall be retained for 50 years after the report was indicated.

2) 20 Years

A) The following allegations involving the serious physical injury, sexual molestation or sexual exploitation of the child subject shall be retained for 20 years.

#2/#52	Head Injuries
#4/#54	Internal Injuries
#5/#55	Burns/Scalding (Third Degree Burns Only)
#7/#57	Wounds
#9/#59	Bone Fractures (Multiple or Spiral Fractures Only)
#16	Torture
#18	Diseases Transmitted Sexually
#20	Sexual Exploitation
#21	Sexual Molestation
#81	Failure to Thrive
#83	Malnutrition
#85	Medical Neglect of Disabled Infants

B) The following allegations may be retained for 20 years, depending on the seriousness of the injury.

#6/#56	Poison/Noxious Substances
#9/#59	Bone Fractures (Other than Multiple or Spiral Fractures)
#11/#61	Cuts, Bruises, Welts, Abrasions and Oral Injuries
#12/#62	Human Bites
#13/#63	Sprains, Dislocations
#14	Typing/Close Confinement
#15/#65	Substance Misuse
#75	Abandonment/Desertion
#79	Medical Neglect

C) The following factors shall be used to determine whether to retain any of the allegations in subsection (b)(2)(B) for 20 years:

i) Extent of the injuries. Are the injuries limited to one spot on the child's body or are there multiple injuries on many parts of the child's body?

ii) Long-term effects of the injuries. Will the child be left with scars, deformities or permanent disabilities?

iii) Medical treatment required. Does the child require hospitalization, surgery, emergency medical treatment or other major medical treatment as a result of the injuries?

iv) Pattern or chronicity of injuries. Is there an ongoing history or pattern of harsh punishment or neglect that resulted in injury? Are there severe injuries at different stages of healing?

D) If none of the factors in subsection (b)(2)(C) are present, the allegations shall be retained for 5 years.

3) 5 Years
The following indicated allegations shall be retained for 5 years.

#17/#67	Mental Injury
#10/#60	Substantial Risk of Physical Injury
#22	Substantial Risk of Sexual Injury
#74	Inadequate Supervision
#76	Inadequate Food
#77	Inadequate Shelter
#78	Inadequate Clothing
#82	Environmental Neglect
#84	Lock-Out

4) Subsequent Indicated Reports
All subsequent indicated reports involving any of the same subjects or the sibling or offspring shall be maintained after the last report was indicated in accordance with retention periods specified in this Section.

5) Unfounded Allegations

A) All identifying information concerning records of unfounded reports involving the death (Allegation #1/#51), sexual abuse (Allegations #18, #19, #20, #21) or serious physical injury (e.g., Allegations #2/#52, #4/#54, #5/#55, #7/#57, #9/#59) of a child shall be maintained in the State Central Register for 3 years after the date the final finding report is entered. All identifying information about all other unfounded reports ~~made by mandated reporters involving Allegations #6/#56, #11/#61, #12/#62, #13/#63, #14, #15/#56, #75 and #79~~ shall be retained by the SCR for 12 months after the date the final finding report is entered. Notwithstanding anything in this subsection (b)(5)(A), whenever a subsequent report is received concerning a subject of an existing unfounded report, the unfounded report shall be retained until the new investigation is completed or for 12 months, whichever is later~~Additionally, those unfounded reports of physical injury made by mandated reporters not retained by the State Central Register for 3 years shall be retained for 12 months after the date the final finding report is entered~~.

~~B) All identifying information concerning unfounded reports involving Allegations #17/#67, #10/#60, #22, #74, #76, #77, #78,~~

~~#82 and #84 made by a mandated reporter shall be maintained by the SCR for 60 days after the final finding report is entered. All identifying information concerning unfounded reports not retained for 3 years made by non-mandated reporters shall be retained by the SCR for 12 months after the final finding report is entered. All identifying information concerning any unfounded report involving Department wards shall be retained for 12 months regardless of reporting source.~~

B~~C~~) If the alleged perpetrator or caretaker requests, in writing, within 10 days after the date on the SCR-generated notice, that a record of the unfounded report be retained as evidence of false reporting, the SCR computer and hard copy files and the local index shall be maintained. Written requests postmarked more than 10 days after the date on the SCR notice and oral requests, that are not confirmed in writing, shall not be honored. The child abuse and neglect investigative file shall also be maintained. SCR will notify the local investigative unit when to destroy records of these unfounded false reports.

6) Pending and Undetermined Reports
Child abuse and neglect reports that are pending or undetermined shall remain in the SCR computer and hard copy files, the local index, and the child abuse and neglect investigative file until a decision is reached.

c) The retention schedule for indicated child abuse and neglect records involving juvenile perpetrators (persons under the age of 18 years) is as follows:

1) If, after an investigation, reports are indicated and children between the ages of 10 and 18 are determined to be the perpetrator, reports that carry a 5 year retention schedule will be expunged from the State Central Register after 5 years or at the perpetrator's 21st birthday, whichever is sooner.

2) In the event that the same child between the ages of 10 and 18 is determined to be an indicated perpetrator of another report that requires a 5 year retention schedule, the information concerning the previous reports and the subsequent report will be maintained at the State Central Register for a period of 5 years after the date of the subsequent report or until the perpetrator's 21st birthday, whichever is sooner.

3) Reports that carry a 20 or 50 year retention schedule will be expunged from the State Central Register after 5 years or at the perpetrator's 23rd birthday, whichever is sooner.

4) In the event that same child between the ages of 10 and 18 is subsequently determined to be an indicated perpetrator of an allegation carrying a 20 or 50 year retention schedule, the information concerning the previous reports and the subsequent report will be maintained at the State Central Register for a period of 5 years after the date of the subsequent report or until the perpetrator's 23rd birthday, whichever is sooner.

d) All retained records shall be of a confidential nature and shall not be made available to the general public, except as provided for in Section 431.85.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 431.55 Redaction

All records that are released shall be redacted in accordance with DCFS rules, the Abused and Neglected Child Reporting Act, the Mental Health and Developmental Disabilities Confidentiality Act, the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301], the Children and Family Services Act [20 ILCS 505], the AIDS Confidentiality Act [410 ILCS 305] and any other applicable law.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 431.80 Disclosure of Records of Child Abuse and Neglect Investigations

Record information about child abuse and neglect investigations may be shared with the following individuals without the consent of the subjects of the report.

a) Department staff in the furtherance of their responsibilities under ANCRA~~the Abused and Neglected Child Reporting Act~~ or for the purpose of completing background investigations on persons or agencies licensed by the Department or through whom the Department provides child welfare services, and on court appointed special advocates, or for purposes of an investigation conducted by the DCFS-Office of the Inspector General under Section 35.5 of the Children and Family Services Act. Unfounded reports may be made available to the child

protective service unit only when an investigator in the unit is investigating a subsequent report of suspected abuse or~~of~~ neglect involving a subject~~child~~ named in the unfounded report;

b) Department and purchase of service provider staff assessing children and families in which abuse or neglect has occurred or providing services to these children and families;

c) Department staff verifying whether a child care facility subject to Department licensing is owned or operated by known perpetrators of child abuse or neglect or whether members of the household of a family home in which a child care facility operates, or employees or volunteers who have access to children have been found to be the perpetrators of child abuse or neglect;

d) Law enforcement officers investigating a report of suspected child abuse or neglect, known or suspected involvement with child pornography, known or suspected criminal sexual assault, known or suspected criminal sexual abuse, or any other sexual offense when children are alleged to be involved;

e) The Department of State Police when administering the provisions of the Intergovernmental Missing Child Recovery Act of 1984 [325 ILCS 40];

f) State's Attorneys who need access to child abuse or neglect information in the course of their assigned duties;

g) Physicians examining a child where abuse or neglect is suspected;

h) A court, upon its finding that access is necessary to determine an issue before the court. Unless the court determines that disclosure of the information in open court is necessary, the~~such~~ access is limited to an inspection by the judge in his or her chambers or in a courtroom free of spectators.~~;~~ This includes those who are responsible for assisting in the early identification and treatment of habitual juvenile offenders subject to the provisions of the Serious Habitual Offender Comprehensive Action Program;

i) A grand jury that~~which~~ determines that access is necessary to conduct its official business;

j) Persons who have been authorized by the Director, in writing, to review the

records for audit or research purposes or to review the~~such~~ records in the regular course of the Department's business. The~~Such~~ access shall be time limited or limited to specific staff functions;

k) Persons authorized to take temporary protective custody ~~only~~ if the information is needed to determine whether to take the child into temporary protective custody;

l) A person who has legal responsibility or authorization to care for, treat, or supervise a child or a parent, guardian, or other person responsible for the welfare of a child who is the subject of a report;

m) Federal, state or local law enforcement officers, coroners or medical examiners, physicians, courts, school superintendents and child welfare agencies in other states who are responsible for child abuse or neglect investigations or background investigations. The~~Such~~ information shall be requested only for the purpose of aiding the investigation, assessment or service provision or background investigation in the requesting state;

n) The Illinois Department of Financial and Professional Regulation, when determining whether a mandated reporter (as detailed in ANCRA Section 4) who failed to report child abuse or neglect should be subject to license suspension or revocation, or when determining whether to refuse to issue, suspend or revoke a State-issued~~the~~ license ~~of the following classes of persons~~ due to the person having been named a perpetrator in an indicated report of child abuse or neglect;~~:~~

~~1) Physicians,~~

~~2) Physician Assistants,~~

~~3) Dentists,~~

~~4) Registered and Practical Nurses,~~

~~5) Optometrists,~~

~~6) Physical Therapists,~~

~~7) Podiatrists,~~

~~8) Psychologists,~~

~~9) Social Workers,~~

~~10) Athletic Trainers,~~

~~11) Acupuncturists,~~

~~12) Dietitians and Nutrition Counselors,~~

~~13) Hearing Care Professionals,~~

~~14) Marriage and Family Therapists,~~

~~15) Naprapaths (therapist of ligaments and connective tissue),~~

~~16) Respiratory Therapists,~~

~~17) Professional Counselors and Clinical Professional Counselors, and~~

~~18) Speech-Language Pathologists and Audiologists;~~

o) School superintendents and the State Board of Education when determining whether a teacher's certificate shall be suspended because the teacher has been named as a perpetrator in an indicated report of child abuse or neglect;

p) A coroner or medical examiner who has reason to believe that a child has died as the result of abuse or neglect;

q) The Director of a State-operated facility when an employee of that facility has been named as a perpetrator of an indicated report;

r) Members of a multidisciplinary team in the furtherance of its responsibilities under this Act;

s) The operator of a licensed child care facility or a facility licensed by the Department of Human Services in which children reside when a current or prospective employee of that facility has been named as a perpetrator in an indicated child abuse or neglect report;

t) A probation officer or other authorized representative of a probation or court services department conducting an investigation ordered by a court under the Juvenile Court Act of 1987 [705 ILCS 405];

u) The Department of Human Services, as provided in Section 17 of the Disabled Person's Rehabilitation Act [20 ILCS 2405/17];

v) Any other agency or investigative body, including the Department of Public Health and a local board of health, authorized by State law to conduct an investigation into the quality of care provided to children in hospitals and other State regulated care facilities. The access to and release of information from child abuse records shall be subject to the approval of the Director of the Department or his or her designee;

w) The Department of Human Services, as provided in Section 10 of the Early Intervention Services System Act [325 ILCS 20], and the operator of a facility providing early intervention services pursuant to that Act, for the purpose of determining whether a current or prospective employee who provides or may provide direct services under that Act is the perpetrator in an indicated report of child abuse or neglect filed under ANCRA;

x) The guardian ad litem of a minor who is the subject of a report or records under ANCRA;

y~~t~~) Child death review teams in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect), Section 300.165; or

z~~u~~) The general public as specified in Section 431.85~~ of this Part~~.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 431.90 Disclosure of Personal Information Without Consent

a) Persons Who May Receive Personal Information Without Consent
The Department shall disclose personal information to the following persons or category of persons without the consent of the individual in accordance with the provisions of the Children and Family Services Act~~ [20 ILCS 505]~~, Mental Health and Developmental Disabilities Confidentiality Act~~ [740 ILCS 110]~~, the AIDS

Confidentiality Act ~~[410 ILCS 305]~~, or ANCRA~~the Abused and Neglected Child Reporting Act [325 ILCS 5]~~, as applicable to the type of information being requested:

1) Law Enforcement Officers

A) Department child welfare staff, with approval of the immediate supervisor, shall release personal information to State's Attorneys, the Attorney General, municipal and sheriff's police (in Illinois or other jurisdictions), and the Department of State Police, when releasing the information is consistent with the best interests of the child or when the information is relevant to a pending investigation.

B) If personal information is requested by law enforcement officers other than listed in subsection (a)(1)(A), or if the information requested is not consistent with the best interests of the child served by the Department, the information may be released only by the Director of the Department or his or her designee.

2) Persons Who Have Subpoenas or Other Court Orders

A) The Department shall disclose personal information when ordered to do so by a court order. The Department shall make a good faith effort to notify the person whose records are the subject of the order that the order exists and the nature of the proceedings, unless specifically ordered by the court to not contact the subjects. The Department shall notify the court or the person obtaining the court order of the confidential nature of the information and its policies regarding personal information. In addition, the Department may take any appropriate legal actions to limit or quash the court order.

B) In the event a subpoena has been issued by a court, the Department shall make a good faith effort to contact the subject of the order as explained in subsection (a)(2)(A). If a subpoena is issued by a Clerk of the Court without any judicial involvement, the Department shall notify the person who had the subpoena issued of its policies regarding personal information and shall make a good faith effort to promptly notify the person whose information is the

subject of the subpoena. The Department shall not release the information for 14 days following the receipt of the subpoena unless the person consents to the release of the records or an earlier, reasonable return date is provided in the subpoena. After 14 days have passed from the receipt of the subpoena, the Department shall release the information if releasing it is consistent with the best interests of the child.

C) When a person served by the Department is engaged in litigation against the Department, the Department shall release personal information concerning that individual or his or her children that is subject to discovery under the laws of the State of Illinois.

D) DCFS shall provide records to a court, other than juvenile court, party to a lawsuit or a party's attorney only after the Regional Counsel has reviewed the subpoena, request or order from the court and redacted confidential mental health, drug treatment and Human Immunodeficiency Virus (HIV)/Acquired Immunodeficiency Syndrome (AIDS) information and other records strictly protected by statute. The Department shall request that a protective order be entered if the court orders the release of confidential information.

3) Legislators
Only the Director of the Department shall authorize the release of the contents of case records to the Illinois legislature or its committees or commissions. Individual legislators shall not have access to case records unless they are acting under the authority given them by the law.

4) Professionals or Other Service Providers
Persons receiving services from the Department or its contractual agencies are to be informed that personal information (other than mental health information) may be shared without their consent with other service providers when it is necessary for the proper provision of services or the establishment of paternity or support for a dependent minor.

A) With the exception of mental health records, as provided for in Section 431.100, personal information may be released by Department employees acting within their official capacity to

professionals who are providing services to persons served by the Department. These professionals may include psychiatrists, psychologists, physicians, social workers, homemakers, contractors with the Department, social service agencies, foster parents, child care facilities and others providing services to persons served by the Department when the~~such~~ information is necessary for the proper delivery of services to the persons served by the Department.

B) The Department, in releasing personal information, will limit the information released to that which is necessary to properly provide the service. The persons receiving the information shall be notified by the Department that the information is confidential and that the information is not to be further released except as is necessary for the proper delivery of service.

C) Release of mental health materials must be made in conformity with the Mental Health and Developmental Disabilities Confidentiality Act~~ [740 ILCS 110]~~.

D) Department employees may release personal information needed to establish paternity or support for a dependent child or relative.

5) Prospective Adoptive Parents, Foster Parents and Other Caregivers

A) Prospective adoptive parents, foster parents and caregivers in other licensed child care facilities may review documents and reports in the child's case record that support the information the caseworker provided at the time of the child's placement, or information that has been received or generated regarding the child since placement.

B) The information that will be available to caregivers for review will be limited to that which relates directly to a child in that person's care, specifically education records, health and insurance records, history of placements and reasons for changes (excluding identifying information about former caregivers), the child's portion of the client service plan including visitation arrangements and all amendments and revisions relating to the child, and any

known social or behavioral information including but not limited to criminal background of the child, fire setting, perpetration of sexual abuse, destructive behavior and substance abuse. Personal information about the child's parents, siblings, relatives, previous caregivers or other individuals such as members of the household in a child's previous living arrangement shall be removed or redacted from the case record prior to the caregiver's review.

C) The caregiver's review of the case record shall occur in the presence of casework staff. Once a caregiver has requested a review of a child's file, the Department or agency shall provide the opportunity to do so timely, without undue delay.

D) The supervisor shall examine the redacted record for accuracy and approve its review by the prospective adoptive parents, parents, foster parents or caregivers in other licensed facilities prior to the time the records are examined by the caregiver.

6) Court Appointed Special Advocates
Court appointed special advocates may attend the child's portion of administrative case reviews involving children for whom they are appointed as advocates and may review documents directly related to delivery of child welfare services that are in the best interests of the minor. However, court appointed special advocates are not allowed access to mental health or drug or alcohol assessment and treatment records, confidential medical records, or records of child abuse or neglect reports and investigations and may attend the parent's portion of the administrative case review only with the permission of the parents or their authorized representative.

7) Research Purposes
The release of personal information for research purposes to any source outside the agency shall only be allowed within the discretion of the Director of the Department or designee upon express written consent. The researcher shall ensure, in writing, the confidentiality of identifying information. The researcher shall not release any identifying information without the express written permission of the Director.

8) DCFS-Office of the Inspector General

Personal information shall be released to the DCFS-Office of the Inspector General when the records are pertinent to an investigation authorized under Section 35.5 of the Children and Family Services Act ~~[20 ILCS 505/35.5]~~ and involves allegations or incidents of possible misconduct, misfeasance, malfeasance, or violations of rules, procedures, or laws.

9) DCFS and Purchase of Service Agency (POS) Staff
Department and POS staff shall have access to child abuse and neglect and other case record information in the furtherance of their responsibilities under the Abused and Neglected Child Reporting Act, the Child Care Act, the Children and Family Services Act, the Juvenile Court Act and any other Act that governs child welfare. Any sharing of information between divisions of the Department or between the Department and purchase of service providers, or between purchase of service providers as necessary for case management is a transfer and not a disclosure of information.

10) Extended Family
An extended family member interviewed for relevant information during the course of an investigation by the Child Protective Service Unit may request and receive the following information about the findings and actions taken by the Child Protective Service Unit to ensure the safety of the child or children who were the subjects of the investigation:

A) name of the child who was the subject of the abuse or neglect report;

B) whether the report was indicated or unfounded;

C) whether the Department took protective custody;

D) whether a Department case has been opened for the family or children;

E) what Department services are being provided the family or children; and

F) whether a safety plan has been established.

11) State's Attorneys

State's Attorneys shall have access to child abuse or neglect and/or case record information when necessary for the discharge of their official duties during the investigation and prosecution of the abuse or neglect of a child or termination of parental rights pursuant to the Criminal Code of 2012 [720 ILCS 5] or another penal statute, the Juvenile Court Act of 1987 ~~[705 ILCS 405]~~, the Child Care Act of 1969 [225 ILCS 5] or ANCRA ~~[325 ILCS 5]~~.

12) Protection and Advocacy for Mentally Ill Persons
Personal information, with the exception of mental health information, may be released to the agency designated by the Governor for administering the protection and advocacy system for mentally ill persons, in accordance with the provisions of the Protection and Advocacy for Mentally Ill Persons Act [405 ILCS 45].

13) Mandated Reporters
A mandated reporter is allowed to *receive appropriate information about the findings and actions taken by the Child Protective Service Unit in response to his/her report. The information shall include the actions taken by the Child Protective Service Unit to ensure a child's safety.* (ANCRA Section 11.2)

14~~13~~) Others Not Cited in this Section~~Above~~
Personal information may be released for the purposes and to persons other than those listed in this Section upon the written authorization of the Director when that~~such~~ authorization is not prohibited by State or federal law, ~~or~~ regulation or rule.

b) Law Enforcement Agencies Data System (LEADS) Information in Child Protection Records

1) In accordance with Section 2605-315 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-315], the Department of Children and Family Services shall have access to LEADS information and underlying *criminal history record information as defined in the Illinois Uniform Conviction Act when necessary for the Department to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969 and the Children and Family Services Act.* [20 ILCS 2605/2605-315]

2) LEADS printouts may not be shared outside the Department. Summaries of criminal history information included in the child protection investigation file may be forwarded to the child welfare worker as part of the investigative file. Child protection investigators and child welfare workers shall share underlying public documents on a "need to know" basis with other persons providing services when it is relevant to child protection or service decisions to be made on behalf of the child or family. (See Section 35.1 of the Child and Family Services Act of 1969 [20 ILCS 505/35.1].)

c) Responses to Requests for Information

1) Written Requests

A) The Department shall accept written requests for the disclosure of personal information without the consent of the concerned individuals only when the requestor has provided a notary public's attestation as to his or her identity and has included the names of the individuals about whom the information is requested. Information shall only be released in compliance with this Part.

B) The Department will provide a written response to each written request via certified mail deliverable only to the requestor.

2) Telephone Requests

A) The Department shall accept telephone requests for child abuse and neglect information only when the request comes from Department staff investigating a report of child abuse or neglect, law enforcement officials investigating a report of child abuse or neglect or determining whether a child should be taken into temporary child protective custody, physicians examining a child and the information is needed to determine whether a child is abused or neglected or to determine whether a child should be taken into temporary protective custody, and out-of-state agencies involved in a child abuse or neglect report.

B) The Department shall accept telephone requests for other personal information without the consent of the concerned individuals only

if the requesting person or agency is authorized by this Part to receive the information that~~which~~ they are requesting.

C) The Department shall not provide information to unknown requestors at the time of the initial inquiry. Instead, Department staff shall obtain the requestor's name, type of business, an official business phone number through which his or her identity and authority to receive the information can be verified, and the phone number at his or her current location. The Department shall verify the requestor's identity and authority to receive the information by checking an official telephone listing or checking with a third party at the business office.

3) In-Person Requests

A) The Department shall accept in-person requests for the disclosure of personal information without the consent of the concerned individuals only when the requestors produce positive identification and proof of their legal authority to receive the requested information.

B) The Department will recognize only those guardians, custodians, court appointed special advocates or guardians ad litem who produce a court order appointing them to their positions. The Department will recognize only those attorneys or personal representatives who produce a written consent to release the requested information. The consent must be signed by the concerned individual and it must be notarized.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 431.100 Disclosure of ~~Information of a~~ Mental Health and Developmental Disabilities Information~~Nature~~

Release of and access to clinical, social work, psychological, psychiatric or other information of a mental health nature shall be governed by Section 4 of the Mental Health and Developmental Disabilities Confidentiality Act ~~[740 ILCS 110/4]~~. Significant portions of that Act are as follows:

a) *The following persons shall be entitled, upon request, to inspect and copy a*

recipient's record or any part thereof:

1) *the parent or guardian of a recipient who is under 12 years of age;*

2) *the recipient if he* or she *is 12 years of age or older;*

3) *the parent or guardian of a recipient who is at least 12 but under 18 years, if the recipient is informed and does not object or if the therapist does not find that there are compelling reasons for denying such access. The parent or guardian who is denied access by either the recipient or the therapist may petition a court for access to the record;*

4) *the guardian of a recipient who is 18 years or older; or*

5) *an attorney or guardian ad litem who represents a minor 12 years of age or older in any judicial or administrative proceeding, provided that the court or administrative hearing officer has entered an order granting the attorney this right.* [740 ILCS 110/4]

b) Except as otherwise provided in the Mental Health and Developmental Disabilities Confidentiality ~~(MH/DD)~~ Act ~~[740 ILCS 110]~~, records and communications as defined in that Act may be disclosed only with the written consent of the persons identified in subsection (a).

c) Information disclosed with the written consent of those described in subsection (a) may not be redisclosed to any other person without the express written consent of those described in subsection (a). Those persons authorized to give consent may revoke their consent at any time.

d) When~~Where~~ the Department has legal guardianship of a child under 12 years, the Department may deny access of the biological parents to information pertaining to the child's mental health only if two professional social workers (Master of Social Work degree) employed by the Department certify in writing that denial of ~~such~~ access is in the best interests of the child and/or parents.

e) Mental health information can be shared within the Department and purchase of service providers, with traditional and home of relative foster parents, and adoptive parents, when relevant to the Department's discharge of its duties under the Child and Family Services Act, Adoption Act [750 ILCS 50] or

ANCRA~~Abused and Neglected Child Reporting Act~~.

f) Mental health information can be shared with a juvenile court judge, guardian ad litem or State's Attorney in an abuse or neglect temporary custody hearing, adjudicatory hearing, dispositional hearing or termination of parental rights hearing when the information is relevant to the juvenile court proceeding.

g) During a child abuse and neglect investigation, mental health and developmental disabilities records can be released to the Department pursuant to the Illinois Mental Health and Developmental Disabilities Confidentiality Act.

h) Mental health records can be released to the Department's Inspector General when:

1) *the recipient was either*:

A) *a parent, foster parent or caretaker who is an alleged perpetrator of abuse or neglect or the subject of a dependency investigation; or*

B) *a non-ward victim of alleged abuse or neglect; and*

2) *available information demonstrates that the mental health of the recipient was or should have been an issue to the safety of the child.* [740 ILCS 110/9(5)]

i) The parent or guardian of a recipient who is at least 12 but under 18 years can request and receive the following information: current physical and mental condition, diagnosis, treatment needs, services provided, and services needed, including medication, if any.

j) The therapist of a minor age 12-18 can release the records if he or she believes it to be in the best interest of the minor. The therapist must notify the minor that the information was released.

k) Anyone receiving a mental health record or information from a mental health record does not have the legal authority to disclose the information unless the re-release of information is specifically consented to by the client or otherwise permitted by this Section. Sharing of information between divisions of the Department or between the Department and purchase of service providers or

between purchase of service providers as required for case management is a transfer and not a disclosure of information.

l) Persons are entitled to review their own mental health records. Any competent adult recipient may consent to release of mental health records on the prescribed written form.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 431.105 Disclosure of Alcoholism and Other Drug Abuse Records

Records of the identity, diagnosis, prognosis or treatment of any patient maintained in connection with the performance of any program or activity related to alcohol or other drug abuse or dependency education, early intervention, intervention, training, treatment or rehabilitation that is regulated, authorized or directly or indirectly assisted by any Department or agency of this State or under any provision of the Alcoholism and Other Drug Abuse and Dependency Act shall be confidential and may be disclosed only with consent. *The following are exempt from* federal *confidentiality* provisions and can be disclosed without consent:

a) Veteran's Administration records;

b) Information obtained by the Armed Forces;

c) Information given to qualified service organizations;

d) Communications within a program or between a program and an entity having direct administrative control over that program;

e) Information given to law enforcement personnel investigating a patient's commission of a crime on the program premises or against program personnel; and

f) Reports under State law of incidents of suspected child abuse and neglect; however, confidentiality restrictions continue to apply to the records and any follow-up information for disclosure and use in civil or criminal proceedings arising from the report of suspected abuse or neglect. [20 ILCS 301/30-5]

AGENCY NOTE: Statements of observation of a person's demeanor or behavior that suggest they are under the influence of alcohol or a controlled substance are not protected.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 431.110 Disclosure of Physical Health Information ~~Regarding Acquired Immunodeficiency Syndrome (AIDS)~~

a) HIPAA

1) HIPAA section 164.512(b)(1)(ii) specifically permits sharing protected health information with a public health authority or other appropriate government authority authorized by law to receive reports of child abuse or neglect. DCFS is a government authority authorized by law to receive reports of child abuse or neglect.

2) In addition, HIPAA allows the release of personal health information to an individual's personal representative. Included in the definition of personal representative is a guardian or person acting in loco parentis with legal authority to make health care decisions on behalf of a minor child. When conflicts arise between HIPAA and other confidentiality rules, the stricter requirements apply.

3) If Department, purchase of service or HealthWorks (see subsection (b)) staff experience difficulty in obtaining information to which the Department has a right from health providers who are citing HIPAA as the reason to deny information, staff should then consult with their authorized agent. The authorized agent will consult with the Guardianship Administrator if the problem persists.

b) The Medical Patient Rights Act establishes the right of each patient to privacy and confidentiality in health care. Physical health information may be disclosed when relevant to a child protection investigation. The Children and Family Services Act permits any individual dealing with or providing services to a minor ward to share information with another individual dealing with or providing services to the minor for the purpose of coordination efforts on behalf of the minor. However, the Department shall not release information concerning any medical care to which the minor has the right of consent. (See Procedure 327, Section 327.5, Medical Consents for detailed explanation of when a minor has the right to consent to his or her own medical care.)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

c) Disclosure of Information Regarding Acquired Immunodeficiency Syndrome (AIDS)

1~~a~~) The Department shall be informed of the results of Human Immunodeficiency Virus (HIV) tests performed on and of all diagnoses of Acquired Immunodeficiency Syndrome (AIDS), as defined in the Department of Public Health's~~Health~~ rules at~~,~~ 77 Ill. Adm. Code 697 (AIDS Confidentiality and Testing Code), for children for whom the Department is legally responsible.

2~~b~~) The Department shall release information on children for whom it is legally responsible regarding HIV test results and diagnoses of AIDS to the child's legal parents and to persons who have the need to know this~~such~~ information. The categories of persons who have a need to know this information about a child are as follows:

A~~1~~) those persons who supervise or provide direct care to the child, such as:

i~~A~~) foster parents;~~,~~

ii~~B~~) relative caretakers;~~,~~

iii~~C~~) directors or operators of child care facilities, such as group homes, child care institutions, child welfare agencies, State operated facilities, day care homes, day care centers and the personnel of these~~such~~ facilities~~: i)~~who provide direct care for a child by feeding, diapering~~,~~ or handling blood or bodily fluids~~;~~ or ~~ii)who~~ provide direct care to a child who bites, spits, has a bleeding problem such as nose bleeds or hemophilia or who cannot control normal bodily functions;

B~~2~~) physicians, nurses, dentists and other medical providers who will be providing direct care to the child;

C~~3~~) other persons who provide direct care for a child for whom the information is necessary in order to provide Department approved services for the child, i.e., advocates and counselors;

D~~4~~) prospective adoptive parents who have been licensed under 89 Ill. Adm. Code 402, who are willing to adopt a child with a terminal illness, and who have demonstrated an interest in a specific child who has tested positive for HIV infection or who has been diagnosed with ARC or AIDS;

E~~5~~) juvenile court; or

F~~6~~) the child's school. Notification given to the child's school shall be in accordance with the Communicable Disease Prevention Act [410 ILCS 315/2a] that states that whenever a child of school age is reported by a physician to the Illinois Department of Public Health or a local health department as diagnosed with AIDS or HIV positive, that department will give prompt and confidential notice of the identity of child to the principal of the school in which the child is enrolled.

3~~c~~) Persons to whom the Department has released information regarding HIV test results and diagnoses of AIDS shall keep this information confidential in accordance with the provisions of the AIDS Confidentiality Act ~~[410 ILCS 305]~~ and the AIDS Confidentiality and Testing Code ~~(77 Ill. Adm. Code 697)~~. The~~Such~~ information shall not be disclosed to other persons except as authorized by the Department in accordance with subsection (b). The~~Such~~ authorization shall be signed by the Department's Guardianship Administrator or designee as defined by 89 Ill. Adm. Code 327.2 and shall contain the names and respective positions of those individuals to whom the information will be disclosed. Education must accompany disclosure so that those persons receiving the information understand the HIV/AIDS diagnosis, treatment and precautions. This information may be provided by the DCFS AIDS Project or a Department Regional Nurse.

d) HealthWorks
HealthWorks is not a covered function as defined at 45 CFR 164.103. HealthWorks functions to fulfill a legally mandated role to arrange for health care services for clients who are in custody or are wards. HealthWorks lead agencies and their medical case management agencies are authorized to receive medical information on children in custody or for children who are DCFS wards. HealthWorks staff may use consents signed by the Guardianship Administrator or an authorized agent to obtain information from health providers. Caseworkers

should provide their local HealthWorks Lead Agency and medical case management agency with a copy of the Dispositional Order so that this information can be maintained on file in case a health provider requests proof that DCFS has the legal right to authorize disclosure for the child or youth.

e) Disclosing Information for Regulatory Review Purposes
Under HIPAA, covered entities may disclose protected health information for health oversight activities required by law. The Department's health oversight activities include State-run compliance reviews such as Medicaid Part 132 reviews, Agency Performance Team reviews, Independent Utilization Reviews, and Licensing reviews. Health oversight activities include a broad range of civil, administrative and criminal investigations or proceedings.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 431.120 Removal of Records Prohibited

Records of the Department may not be removed from Departmental facilities by non-Department~~Departmental~~ staff, except as provided in Section 431.130, but may be photocopied. The Department may charge for the cost of reproducing said records at the rate established in 2 Ill. Adm. Code 775~~,~~ (Public Information, Rulemaking, and Organization).

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 431.140 Applicability of This Part

This Part shall apply to personal information contained in all closed, active and future records of the Department, regardless of whether they are maintained in written, microfilm~~,~~ or electronic (digital) storage.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: General Provisions for Radiation Protection

2) Code Citation: 32 Ill. Adm. Code 310

3) Section Number: 310.20 — Proposed Action: Amendment

4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40]

5) A Complete Description of the Subjects and Issues Involved: The Agency is updating definitions for "Commencement of Construction" and "Construction" to meet compatibility requirements with U.S. NRC (76 FR 56951; RATS ID #2011-2). The U.S. NRC has reviewed this amendment and determined that it meets the compatibility requirement. These definitions were added to Section 310.20 and previous definitions were deleted in 32 Ill. Adm. Code 330, 332, and 346.

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 Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their 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: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
fax: 217/524-3698

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not-for-profit corporations affected: The Agency believes this rulemaking will not affect small businesses, small municipalities or not-for-profit corporations.

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: The Agency did not include this on a Regulatory Agenda yet, as it had not anticipated proposing the rule until late summer 2014.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 310
GENERAL PROVISIONS FOR RADIATION PROTECTION

Section

310.10 Scope
310.15 Incorporations by Reference
310.20 Definitions
310.30 Exemptions
310.40 Records
310.50 Inspections
310.60 Tests
310.70 Additional Requirements
310.74 Cost Assessment
310.75 Emergency Response Cost Recovery
310.78 Deliberate Misconduct
310.80 Violations
310.81 Policy for Assessment of Civil Penalties
310.82 Procedures for Assessment of Civil Penalties
310.90 Impounding
310.100 Prohibited Uses
310.110 Communications
310.120 Plans and Specifications
310.130 The International System of Units (SI) (Repealed)
310.140 Units of Exposure and Radiation Dose
310.150 Units of Activity
310.APPENDIX A Transport Grouping of Radionuclides (Repealed)
310.APPENDIX B Tests for Special Form Licensed Material (Repealed)
310.APPENDIX C Penalty Assessment Worksheet (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed April 20, 1974 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 15657; amended at 10 Ill. Reg. 17259, effective September 25, 1986; amended at 15 Ill.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

Reg. 10604, effective July 15, 1991; amended at 17 Ill. Reg. 18472, effective January 1, 1994; amended at 20 Ill. Reg. 15978, effective December 9, 1996; amended at 23 Ill. Reg. 14454, effective January 1, 2000; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 20748, effective December 16, 2005; amended at 31 Ill. Reg. 11573, effective July 26, 2007; amended at 35 Ill. Reg. 2908, effective February 7, 2011; amended at 38 Ill. Reg. _____, effective _____

Section 310.20 Definitions

As used in 32 Ill. Adm. Code: Chapter II, Subchapters b and d, the following~~these~~ terms have the definitions set forth in this Section~~below~~. Additional definitions used only in a certain Part will be found in that Part.

"Absorbed dose" means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.

"Accelerator" or "particle accelerator" means any machine capable of accelerating electrons, protons, deuterons or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 million electron volts (MeV).

"Accelerator-produced material" means any material made radioactive by a particle accelerator.

"Act" means the Radiation Protection Act of 1990 [420 ILCS 40].

"Activity" means the rate of disintegration (transformation) or decay of radioactive material. The units of activity are the Bequerel (Bq) and the curie (Ci).

"Adult" means an individual 18 or more years of age.

"Agency" means the Illinois Emergency Management Agency.

"Agreement State" means any state with which the U. S. Nuclear Regulatory Commission or the U.S. Atomic Energy Commission has entered into an effective agreement under subsection 274b of the Atomic Energy Act of 1954, as amended (42 USC 2021(b) et seq.).

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

"Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, particulates, mists, vapors or gases.

"Airborne radioactivity area" means any room, enclosure or operating area in which airborne radioactive material, composed wholly or partly of licensed material, exists in concentrations:

in excess of the derived air concentrations (DACs) specified in appendix B to 10 CFR 20, published at 72 Fed. Reg. 55922, October 1, 2007, exclusive of subsequent amendments or editions; or

to such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC-hours.

"Annually" means at intervals not to exceed 1 year.

"As low as is reasonably achievable" or "ALARA" means making every reasonable effort to maintain exposures to radiation as far below the dose limits in 32 Ill. Adm. Code: Chapter II, Subchapters b and d as is practical consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of technology, the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

"Background radiation" means radiation from cosmic sources, naturally occurring radioactive materials, including radon (except as a decay product of source or special nuclear material) and global fallout as it exists in the environment from the testing of nuclear explosive devices, or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee. Background radiation does not include radiation from radioactive materials regulated by the Agency.

"Becquerel" or "Bq" means the SI unit of activity. One becquerel (Bq) is equal to 1 disintegration (transformation) per second (dps or tps).

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"Bioassay" or "radiobioassay" means the determination of kinds, quantities or concentrations and, in some cases, the locations of radioactive material in the human body, whether by direct measurement (in vivo counting) or by analysis and evaluation of materials excreted or removed from the human body.

"Brachytherapy" means a method of radiation therapy in which sealed sources are used to deliver a radiation dose at a distance of up to a few centimeters, by surface, intracavitory, intraluminal or interstitial application.

"Brachytherapy source" means a radioactive source, a manufacturer-assembled source train or a combination of these sources that is designed to deliver a therapeutic dose within a distance of a few centimeters.

"By-product material" means:

any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to radiation incident to the process of producing or utilizing special nuclear material;

the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes but not including underground ore bodies depleted by such solution extraction processes;

any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity;

any material that has been made radioactive by use of a particle accelerator and is produced, extracted, or converted after extraction before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and

any discrete source of naturally occurring radioactive material, other than source material, that is extracted or converted after extraction for use in commercial, medical, or research activity before, on, or after August 8, 2005, and which the U.S. Nuclear Regulatory Commission, in consultation with the Administrator of the Environmental Protection Agency, the

Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate Federal agency, determines would pose a threat to the public health and safety or the common defense and security similar to the threat posed by a discrete source or radium-226. [420 ILCS 40/4(a-5)]

"Calendar quarter" means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method observed by him for determining calendar quarters except at the beginning of a year.

"Calibration" means the determination of:

the response or reading of an instrument relative to a series of known radiation values over the range of the instrument; or

the strength of a source of radiation relative to a standard.

"CFR" means Code of Federal Regulations.

"Chelating agent" means amine polycarboxylic acids (e.g., EDTA, DTPA), hydroxy-carboxylic acids, and polycarboxylic acids (e.g., citric acid, carbolic acid, and glucinic acid).

"Collective dose" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

"Commencement of construction" means, except as specified in 32 Ill. Adm. Code 601.20, taking any action defined as "construction" or any other activity at the site of a facility subject to this Part that has a reasonable nexus to radiological health and safety.

"Committed dose equivalent" or "$H_{T,50}$" means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

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"Committed effective dose equivalent" or $H_{E,50}$ means the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ($H_{E,50} = \Sigma\ w_T H_{T,50}$).

"Construction" means the installation of foundations or the in-place assembly, erection, fabrication or testing for any structure, system or component of a facility or activity subject to this Part that is related to radiological safety or security. The term "construction" does not include:

changes for temporary use of the land for public recreational purposes;

site exploration, including necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site, the environmental impacts of construction or operation, or the protection of environmental values;

preparation of the site for construction of the facility, including clearing of the site, grading, installation of drainage, erosion and other environmental mitigation measures, and construction of temporary roads and borrow areas;

erection of fences and other access control measures that are not related to the safe use of, or security of, radiological materials subject to this Part;

excavation;

erection of support buildings (e.g., construction equipment storage sheds, warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and office buildings) for use in connection with the construction of the facility;

building of service facilities (e.g., paved roads, parking lots, railroad spurs, exterior utility and lighting systems, portable water systems, sanitary sewerage treatment facilities and transmission lines);

procurement or fabrication of components or portions of the proposed facility occurring at other than the final, in-place location at the facility; or

taking any other action that has no reasonable nexus to radiological health and safety.

"Critical group" means the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances.

"Curie" means a unit of quantity of radioactivity. One Curie (Ci) is that quantity of radioactive material which decays at the rate of 3.7×10^{10} disintegrations (transformations) per second (dps or tps).

"Decommission" means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits release of property for unrestricted use and termination of the license.

"Declared pregnant woman" means any woman who has voluntarily informed the licensee or registrant, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

"Dedicated check source" means a radioactive source that is used to assure the constant operation of a radiation detection or measurement device over several months or years.

"Deep dose equivalent" or "H_d" means the dose equivalent at a tissue depth of 1 centimeter (1000 milligrams per square centimeter) from external whole-body exposure.

"Densitometer" means a device that is used to provide a quantitative measurement of the optical density of x-ray film to determine the response of the film to exposure and development.

"Depleted uranium" means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

"Director" means the Director of the Illinois Emergency Management Agency.

"Discrete source" means a radionuclide that has been processed so that its

concentration within a material has been purposely increased for use for commercial, medical or research activities.

"Distinguishable from background" means the detectable radioactivity is statistically different from background in the vicinity of the site, or, in the case of structures, in similar materials using adequate measurement technology, survey and statistical techniques.

"Dose" or "radiation dose" means either absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent or total effective dose equivalent.

"Dose equivalent" or"H_T" means the product of the absorbed dose in tissue, quality factor and all other necessary modifying factors (e.g., a distribution factor for non-uniform deposition) at the location of interest. The units of dose equivalent are the sievert (Sv) and the rem.

"Dose limits" or "limits" means the permissible upper bounds of radiation doses established by, or in accordance with, 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

"Dosimetry processor" means an individual or an organization that processes and evaluates individual monitoring devices in order to determine the radiation dose delivered to such devices.

"Effective dose equivalent" or "H_E" means the sum of the products of the dose equivalent to each organ or tissue (H_T) and the weighting factor (W_T) applicable to each of the body organs or tissues that are irradiated ($H_E = \Sigma w_T H_T$).

"Embryo/fetus" means the developing human organism from conception until the time of birth.

"Entrance or access point" means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

"Exposure" means:

the quotient of dQ divided by dm where "dQ" is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass "dm" are completely stopped in air. (See Section 310.140 for SI unit coulomb per kilogram (C/kg) and the special unit roentgen (R).); or

irradiation by ionizing radiation or radioactive material.

AGENCY NOTE: The context makes clear which is the appropriate definition.

"Exposure rate" means the exposure per unit of time, such as roentgen per minute (R/min) and milliroentgen per hour (mR/h).

"External dose" means that portion of the dose equivalent received from any source of radiation outside the body.

"Extremity" means a hand, elbow, arm below the elbow, foot, knee and leg below the knee.

"Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

"Gray" or "Gy" means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule per kilogram (J/kg) (100 rad).

"Healing arts" means the art or science or group of arts or sciences dealing with the prevention and cure or alleviation of human ailments, diseases or infirmities, and has the same meaning as "medicine" when the latter term is used in its comprehensive sense.

"High radiation area" means any area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 0.1 rem (1 mSv) in 1 hour at 30 centimeters from the radiation source or 30 centimeters from any surface that the radiation penetrates.

"Human use" means the internal or external administration of radiation or

radioactive materials to human beings.

"Individual" means any human being.

"Individual monitoring" means the assessment of:

Dose equivalent by the use of individual monitoring devices or by the use of survey data; or

Committed effective dose equivalent by bioassay or by determination of the time-weighted air concentrations to which an individual has been exposed (i.e., DAC-hours). (For the definition of DAC-hours, see 32 Ill. Adm. Code 340.30.)

"Individual monitoring devices" (personnel dosimeter or dosimeter) means devices designed to be worn by a single individual for the assessment of dose equivalent. Examples of individual monitoring devices are film badges, thermoluminescence dosimeters (TLDs), optically stimulated luminescence dosimeters (OSLs), pocket ionization chambers, personal air sampling devices and electronic dosimeters (e.g., silicon diode dosimeters).

"Inspection" means an official examination or observation including, but not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements, and conditions of the Agency.

"Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

"Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

"License" means any license issued by the Agency in accordance with 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

"Licensed material" means radioactive material received, possessed, used, transferred or disposed of under a general or specific license issued by the Agency.

"Licensee" means any person who is licensed by the Agency in accordance with 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

"Licensing State" means any state which has been provisionally or finally designated as such by the Conference of Radiation Control Program Directors, Inc., which reviews state regulations to establish equivalency with the Suggested State Regulations and ascertains whether a state has an effective program for control of naturally occurring or accelerator-produced radioactive material (NARM). The Conference will designate as licensing states those states with regulations for control of radiation relating to, and an effective program for the regulatory control of, NARM.

"Lost or missing source of radiation" means any licensed or registered source of radiation whose location is unknown. This definition includes, but is not limited to, radioactive material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

"Major processor" means a person, other than medical programs, universities, industrial radiography services, or wireline service operations, who is licensed to process, handle, or manufacture radioactive material as unsealed sources in quantities exceeding the quantities specified in appendix C to 10 CFR 20, published at 60 Fed. Reg. 20186, April 25, 1995, exclusive of subsequent amendments or editions, by a factor of at least 10^3, or radioactive material as sealed sources in quantities exceeding the quantities specified in appendix C to 10 CFR 20 by a factor of at least 10^{10}.

"Member of the public" means any individual, except an individual who is performing assigned duties for the licensee or registrant involving exposure to sources of radiation.

"Minor" means an individual less than 18 years of age.

"Monitoring" or "radiation monitoring" or "radiation protection monitoring" means the measurement of radiation, radioactive material concentrations, surface area activities or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

"NARM" means any naturally occurring or accelerator-produced radioactive

material. It does not include byproduct, source, or special nuclear material.

"Natural radioactivity" means radioactivity of naturally occurring nuclides.

"Nuclear Regulatory Commission" or "NRC" means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.

"Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties for the licensee or registrant involve exposure to sources of radiation. Occupational dose does not include dose received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released as authorized by the Agency, from voluntary participation in medical research programs, or as a member of the public.

"Operator" means an individual, group of individuals, partnership, firm, corporation, association, or other entity conducting the business or activities carried on within a radiation installation. [420 ILCS 40/4(d-7)]

"Package" means the packaging, together with its radioactive contents, as presented for transport.

"Packaging" means the assembly of components necessary to ensure compliance with the packaging requirements of 32 Ill. Adm. Code 341. It may consist of one or more receptacles, absorbent materials, spacing structures, thermal insulation, radiation shielding and devices for cooling or absorbing mechanical shocks. The vehicle, tie down system and auxiliary equipment may be designated as part of the packaging.

"Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 million electron volts (MeV). For purposes of this definition, "accelerator" is an equivalent term.

"Person" *means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing*, *other than the*

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United States Nuclear Regulatory Commission, or any successor thereto, and other than federal government agencies licensed by the United States Nuclear Regulatory Commission, or any successor thereto. "Person" also includes a federal entity (and its contractors) if the federal entity agrees to be regulated by the State or as otherwise allowed under federal law. [420 ILCS 40/4(e)]

"Personnel monitoring equipment" (see "Individual monitoring devices").

"PET" means positron emission tomography.

"Pharmacist" means an individual licensed by the State pursuant to the Pharmacy Practice Act of 1987 [225 ILCS 85] to compound and dispense drugs, prescriptions, and poisons.

"Physician" means an individual licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 [225 ILCS 60], the Illinois Dental Practice Act [225 ILCS 25] or the Podiatric Medical Practice Act of 1987 [225 ILCS 100], who may use radiation for therapeutic, diagnostic or other medical purposes within the limits of the individual's licensure.

"Positron emission tomography radionuclide production facility" means a facility operating a particle accelerator for the purpose of producing PET radionuclides.

"Protective apron" means any apron made of radiation attenuating materials, at least 0.25 millimeter lead equivalent, that may be used to reduce exposure to radiation.

"Qualified engineering expert" means any person qualified under the Illinois Architecture Practice Act of 1989 [225 ILCS 305], the Structural Engineering Licensing Act of 1989 [225 ILCS 340] and/or any required combination thereof.

"Quality factor" or "Q" means the modifying factor (listed in Section 310.140, Tables 1 and 2) that is used to derive dose equivalent from absorbed dose.

"Quarterly" means at intervals not to exceed 3 months.

"Rad" means the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 ergs per gram or 0.01 joule per kilogram (J/kg) (0.01 Gy).

"Radiation" or "ionizing radiation" means *gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles, or electromagnetic radiations capable of producing ions directly or indirectly in their passage through matter; but does not include sound or radio waves, or visible infrared or ultraviolet light.* [420 ILCS 40/4(f)]

"Radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in 1 hour at 30 centimeters from the source of radiation or from any surface that the radiation penetrates.

"Radiation dose" (see "Dose").

"Radiation emergency" means *the uncontrolled release of radioactive material from a radiation installation which poses a potential threat to the public health, welfare and safety.* [420 ILCS 40/4(f-5)]

"Radiation Installation" *is any location or facility where radiation machines are used or where radioactive material is produced, transported, stored, disposed or used for any purpose* [420 ILCS 40/4(g)], except where such radioactive materials or facility are subject to regulation by the NRC.

"Radiation machine" means *any device that produces radiation when in use* [420 ILCS 40/4(h)], except those that produce radiation only from radioactive materials.

"Radiation safety officer" means an individual who has the knowledge and responsibility to apply appropriate radiation protection regulations and has been assigned that responsibility by the licensee or registrant.

"Radioactive material" means *any solid, liquid, or gaseous substance which emits radiation spontaneously.* [420 ILCS 40/4(i)] It includes material defined as "byproduct material" in the Act.

"Radioactivity" means the disintegration (transformation) of unstable atomic nuclei by the emission of radiation.

"Radiobioassay" (see "Bioassay").

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"Registrant" means any person who is registered with the Agency and is legally obligated to register with the Agency pursuant to the Radiation Protection Act of 1990 [420 ILCS 40] and 32 Ill. Adm. Code 320.10.

"Registration" means registration with the Agency in accordance with 32 Ill. Adm. Code 320.10.

"Regulations of the U.S. Department of Transportation" or "regulations of USDOT" means the regulations in 49 CFR 100-189, revised October 1, 2008, exclusive of subsequent amendments or editions.

"Rem" means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 Sv).

"Research and development" means:

theoretical analysis, exploration, or experimentation; or

the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

"Residual radioactivity" means radioactivity in structures, materials, soils, groundwater and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee, but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with the provisions of 32 Ill. Adm. Code 340 or the equivalent provisions of 10 CFR 20.

"Restricted area" means any area access to which is limited by the licensee or registrant for purposes of protecting individuals against undue risks from exposure to sources of radiation. Restricted area shall not include areas used for

residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

"Roentgen" means the special unit of exposure. One roentgen (R) equals 2.58 x 10^{-4} coulombs per kilogram (C/kg). (See "Exposure" and Section 310.140.)

"Sealed source" means any device containing radioactive material to be used as a source of radiation which has been constructed in such a manner as to prevent the escape of any radioactive material.

"Sealed source and device registry" means the national registry that contains all the registration certificates generated by the Agency, U.S. Nuclear Regulatory Commission or an Agreement State that summarize the radiation safety information for the sealed sources and devices and describe the licensing and use conditions approved for the product.

"Sensitometer" means a device that is used to test the setup and stability of film processing procedures and equipment by providing a standard pattern of light exposure of x-ray film.

"Shallow dose equivalent" or "H_s", which applies to the external exposure of the skin or an extremity, means the dose equivalent at a tissue depth of 0.007 centimeter (7 milligrams per square centimeter).

"SI" means the abbreviation for the International System of Units.

"Sievert" or "Sv" means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem).

"Source material" means:

uranium or thorium, or any combination thereof, in any physical or chemical form; or

ores that contain by weight one-twentieth of one percent (0.05 percent) or more of uranium, thorium or any combination thereof.

Source material does not include special nuclear material.

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"Source of radiation" means any radioactive material or any device or equipment emitting, or capable of producing, radiation.

"Special form radioactive material" means radioactive material that satisfies the following conditions:

It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;

The piece or capsule has at least one dimension not less than 5 millimeters (0.197 inch); and

It satisfies the test requirements specified in 10 CFR 71.75 and 71.77, published at 60 Fed. Reg. 50264, September 28, 1995, exclusive of subsequent amendments or editions, except that special form radioactive material designed or constructed prior to July 1, 1985 need only meet the requirements of 10 CFR 71.75 and 71.77 in effect on June 30, 1983.

"Special nuclear material" means:

plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235 and any other material which the Agency declares by order to be special nuclear material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such, but does not include source material; or

any material artificially enriched by any of the foregoing, but does not include source material. [420 ILCS 40/4(l)]

"Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; U-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them, except source material, in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed one. For example, the following

quantities in combination would not exceed the limitation and are within the formula:

$$\frac{175\left(\text{grams contained U - 235}\right)}{350} + \frac{50\,(\text{grams U - 233})}{200} + \frac{50\,(\text{grams Pu})}{200} = 1$$

"Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of sources of radiation. Such an evaluation includes, but is not limited to, measurements or calculations of levels of radiation, or concentrations or quantities of radioactive material present.

"Test" means the process of verifying compliance with an applicable regulation.

"Total effective dose equivalent" or "TEDE" means the sum of the deep dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

"Total organ dose equivalent" or "TODE" means the sum of the deep dose equivalent and the committed dose equivalent to the organ receiving the highest dose as described in 32 Ill. Adm. Code 340.1160(a)(6).

"Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating or refining.

"Unrestricted area" means any area access to which is not controlled by the licensee or registrant for purposes of protection of individuals from exposure to radiation and radioactive material, and any area used for residential quarters. AGENCY NOTE: Licensees or registrants may control access to certain areas for purposes other than radiation protection, but such action does not affect whether the areas are unrestricted areas as defined in this Part.

"Uranium fuel cycle" means the operations of milling of uranium ore, chemical conversion of uranium, isotopic enrichment of uranium, fabrication of uranium fuel, generation of electricity by a light-water-cooled nuclear power plant using uranium fuel and reprocessing of spent uranium fuel to the extent that these activities directly support the production of electrical power for public use. Uranium fuel cycle does not include mining operations, operations at waste disposal sites, transportation of radioactive material in support of these operations

and the reuse of recovered non-uranium special nuclear and byproduct materials from the cycle.

"U.S. Department of Energy" means the agency created by the Department of Energy Organization Act (established by P.L. 95-91, 91 Stat. 565, 42 USC 7101 et seq.), to the extent that the Department of Energy, or its duly authorized representatives, exercises functions formerly vested in the U.S. Atomic Energy Commission, its Chairman, members, officers and components and transferred to the U.S. Energy Research and Development Administration and to the Administrator thereof pursuant to sections 104(b), (c) and (d) of the Energy Reorganization Act of 1974 (P.L. 93-438, 88 Stat. 1233 at 1237, 42 USC 5814) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (P.L. 95-91, 91 Stat. 565 at 577-578, 42 USC 7151).

"Very high radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose in excess of 500 rads (5 grays) in 1 hour at 1 meter from a radiation source or 1 meter from any surface that the radiation penetrates.
AGENCY NOTE: For very high doses received at high dose rates, units of absorbed dose (e.g., gray and rad) are appropriate rather than units of dose equivalent (e.g., sievert and rem).

"Waste" means those low-level radioactive wastes containing source, special nuclear or byproduct material that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level radioactive waste means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in Section 4(a-5)(2) of the Act.

"Waste handling licensee" means a person licensed by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State to receive radioactive wastes for storage or treatment, or both storage and treatment, prior to disposal as well as any person licensed to receive radioactive waste for disposal away from the point of generation.

"Week" means 7 consecutive days starting on Sunday.

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"Whole body" means, for purposes of external exposure, head, trunk (including male gonads), arms above the elbow or legs above the knee.

"Worker" means any individual engaged in work under a license or registration issued by the Agency and controlled by a licensee or registrant, but does not include the licensee or registrant.

"Working level" or "WL" means any combination of short-lived radon daughters in 1 liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy. The short-lived radon daughters are for radon-222: polonium-218, lead-214, bismuth-214 and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212 and polonium-212.

"Working level month" or "WLM" means an exposure to 1 working level (WL) for 170 hours. (2,000 working hours per year divided by 12 months per year is approximately equal to 170 hours per month.)

"Year" means the period of time beginning in January used to determine compliance with the provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the decision to make the change is made not later than December 31 of the previous year. If a licensee or registrant changes a year, the licensee or registrant shall assure that no day is omitted or duplicated in consecutive years.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Licensing of Radioactive Material

2) Code Citation: 32 Ill. Adm. Code 330

3) Section Number: 330.250 — Proposed Action: Amendment

4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]

5) A Complete Description of the Subjects and Issues Involved: The Agency is updating definitions for "Commencement of Construction" and "Construction" to meet compatibility requirements with U.S. NRC (76 FR 56951; RATS ID #2011-2). The U.S. NRC has reviewed this amendment and determined that it meets the compatibility requirement. The definition in 32 Ill. Adm. Code 330.250(b)(2) was moved to 32 Ill. Adm. Code 310.20 and updated.

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 Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their 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: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

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Traci Burton
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Springfield, IL 62704

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fax: 217/524-3698

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not-for-profit corporations affected: The Agency believes that this rulemaking will have no direct impact on any small businesses, small municipalities or not-for-profit corporations.

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: The Agency did not include this on a Regulatory Agenda yet, as it had not anticipated proposing the rule until late summer 2014.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 330
LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section
330.10 Purpose and Scope
330.15 Incorporations by Reference
330.20 Definitions
330.30 License Exemption − Source Material
330.40 License Exemption – Radioactive Materials Other Than Source Material

SUBPART B: TYPES OF LICENSES

Section
330.200 Types of Licenses
330.210 General Licenses – Source Material
330.220 General Licenses – Radioactive Material Other Than Source Material

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section
330.240 Filing Applications for Specific Licenses
330.250 General Requirements for the Issuance of Specific Licenses
330.260 Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials
330.270 Special Requirements for Specific Licenses of Broad Scope
330.280 Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material
330.290 Requirements for Emergency Plans
330.300 Issuance of Specific Licenses
330.310 Terms and Conditions of Specific and General Licenses
330.320 Renewal Requirements for Specific Licenses
330.325 Termination Requirements for Specific Licenses and Locations of Use

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

330.330 Renewal of Licenses (Repealed)
330.340 Amendment of Licenses at Request of Licensee
330.350 Agency Action on Application to Renew or Amend
330.360 Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part (Repealed)
330.370 Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)
330.400 Transfer of Material
330.500 Modification and Revocation of Licenses
330.900 Reciprocal Recognition of Licenses
330.950 Nationally Tracked Sources

SUBPART D: TRANSPORTATION

Section
330.1000 Transportation of Radioactive Materials (Repealed)

330.APPENDIX A Exempt Concentrations
330.APPENDIX B Exempt Quantities
330.APPENDIX C Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release
330.TABLE A Group I (Repealed)
330.TABLE B Group II (Repealed)
330.TABLE C Group III (Repealed)
330.TABLE D Group IV (Repealed)
330.TABLE E Group V (Repealed)
330.TABLE F Group VI (Repealed)
330.APPENDIX D Limits for Broad Licenses (Section 330.270)
330.APPENDIX E List of Specialty Board Certifications Recognized by the Agency Until October 24, 2007 (Repealed)
330.APPENDIX F Nationally Tracked Source Thresholds
330.APPENDIX G Financial Surety Arrangements (Section 330.250(c)(1)(D)) (Repealed)
330.APPENDIX H Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E)) (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 17492; recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 17315, effective September 25, 1986; amended at 15 Ill. Reg. 10632, effective July 15, 1991; amended at 18 Ill. Reg. 5553, effective March 29, 1994; emergency amendment at 22 Ill. Reg. 6242, effective March 18, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14459, effective July 27, 1998; amended at 24 Ill. Reg. 8042, effective June 1, 2000; amended at 27 Ill. Reg. 5426, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. 8928, effective April 28, 2006; amended at 32 Ill. Reg. 6462, effective April 7, 2008; amended at 32 Ill. Reg. 9199, effective June 13, 2008; amended at 33 Ill. Reg. 4918, effective March 23, 2009; amended at 35 Ill. Reg. 2931, effective February 7, 2011; amended at 35 Ill. Reg. 3969, effective February 28, 2011; emergency amendment at 35 Ill. Reg. 5654, effective March 21, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 9009, effective June 2, 2011; amended at 37 Ill. Reg. 5789, effective April 16, 2013; amended at 37 Ill. Reg. 7960, effective May 31, 2013; amended at 38 Ill. Reg. _____, effective _____.

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section 330.250 General Requirements for the Issuance of Specific Licenses

a) A license application or a request for an amendment to an existing license will be approved only if the Agency determines that:

1) The applicant's Radiation Safety Officer and authorized users are qualified by reason of training and experience to use the material in question for the purpose requested in such a manner as to minimize danger to health and safety or property;

2) The applicant's proposed equipment, facilities and procedures are adequate to minimize danger to health and safety or property;

3) The issuance of the license will not be inimical to the health and safety of the public; and

4) The applicant satisfies any applicable special requirements in 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

b) Environmental Report, Commencement of Construction

1) In the case of an application for a license to receive and possess radioactive material for commercial waste disposal by land burial, or for the conduct of any other activity the Agency determines will significantly affect the quality of the environment, a license application shall be reviewed and approved by the Agency before commencement of construction of the plant or facility in which the activity will be conducted. Issuance of the license shall be based upon a consideration by the Agency of the environmental, economic, technical and other benefits in comparison with the environmental costs and available alternatives and a determination that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values;

2) Commencement of construction prior to such conclusion shall be grounds for denial of a license to receive and possess radioactive material in the~~such~~ plant or facility. ~~As used in this subsection (b) the term "commencement of construction" means any clearing of land, excavation or other substantial action that would adversely affect the environment of a site. The term does not mean site exploration, necessary borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the site or the protection of environmental values.~~

c) Licensees must satisfy applicable financial assurance requirements specified in 32 Ill. Adm. Code 326.

d) Long-Term Care Requirements

1) A license application will be approved only if the Agency determines that a long-term care fund for monitoring and maintenance has been established by the waste handling applicant prior to the issuance of the license; or

2) The waste handling applicants may choose, at the time of the licensure, to provide a financial surety arrangement in lieu of a long-term care fund.

AGENCY NOTE: Long-term care funding may also be required for former U.S. Atomic Energy Commission or U.S. Nuclear Regulatory Commission licensed facilities, or persons whose activities cause

situations that significantly affect health and safety, or the environment by reason of exposure to radiation or radioactive materials.

e) Emergency Plan

1) Except as exempted by subsection (e)(2)~~ of this Section~~, each application to possess radioactive materials in excess of the quantities in Appendix C ~~of this Part~~ in unsealed form or sealed in glass or on foils or plated sources shall contain either:

A) An evaluation showing that the maximum dose to an individual offsite due to a release of radioactive materials would not exceed 10 mSv (1 rem) total effective dose equivalent or 50 mSv (5 rem) effective dose equivalent to the thyroid; or

B) An emergency plan, as described in Section 330.290~~ of this Part~~, for responding to a release of radioactive material.

2) The requirements of this subsection (e) do not apply to licensees that possess only radioactive waste packaged in Type B containers.

3) In evaluating the maximum dose to an individual pursuant to subsection (e)(1)(A)~~ of this Section~~, the applicant may take into account whether:

A) The radioactive material is physically separated so that only a portion could be involved in an accident;

B) All or part of the radioactive material is not subject to release during an accident due to the method of storage or packaging;

C) The release fraction in the respirable size range is predicted to be lower than the release fraction shown in Appendix C ~~of this Part~~ due to the chemical or physical form of the material;

D) The solubility of the radioactive material is predicted to reduce the dose received;

E) Facility design or engineered safety features in the facility are predicted to cause the release fraction to be lower than shown in

Appendix C~~ of this Part~~; or

F) Operating restrictions or procedures are predicted to prevent a release fraction as large or larger than that shown in Appendix C~~ of this Part~~.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Licensing Requirements for Source Material Milling Facilities

2) Code Citation: 32 Ill. Adm. Code 332

3) Section Number: 332.20 — Proposed Action: Amendment

4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] and the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42]

5) A Complete Description of the Subjects and Issues Involved: The Agency is updating definitions for "Commencement of Construction" and "Construction" to meet compatibility requirements with U.S. NRC (76 FR 56951; RATS ID #2011-2). The U.S. NRC has reviewed this amendment and determined that it meets the compatibility requirement. The definition in 32 Ill. Adm. Code 332.20 was moved to 32 Ill. Adm. Code 310.20 and updated.

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 Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their 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: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
fax: 217/524-3698

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not-for-profit corporations affected: The Agency believes that this rulemaking will have no direct impact on any small businesses, small municipalities or not-for-profit corporations.

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: The Agency did not include this on a Regulatory Agenda yet, as it had not anticipated proposing the rule until late summer 2014.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 332
LICENSING REQUIREMENTS FOR SOURCE MATERIAL MILLING FACILITIES

Section
332.10 Purpose and Scope
332.20 Definitions
332.30 License Required
332.40 Application Content and Procedure
332.50 General Information
332.60 Technical Information
332.70 Technical Analyses
332.80 Institutional Information
332.90 Financial Information
332.100 Evaluation of License Application and Issuance of a License
332.110 General Conditions of Licenses
332.120 Application for Renewal or Closure
332.130 Contents of Application for Site Closure and Stabilization
332.140 Postclosure Observation and Maintenance
332.150 Termination of Source Material Milling Facility License
332.160 General Requirements
332.170 Protection of the General Population from Radiation
332.180 Protection of Individuals from Inadvertent Access
332.190 Protection of Individuals During Operations
332.200 Stability of the Byproduct Material Disposal Site After Closure
332.210 Technical Criteria for Byproduct Material Disposal Sites − Siting Criteria
332.220 Technical Criteria for Byproduct Material Disposal Sites − Design Criteria
332.230 Technical Criteria for Byproduct Material Licensed Sites − Groundwater Protection
332.240 Technical Criteria for Byproduct Material Disposal Sites − Control of Radiation Hazards
332.250 Technical Criteria − Source Material Milling Operations
332.260 Financial Surety Requirements
332.270 Long-Term Care Payment
332.280 Land Ownership
332.290 Maintenance of Records, Reports, and Transfers

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] and the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42].

SOURCE: Adopted at 14 Ill. Reg. 1333, effective January 5, 1990; amended at 18 Ill. Reg. 3128, effective February 22, 1994; emergency amendment adopted at 18 Ill. Reg. 17933, effective December 1, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 6601, effective April 28, 1995; amended at 21 Ill. Reg. 3897, effective March 13, 1997; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 32 Ill. Reg. 16756, effective October 6, 2008; amended at 38 Ill. Reg. _____, effective _____.

Section 332.20 Definitions

The following definitions are applicable for use in this Part only.

"Act" means the Radiation Protection Act of 1990 [420 ILCS 40].

"Active maintenance" means any activity, other than minor custodial activities, needed to preserve isolation of the byproduct material. Active maintenance includes ongoing activities such as the pumping, removal, or treatment of surface water or groundwater or one-time measures such as replacement of a disposal area cover.

"Agency" means the Illinois Emergency Management Agency.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs. Any saturated zone created by uranium or thorium recovery operations would not be considered an aquifer unless the zone is or potentially is:

hydraulically interconnected to a natural aquifer,

capable of discharge to surface water, or

reasonably accessible because of migration beyond the vertical projection of the boundary of the land transferred for long-term government ownership and care in accordance with Section 332.280~~ of this Part~~.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

AGENCY NOTE: The determination of "significant" will be based on site specific criteria such as yield of the aquifer in volume per unit time, the degree of use or potential for future use for domestic, industrial or agricultural purposes, the availability of alternative sources and capability of users to change to alternative sources in the event groundwater protection standards are exceeded.

"Buffer zone" means the area surrounding the site used for disposal of either byproduct material or material contaminated with uranium or thorium during, or as a consequence of, source material milling operations. Use of the buffer zone is limited to those activities that would not be detrimental to containment of the wastes, environmental monitoring, interception and processing of any surface or groundwater effluents.

"Byproduct material" means, for purposes of this Part only, the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes. Underground ore bodies depleted by such solution extraction operations do not constitute byproduct material within this definition.

"Closure" means the activities following operations to decontaminate and decommission the buildings and site used to produce byproduct material, to reclaim the tailings area, to reclaim the waste disposal area and to restore the groundwater to the degree necessary to achieve compliance with the groundwater protection requirements of Section 332.230(a)~~ of this Part~~.

"Closure plan" means the Agency approved plan to accomplish closure.
AGENCY NOTE: The Agency will approve a closure plan if the plan describes how the licensee will decontaminate, reclaim and stabilize the licensed site in accordance with the requirements~~ of this Part~~.

~~"Commencement of construction" means any clearing of land, excavation or other substantial action that would adversely affect the natural environment of a site, but does not include changes desirable for the temporary use of land for public recreational uses, necessary borings to determine site characteristics, or other preconstruction monitoring to establish background information related to the suitability of a site or the protection of environmental values.~~

"Compliance period" begins when the Agency sets specific secondary

groundwater protection standards in accordance with Section 332.230~~ of this Part~~ and ends when the owner's or operator's license is terminated and the disposal site is transferred to the State or federal agency for long-term care.

"Control boundary" means a physical barrier that separates a restricted area from an unrestricted area.

"Decommissioning" means to remove (as a facility) safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of the license.
AGENCY NOTE: The byproduct material disposal site is not decommissioned because it will neither be released for unrestricted use nor be unlicensed. Land ownership and custody will be maintained by the State or the federal government as required by Section 332.280~~ of this Part~~. Portions of the licensed site other than the actual byproduct material disposal site are decommissioned.

"Dike" means an embankment or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids or other materials.

"Disposal area" means the area containing byproduct material to which the requirements of Sections 332.170 and 332.240~~ of this Part~~ apply. The disposal area includes only the surface area of the land immediately underlain by byproduct material and does not include any embankments, dams or other supporting structures that surround the byproduct material.

"Disposal site" means the land transferred to the State or federal government pursuant to Section 332.280~~ of this Part~~. This land includes the disposal area, any surrounding embankments or dams that contain the byproduct material.

"Existing portion" means that land surface area of an existing surface impoundment or disposal area on which significant quantities of byproduct material have been placed prior to September 30, 1983.

"Fund" means the Radiation Protection Fund (see 420 ILCS 40/35).

"Groundwater" means water below the land surface in a zone of saturation. For purposes of this Part, groundwater is the water contained within an aquifer as defined in this Section.

"Leachate" means any liquid, including any suspended or dissolved components in the liquid, that has percolated through or drained from the byproduct material.

"Licensed site" means the area contained within the boundary of a location under the control of persons generating or storing byproduct material under an Agency license.
AGENCY NOTE: The licensed site would include, at a minimum, any actual or proposed disposal areas and sites, any additional land used by the licensee for the generation or storage of byproduct material and any buffer zones. Normally, such additional land areas and buffer zones will be decommissioned and reclaimed and not subject to land transfer pursuant to Section 332.280~~ of this Part~~.

"Liner" means a continuous layer of natural or man-made material beneath, or on the sides of, a surface impoundment that restricts the downward or lateral escape of byproduct material, hazardous constituents or leachate.

"Long-term care" means the period following postclosure and termination of a license issued pursuant to this Part during which surveillance and monitoring activities are conducted by a State or federal agency.

"Minor custodial activities" means maintenance activities under State specific license, not necessary to preserve the isolation of the byproduct material. These~~Such~~ activities could include repair of fencing, repair or replacement of monitoring equipment, minor additions to or repair of disposal area cover and general disposal site upkeep such as mowing grass.

"Point of compliance" means the site specific location in the uppermost aquifer where the groundwater protection standard must be met.

"Postclosure" means the period of time from completion of the closure plan for decontamination, reclamation and stabilization of the source material milling facility, byproduct material surface impoundment and disposal area, but prior to the termination of the license.

"Reclamation" means the following activities performed at a licensed site as a part of closure:

stabilize and isolate byproduct material contained within a disposal site. This may include relocation of the byproduct material;

backfill with uncontaminated soil any disturbed areas to achieve a topography compatible with surrounding terrain;

recontour land to support surface drainage; and

revegetate as necessary.

"Source material milling" means any operation in which uranium or thorium is extracted and concentrated from ore processed primarily for its source material content. This includes solution mining and heap leaching and any other operation that generates byproduct material as defined in this Part.

"Surface impoundment" means a natural topographic depression, man-made excavation or diked area that is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and that is not an injection well.

"Surveillance" means monitoring and observation of the disposal site for the purposes of visual detection of the need for maintenance, custodial care, evidence of unauthorized access and compliance with other license and regulatory requirements.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Licenses and Radiation Safety Requirements for Irradiators

2) Code Citation: 32 Ill. Adm. Code 346

3) Section Number: 346.150 — Proposed Action: Amendment

4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10]

5) A Complete Description of the Subjects and Issues Involved: The Agency is updating definitions for "Commencement of Construction" and "Construction" to meet compatibility requirements with U.S. NRC (76 FR 56951; RATS ID # 2011-2). The U.S. NRC has reviewed this amendment and determined that it meets the compatibility requirement. The definition in 32 Ill. Adm. Code 346.150 was moved to 32 Ill. Adm. Code 310.20 and updated.

6) Published studies or reports, and sources of underlying data used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemkaing contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand or modify their 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: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

Traci Burton
Paralegal Assistant
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1035 Outer Park Drive
Springfield IL 62704

217/524-0770
fax: 217/524-3698

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not-for-profit corporations affected: The Agency believes this rulemaking will not affect small businesses, small municipalities or not-for-profit corporations.

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: The Agency did not include this on a Regulatory Agenda yet, as it had not anticipated proposing the rule until late summer 2014.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 346
LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS

SUBPART A: GENERAL PROVISIONS

Section
346.10 Purpose
346.20 Scope
346.30 Incorporations by Reference
346.40 Definitions

SUBPART B: SPECIFIC LICENSING REQUIREMENTS

346.110 Application for Specific License
346.130 Specific License for Irradiators
346.150 Start of Construction

SUBPART C: DESIGN AND PERFORMANCE REQUIREMENTS OF IRRADIATORS

346.210 Performance Criteria for Sealed Sources
346.230 Access Control
346.250 Shielding
346.270 Fire Protection
346.290 Radiation Monitors
346.310 Control of Source Movement
346.330 Irradiator Pools
346.350 Source Rack Protection
346.370 Power Failures
346.390 Design Requirements
346.410 Construction Monitoring and Acceptance Testing

SUBPART D: OPERATION OF IRRADIATORS

346.510 Training
346.530 Operating and Emergency Procedures

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

346.550 Personnel Monitoring
346.570 Radiation Surveys
346.590 Detection of Leaking Sources
346.610 Inspection and Maintenance
346.630 Pool Water Purity
346.650 Attendance During Operation
346.670 Entering and Leaving the Radiation Room
346.690 Irradiation of Explosive or Flammable Materials

SUBPART E: RECORDS

346.810 Records and Retention Periods
346.830 Reports

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40/10].

SOURCE: Adopted at 29 Ill. Reg. 20933, effective December 16, 2005; amended at 35 Ill. Reg. 974, effective December 30, 2010; amended at 38 Ill. Reg. _____, effective _____

SUBPART B: SPECIFIC LICENSING REQUIREMENTS

Section 346.150 Start of Construction

The applicant may not begin construction of a new irradiator prior to submission to the Agency of an application for a license for the irradiator. ~~As used in this Section, the term "construction" includes the construction of any portion of the permanent irradiator structure on the site but does not include: engineering and design work, purchase of a site, site surveys or soil testing, site preparation, site excavation, construction of warehouse or auxiliary structures, and other similar tasks.~~ Any activities undertaken prior to the issuance of a license are entirely at the risk of the applicant and have no bearing on the issuance of a license with respect to the requirements of the Radiation Protection Act of 1990 and regulations and orders issued under the Act.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Carnival and Amusement Ride Safety Act

2) Code Citation: 56 Ill. Adm. Code 6000

3)

Section Numbers:	Proposed Action
6000.10	Amendment
6000.15	Amendment
6000.20	Amendment
6000.25	Amendment
6000.30	Amendment
6000.40	Amendment
6000.50	Amendment
6000.65	Amendment
6000.70	Amendment
6000.85	Amendment
6000.90	Amendment
6000.100	Amendment
6000.110	Amendment
6000.120	Amendment
6000.130	Amendment
6000.170	Amendment
6000.270	Amendment
6000.280	Amendment
6000.302	Amendment
6000.305	Amendment
6000.351	New Section

4) Statutory Authority: Implementing and authorized by the Carnival and Amusement Rides Safety Act [430 ILCS 85]

5) A Complete Description of the Subjects and Issues Involved: Amendments are necessary due to PA 98-541, which amended the Carnival and Amusement Rides Safety Act to allow for formal hearings for suspension and revocation of permits to operate, orders of cessation of operation of amusement rides or attractions as well as assessment of civil penalties for violations of the Act. The amendments to this Part will provide for a formal hearing process at the Department level so that the agency is in compliance with the statutory amendments.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Jim Preckwinkle
Illinois Department of Labor
900 S. Spring St.
Springfield IL 62704

217/558-1270
fax: 217/782-0596

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 Amendments can be found on the next page:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER XIII: DEPARTMENT OF LABOR

PART 6000
CARNIVAL AND AMUSEMENT RIDE SAFETY ACT

Section
6000.10 Definitions
6000.15 Incorporated and Referenced Materials
6000.20 Exemptions
6000.25 Qualifications of Inspectors
6000.30 Inspections
6000.40 Application for a Permit to Operate
6000.50 Permit, Inspection and Associated Fees
6000.60 Revocation of Permit to Operate (Repealed)
6000.65 Suspension of Permit to Operate
6000.70 Amusement Ride and Amusement Attraction Design and Construction
6000.80 Insurance
6000.85 Requirements for Liability Insurance, Bond or Deposit of Security
6000.90 Penalties
6000.100 Employment of Carnival Workers~~Appeals of Permit Denials~~
6000.110 Assembly and Disassembly
6000.120 ~~Operator~~ Requirements for Operation
6000.130 ~~Operator~~ Authority Regarding Passenger Safety
6000.140 Signal Systems
6000.150 Daily Inspection and Test
6000.160 Reports
6000.170 Maintenance
6000.180 Stop Operation Order
6000.190 Fire Prevention and Protection
6000.200 Internal Combustion Engines
6000.210 Means of Access and Egress
6000.220 Electrical Equipment − Amusement Rides and Amusement Attractions
6000.230 Hydraulic Systems
6000.240 Air Compressors and Equipment
6000.250 Wire Rope
6000.260 Chain
6000.270 Inflatable Amusement Attractions
6000.280 Non-Destructive Testing

6000.290 Ski Lifts, Aerial Tramways, and Rope Tows
6000.300 Go-Karts, Dune Buggies, and All-Terrain Vehicles (Repealed)
6000.302 Outdoor and Indoor Concession Go-Karts
6000.305 Racing Go-Karts
6000.308 Dune Buggies and All-Terrain Vehicles
6000.310 Water Slides (Repealed)
6000.320 Dry Type Slides
6000.330 Trams
6000.340 Bungee Jumping
6000.350 Zip Lines
6000.351 Haunted Houses

AUTHORITY: Implementing and authorized by the Carnival and Amusement Rides Safety Act [430 ILCS 85].

SOURCE: Emergency Rules adopted at 9 Ill. Reg. 7176, effective May 3, 1985, for a maximum of 150 days; emergency expired September 30, 1985; adopted at 10 Ill. Reg. 7685, effective April 29, 1986; emergency amendment at 10 Ill. Reg. 19117, effective October 27, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 5896, effective March 24, 1987; amended at 11 Ill. Reg. 19650, effective November 18, 1987; amended at 12 Ill. Reg. 11186, effective June 20, 1988; emergency amendment at 13 Ill. Reg. 8025, effective May 15, 1989, for a maximum of 150 days; emergency expired October 12, 1989; amended at 13 Ill. Reg. 20309, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 3235, effective February 9, 1990, for a maximum of 150 days; emergency expired July 9, 1990; amended at 15 Ill. Reg. 4109, effective February 28, 1991; emergency amendment at 16 Ill. Reg. 7716, effective May 11, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12436, effective August 1, 1992; amended at 16 Ill. Reg. 15415, effective September 28, 1992; amended at 17 Ill. Reg. 14910, effective September 1, 1993; amended at 18 Ill. Reg. 13384, effective September 1, 1994; amended at 21 Ill. Reg. 5135, effective April 15, 1997; amended at 21 Ill. Reg. 14954, effective December 1, 1997; amended at 24 Ill. Reg. 490, effective January 1, 2000; amended at 26 Ill. Reg. 871, effective January 9, 2002; amended at 27 Ill. Reg. 17992, effective November 14, 2003; amended at 28 Ill. Reg. 10569, effective July 19, 2004; amended at 30 Ill. Reg. 12093, effective June 30, 2006; amended at 34 Ill. Reg. 763, effective December 29, 2009; emergency amendment at 34 Ill. Reg. 13646, effective September 10, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 195, effective December 20, 2010; emergency amendment at 36 Ill. Reg. 8979, effective June 1, 2012, for a maximum of 150 days, emergency expired October 28, 2012; amended at 37 Ill. Reg. 4935, effective March 27, 2013; amended at 38 Ill. Reg. _____, effective _____.

Section 6000.10 Definitions

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

In addition to those definitions found in Section 2-2 of the Carnival and Amusement Rides Safety Act [430 ILCS 85/2-2], the following definitions shall apply for the purposes of this Part:

"Act" means the Carnival and Amusement Rides Safety Act [430 ILCS 85].

"ACCT" means the abbreviation for the Association for Challenge Course Technology, P.O. Box 47, Deerfield IL 60015.

"Administrative Hearing Fee" means a fee assessed by the Department upon an operator when the Department issues a notice for an administrative hearing to suspend the Permit to Operate and/or collect past due fees.

"All-Terrain Vehicle" or "ATV" means any vehicle designed and manufactured for off-road use.

"A.M. Best" or "Best" is the abbreviation for A.M. Best Company, Ambest Road, Oldwick NJ 08858.

"Annual Inspection" is the official inspection of an amusement ride or amusement attraction performed by the Director or the Director's designee.

"ANSI" is the abbreviation for the American National Standards Institute, Inc., 1430 Broadway, New York NY 10018.

"ASNT" is the abbreviation for the American Society for Nondestructive Testing, Inc., 1711 Arlingate Plaza, P.O. Box #28518, Columbus OH 43228-0518.

"ASTM" means ASTM International, 100 Barr Harbor Drive, West Conshohocken PA 19428-2959.

"Board" means the Carnival-Amusement Safety Board as defined in Section 2-3 of the Act.

"Carabiners" means shaped metal or alloy devices used to connect sections of jump rigging, equipment or safety gear.

"Carnival" means an enterprise which offers amusement or entertainment to the public by means of one or more amusement attractions or amusement rides.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

(Section 2-2(5) of the Act)

"Carnival Worker" means a person who is employed (and is therefore not a volunteer) by a carnival or fair to manage, physically operate, or assist in the operation of an amusement ride or amusement attraction when it is open to the public. (Section 2-2(8) of the Act)

"Certified Arborist" means an individual who holds a valid arborist certificate from the International Society of Arboriculture or comparable authority in another state.

"Coaster – Intermediate" means any coaster that is more than 25 feet but less than 50 feet in height at the highest point of the track above grade.

"Coaster – Large" means any coaster that is 50 feet or more at the highest point of the track above grade.

"Concession Go-kart" means a go-kart specifically designed and manufactured for indoor and/or outdoor use for up to 15 mph.

"Department" means Illinois Department of Labor. (Section 2-2(2) of the Act)

"Director" means the Director of the Illinois Department of Labor or the Director's designee. (Section 2-2(1) of the Act)

"Dry Slides" means an inclined surface with a change in elevation of 20 feet or more upon which people slide or are conveyed.

"Dune Buggy" means a small vehicle generally made from standard compact rear engine chassis and prefabricated, often fiberglass body, originally equipped with wide low-pressure tires for driving on sand.

"Employee", for purposes of this Part, means an individual who is performing services for pay or lodging as an attendant or assistant on an amusement ride or amusement attraction.

"Employed" means to perform services for pay or lodging as an attendant or assistant on an amusement ride or amusement attraction.

"Fair" means an enterprise principally devoted to the exhibition of products of agriculture or industry in connection with which amusement rides or amusement attractions are operated. (Section 2-2(6) of the Act)

"Inflatable Amusement Attraction" means an amusement ride or device designed for use that may include, but is not limited to, bounce, climb, slide or interactive play, which is made of flexible fabric, is kept inflated by continuous air flow by one or more blowers, and relies upon air pressure to maintain its shape. ~~a device consisting of air-filled structures designed for use, as specified by the manufacturer, that may include but is not limited to bounce, climb, slide or interactive play. They are made of flexible fabric, kept inflated by continuous air flow by one or more blowers, and rely upon air pressure to maintain their shape.~~ This definition shall not include inflatable devices that are used for professional exhibition or stunt work, safety and rescue activities, aerial or aviation structures or devices, exhibit floats or similar inflatable devices.

"In-line Riding" means one person in front of the other.

"Kiddie Kart" means karts that are designed for 75 pounds or less per passenger and go less than 10 mph.

"Kiddie Rides" are those amusement rides or amusement attractions that are designed for 75 pounds or less per passenger.

"Licensed Professional Engineer" means an individual who holds a valid license as a licensed professional engineer from the Illinois Department of Financial and Professional Regulation.

"Licensed Structural Engineer" means an individual who holds a valid license as a licensed structural engineer from the Illinois Department of Financial and Professional Regulation.

"Major Alteration" means a change in the type or capacity of an amusement ride or amusement attraction or a change in the structure or mechanism that materially affects its functions or operation. This includes, but is not limited to changing its mode of transportation from non-wheeled to a truck or flat-bed mount, and changing its mode of assembly or other operational functions from manual to mechanical or hydraulic.

"Major Breakdown" means a stoppage of operation of an amusement ride or amusement attraction occurring from damage of a structural component.

"Major Rides" are those amusement rides or amusement attractions that are designed for more than 75 pounds per passenger unit. The term includes any coaster that is 25 feet or less at the highest point of the track above grade.

"NFPA" is the abbreviation for National Fire Protection Association, Batterymarch Park, Quincy MA 02269.

"Operator" means a person, or agent of a person, who owns or controls or has the duty to control the operation of an amusement ride or amusement attraction at a carnival or fair. "Operator" includes an agency of the State or any of its political subdivisions. (Section 2-2(7) of the Act) For the purpose of this Part:

Owner means the person, partnership, company, corporation, or any other entity, or agency of the State or any of its political subdivisions, that owns an amusement ride or amusement attraction.

Agent means a person employed by the owner~~Owner~~ to carry out the responsibilities of management on the owner's~~Owner's~~ behalf.

Manager means a person employed by the owner~~Owner~~ and who is responsible to the Agent or the owner~~Owner~~ for the day-to-day on-site management of the amusement rides or amusement attractions.

Attendant means a person employed by the owner~~Owner~~ to physically operate an amusement ride or amusement attraction when it is open to the public.

Assistant means a person employed by the owner~~Owner~~ to assist the attendant~~Attendant~~ in operating an amusement ride or amusement attraction when it is open to the public.

"Payment of Fees" shall be deemed made when the Department receives in the Springfield office all fees due as calculated on the application in the form of a check or money order made payable to "Illinois Department of Labor". All fees shall be paid before a permit to operate an amusement ride or amusement attraction is issued.

"Permit" means a permit issued annually by the Department allowing an amusement ride or amusement attraction unit to be operated in the State of Illinois.

"Person" means any individual, partnership, corporation, limited liability company, association, governmental subdivision, or public or private organization of any character.

"PRCA" is the abbreviation for Professional Ropes Course Association, 6260 E. Riverside Blvd., #104, Rockford IL 61111.

"Public Use" means an operator of an amusement ride or amusement attraction does not prohibit or restrict access to the amusement ride or amusement attraction by members of the community, except as permitted under Section 2-19 of the Act and Section 6000.130 of this Part.

"Qualified Person" means an individual who, by possession of a recognized degree, certificate or professional standing, or who, by possession of extensive knowledge, training and experience in the subject field, has successfully demonstrated ability in design, analysis, evaluation, inspection and specification in the subject work, project or product to the extent established by the manufacturer.

"Racing Go-Kart" means a go-kart specifically designed and manufactured for racing at 15 mph or more, for indoor or outdoor use.

"Roll Over Protection System" means a system that supports the combined driver and/or passenger weight capacity, as specified by the manufacturer, and the weight of the vehicle.

"Reinspection" is an inspection, other than the annual inspection made during the year, as a result of any necessary repairs not being completed while the inspector is on site.

"SAE" means the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale PA 15096-0001.

"Serious Injury" means an injury for which treatment by a licensed physician is

required.

"Snell Foundation" means Snell Memorial Foundation, 3628 Madison Avenue, North Highlands CA 95660.

"Tram" means *any tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device which is not licensed by the Secretary of State, which may, but does not necessarily follow a fixed or restricted course, and is used primarily for the purpose of giving its passengers amusement, pleasure, thrills or excitement, and for which an individual fee is charged or a donation accepted with the exception of hayrack rides.* (Section 2-2(4) of the Act)

"Volunteer" means a person who operates or assists in the operation of an amusement ride or amusement attraction for an owner~~Owner~~ or operator~~Operator~~ without pay or lodging. An individual shall not be considered a volunteer if the individual is otherwise employed by the same owner~~Owner~~ or operator~~Operator~~ to perform the same type of service as those for which the individual proposes to volunteer. (Section 2-2(9) of the Act)

"Working Days" means Monday through Friday, excluding State holidays.

"Zip Line" means a system consisting of a pulley or trolley that is suspended on a cable mounted on an incline allowing a rider to travel from the departure point to an arrival point by holding on to, or attaching to, the pulley or trolley.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.15 Incorporated and Referenced Materials

a) The following regulations and standards are incorporated in this Part. All incorporations by reference refer to the regulations, guidelines and standards on the date specified and do not include any editions or amendments subsequent to the date specified.

1) Private and professional association standards:

A) A.M. Best Bond and Liability Insurance Ratings, available from A.M. Best Company, Ambest Road, Oldwick, New Jersey 08858.

B) The following standards and recommended practices of the American National Standards Institute, Inc. (ANSI), which may be obtained from the American National Standards Institute, Inc., 25 West 43rd Street, 4th Floor, New York, New York 10036:

i) Standards

ANSI B-77.1 – 2006 Passenger Ropeways – Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Requirements (2006); and

ANSI B30.5 – 2000 Safety Standard for Mobile and Locomotive Cranes (2006).

ii) Recommended Practices

ANSI SAE J-1241 Surface Vehicle Recommended Practices (1999).

C) American Society for Nondestructive Testing, Inc. (ASNT) Recommended Practice No. SNT-TC-1A, 2006, which may be obtained from the American Society for Nondestructive Testing, Inc., 1711 Arlingate Plaza, P.O. Box 28518, Columbus, Ohio 43228-0518.

D) The following standards of the ASTM International (ASTM), which may be obtained from the ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959:

i) ASTM F698-94 (Reapproved 2000) Standard Specification for Physical Information to be Provided for Amusement Rides and Devices (2000);

ii) ASTM F770-11~~06a~~ Standard Practice for Ownership and Operation of Amusement Rides and Devices (2009~~2006~~);

iii) ASTM F846-92 (Reapproved 2003 – Historic Standard) Standard Guide for Testing Performance of Amusement Rides and Devices (2003);

iv) ASTM F853-05 Standard Practice for Maintenance Procedures for Amusement Rides and Devices (2005);

v) ASTM F2374-10~~07a~~ Standard Practice for Design, Manufacture, Operation, and Maintenance of Inflatable Amusement Devices (2010~~2007~~); ~~and~~

vi) ASTM F2007-12~~07~~ Standard Practice for the Classification, Design, Manufacture, and Operation of Concession Go Karts and Facilities (2012~~2007~~);~~.~~

vii) ASTM F2291-11 Standard Practice for Design of Amusement Rides and Devices (2011);

viii) ASTM F893-05a Standard Guide for Inspection of Amusement Rides and Devices (2005);

ix) ASTM F2974-13 Standard Guide for Auditing Amusement Rides and Devices (2013).

E) The following standards of the National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:

i) NFPA 10, Standard for Portable Fire Extinguishers (2007);

ii) NFPA 30, Flammable and Combustible Liquids Code (2003);

iii) NFPA 70, National Electrical Code – Article 525 Carnivals, Circuses, Fairs, and Similar Events (2005); and

iv) NFPA 701, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films (1999).

F) SAE J-1241-1999 Surface Vehicle Recommended Practice, which may be obtained from the Society of Automotive Engineers (SAE),

400 Commonwealth Drive, Warrendale, Pennsylvania 15096-0001 (1999).

G) Snell Helmet Safety Standards, which may be obtained from Snell Memorial Foundation Inc., 3628 Madison Avenue, North Highlands, California 95660 (1998).

b) All incorporations by reference of federal regulations refer to the regulations on the date specified and do not include any editions or amendments subsequent to the date specified.

1) 29 CFR 1910.180 (2006); and

2) 29 CFR 1926.550(g) (2006).

c) The following State statutes are referenced in this Part:

1) Freedom of Information Act [5 ILCS 140];

2) Carnival and Amusement Rides Safety Act [430 ILCS 85];

3) Illinois Controlled Substances Act [720 ILCS 570]; and

4) Weights and Measures Act [225 ILCS 470].

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.20 Exemptions

The following amusement rides or amusement attractions are exempt from the provisions of this Act:

a) *Any amusement ride or amusement attraction which is owned or operated by a non-profit religious, educational or charitable institution or association if such amusement ride or amusement attraction is located within a building subject to inspection by the State Fire Marshal or by any political subdivisions of the State under its building, fire, electrical, and related public safety ordinances, and the amusement ride or amusement attraction itself is subject to inspection by a political subdivision of the State in accordance with Section 2-17.* (Section 2-16

of the Act)

b) Unpowered, non-motorized~~non-mechanized playground~~ equipment that is customarily placed in a playground,~~including but not limited to:~~ such as swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, and~~climbers,~~ slides,~~ and trampolines.~~ that do not normally require the supervision or services of a person responsible for its operation.

c) Any single passenger manually, mechanically, or electrically operated, coin-actuated ride that is customarily placed singly, or in groups, in a public location and that does not normally require the supervision or services of a person responsible for its operation~~an operator~~.

d) Any amusement ride or amusement attraction that is not open to the general public and where admission is monitored and strictly controlled by invitation, company or group identification or other means of identification.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.25 Qualifications of Inspectors

All amusement ride and amusement attraction inspectors shall meet the following qualifications:

a) have a four year bachelor of science or bachelor of arts degree and have experience in ~~knowledge, skills and mental development equivalent to completion of two years of technical school or college with courses in mechanical~~ engineering, physical sciences, or related fields (related work experience or military training in safety inspections, heavy machinery or maintenance, or work related experience in the ~~or the carnival and~~ amusement ride industry may be substituted on a year-for-year basis);

b) be proficient in Microsoft Word, Excel, Power Point and Outlook. Have the ability to use and understand inspection software and computer hardware materials;

c~~b~~) have a working knowledge of effective methods of inspection and enforcement;

d~~c~~) have the ability to prepare clear and concise inspection reports;

e~~d~~) have a working knowledge of the fundamental principles of accepted safety and health practices and methods;

f~~e~~) have the ability to interpret laws, rules, regulations and standards associated with carnival and amusement ride safety;

g~~f~~) have the ability to climb amusement rides or amusement attractions and tolerate heights and work in extreme outdoor weather conditions;

h~~g~~) receive annual training or continuing education regarding ~~carnival and~~ amusement ride safety, fire protection safety and occupational safety and health issues; ~~and~~

i) take appropriate course work and pass necessary examinations, such as those administered by the National Association of Ride Safety Officials or the equivalent, as may be determined by the Department;

j~~h~~) possess a valid Illinois driver's license and have the ability to travel.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.30 Inspections

a) The inspector, upon presenting credentials, is authorized without prior notice to inspect and investigate during regular working hours, any establishment, assembly area, or other area where amusement rides or amusement attractions are assembled or are in use.

b) Inspection includes a review of necessary documents required under this Part, observance and/or inspection of amusement ride or amusement attraction assembly or set-up. Inspection of the amusement ride or amusement attraction is to include: foundation, blocking, fuel containers, mechanical conditions, and safe operation of the amusement ride or amusement attraction.

c) Inspections shall also include the observation of operators, assistants or attendants during the operation of amusement rides or attractions. An inspector shall notify the owner or person responsible for the operation of the amusement ride or attraction in writing via an inspection report or a verification report if an inspector observes distracted attendants or assistants as noted in Section 6000.120(i). The first offense or violation shall be a warning and the behavior is to be corrected by

the owner or the person responsible for the operation of the amusement ride or attraction. A second or subsequent violation may result in the revocation of permit, the issuance of a stop operation order for the amusement ride or attraction that the assistant or attendant is running, and/or the imposition of a civil penalty.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.40 Application for a Permit to Operate

a) No amusement ride or amusement attraction shall be operated for public use at a carnival or fair in this State without a permit having been issued by the Director to the owner of such equipment.

b) The permit will be valid for one calendar year. Permits are valid January 1 through December 31. A permit is not transferable and if the owner transfers ownership of the amusement ride or amusement attraction, all rights secured under the permit are terminated.

c) At least 30 days prior to the first day of operation or the expiration of the permit, the owner or agent shall apply to the Director for a permit to operate in Illinois. The application shall be made on a form to be supplied by the Department and be accompanied by a certificate of insurance in the amount as set forth in Section 2-14 of the Act, Non-Destructive Test Certificates as required by Section 6000.280, the times and places where the amusement rides or amusement attractions will be available for inspection, and a check, ~~or~~ money order or form of electronic payment through E-Pay for the required fees.

d) Inspections will be scheduled as expeditiously as practicable, considering the availability of inspectors, the location of the sites to be inspected, and the complexity of the inspection. An applicant must submit all of the required application materials, fees, insurance certificates and testing certificates at least 30 calendar days in advance of the first operation by the applicant in the State of Illinois.

e) If an amusement ride or amusement attraction undergoes a major alteration or is repaired after a major breakdown it shall be reinspected.

f) The Department's website shall outline the most current method of applying for a permit and paying for fees.~~Permit and inspection fees are non-refundable and~~

~~shall be delivered to Illinois Department of Labor, Carnival and Amusement Ride Inspection Division, #1 West Old State Capitol Plaza, Room 300, Springfield IL 62701.~~ Without exception, payment may not be made to an inspector.

g) No permit will be issued if there are any:

1) Outstanding charges or fees;

2) Open Stop Operation Orders;

3) Modifications, repairs or maintenance procedures that are not in accordance with manufacturer's standards;

4) The owner or agent fails to comply with the procedures set forth in this Part.

h) In order to keep the Department informed regarding the operation of relocatable or mobile amusement rides or amusement attractions, the owner or the person who will be operating or who controls or has the duty to control the operation of the amusement ride or amusement attraction~~operator~~ shall submit, with the required registration application, a tentative itinerary and/or route sheet providing dates and locations of expected operation in the State of Illinois. Throughout the operating season, this itinerary and/or route sheet shall be updated through written submission of notices as to additional operating periods or locations as soon as practicable but prior to operation. The itinerary and/or route sheet shall be submitted on a form to be supplied by the Department and shall include the following:

1) the name of the company;

2) the name of the event and/or the event contact person and telephone number;

3) the location address of the event;

4) the date and time the amusement ride or amusement attraction is scheduled to arrive at the location;

5) the date and time the amusement ride or amusement attraction is scheduled to begin operation; and

6) the last date and time the amusement ride or amusement attraction is scheduled to be in operation at that location.

i) The Department shall maintain the confidentiality of all route sheets as authorized by Section 7(1)(g) of the Freedom of Information Act [5 ILCS 140/7(l)(g)].

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.50 Permit, Inspection and Associated Fees

Fees assessed under the Act will be:

~~a) Effective Through December 31, 2010:~~

~~1) Permit Fees~~

~~A) Kiddie Rides: $10 each~~

~~B) Major Rides: $25 each~~

~~C) Amusement Attractions: $25 each~~

~~D) Ski Lifts, Aerial Tramways, and Rope Tows: $25 each~~

~~E) Inflatable Amusement Attractions: $10 each~~

~~F) Permit Issued upon Resolution of a Stop Operation Order: $10 each~~

~~2) Inspection Fees~~

~~A) Kiddie Rides: $25 each~~

~~B) Major Rides: $60 each~~

~~C) Amusement Attractions: $60 each~~

~~D) Ski Lifts, Aerial Tramways, and Rope Tows: $60 each~~

~~E) Inflatable Amusement Attractions: $25 each~~

~~F) Reinspection to resolve a Stop Operation Order: $250 each~~

~~G) Reinspection: $30 each~~

~~b) Beginning January 1, 2011:~~

a~~1~~) Permit Fees

1~~A~~) Kiddie Rides: $10 each

2~~B~~) Major Rides: $25 each

3~~C~~) Amusement Attractions: $25 each

4~~D~~) Ski Lifts and Aerial Tramways: $25 each

5~~E~~) Inflatable Amusement Attractions: $10 each

6~~F~~) Permit Issued upon Resolution of a Stop Operation Order: $10 each

7~~G~~) Rope Tows, Conveyors and Surface Lifts: $25 each

8~~H~~) Coasters − Intermediate: $25 each

9~~I~~) Coasters − Large: $25 each

b~~2~~) Inspection Fees

1~~A~~) Kiddie Rides: $45 each

2~~B~~) Major Rides: $105 each

3~~C~~) Amusement Attractions: $105 each

4~~D~~) Ski Lifts and Aerial Tramways: $365 each

5~~E~~) Inflatable Amusement Attractions: $45 each

6~~F~~) Reinspection to Resolve a Stop Operation Order: $250 each

7~~G~~) Reinspection: $30 each

8~~H~~) Rope Tows, Conveyors and Surface Lifts: $105 each

9~~I~~) Coasters – Intermediate: $235 each

10~~J~~) Coasters – Large: $365 each

c) Administrative Hearing Fee: $250 per hearing when a Notice of Violation or Stop Order or fine has been successfully levied by the Department.

d) An Expedited Site Inspection Fee is a surcharge that shall be paid by the operator to have its permit and inspection expedited. Expedited permit fees are assessed when an operator fails to notify the Department at least 30 calendar days in advance of operation and requests an inspection and permit. When the operator fails to properly notify the Department at least 30 calendar days in advance and requests an inspection and permit, the Department, absent proof that the operator could not reasonably comply with the 30 day requirement and that the request has not been made immediately after the need for a permit has been determined, may assess the following additional one-time site fee, which shall be paid prior to the Department issuing a permit:

1) When the inspection is to be conducted during normal inspection hours (8:00 a.m to 5:00 p.m. Central Standard Time) Tuesday through Friday, an additional fee of $250 per site shall be assessed.

2) When the inspection is to be conducted outside normal inspection hours, an additional fee of $500 per site shall be assessed.

e) When an operator cancels an inspection and fails to notifies the Department or the inspector involved prior to the close of business the day prior to the scheduled inspection, the Department, depending upon the circumstances surrounding the cancellation and lack of notice prior to the close of business, may charge a one-

time fee in the amounts set forth in subsection (d)(1) or (d)(2) for the cancelled inspection and rescheduling the inspection. This fee shall be paid prior to the Department issuing a permit.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.65 Suspension of Permit to Operate

a) The Director may deny,~~shall~~ suspend or revoke the permit to operate when the~~of an owner who operates an~~ amusement ride or amusement attraction ~~that~~ does not meet the requirements of the ~~Carnival and Amusement Rides Safety~~ Act or this Part or~~.~~ has been operated in violation of the Act or this Part, or for other good cause under the meaning and purposes of the Act. The amusement ride or amusement attraction may not be operated while the permit is denied, suspended or revoked.

b) If the Department denies, suspends or revokes a permit or issues a Stop Order as provided in Section 6000.180, it will notify, in writing, the owner and, if the owner is neither the person operating nor controlling, nor has the duty to control the operation of the amusement ride or amusement attraction, the Department shall also notify that person of the basis for the Department's action. If the Department has issue a Stop Order, the notice shall also include the conditions in need of correction at the time the order for cessation of operations is issued.

c) If a person whose permit has been suspended or revoked, whose application for a permit has been denied, or who has received a Stop Order believes that the violation or condition justifying suspension, revocation, Stop Order or denial does not exist, the person may appeal the Department's decision by filing a written request for a hearing within 10 working days after the Department's decision. Failure to file an appeal and request for a hearing shall cause the decision of the Department to become a final administrative decision subject to the Administrative Review Law [735 ILCS 5/Art. III].

d) Unless otherwise mutually agreed by the parties, the Department shall schedule a hearing within 48 hours after the request for hearing.

e) Service of notice of a hearing shall be made by personal service or certified mail to the address shown on the application for permit, or to any other address on file

with the Department and reasonably believed to be the current address of the permit holder.

f) The written notice of a hearing shall specify the time, date and location of the hearing and the reasons for the action proposed by the Department.

g) At the hearing, the Department shall have the burden of establishing good cause for its action. Good cause shall be considered shown when the Department establishes that the ride or amusement attraction has been operating without a permit or the operator has failed to comply with the requirements for a permit as provided for under the Act and this Part.

h) The hearing under this Section shall comply with the Rules of Procedure in Administrative Hearings (56 Ill. Adm. Code 120.100), except that formal discovery, such as production requests, interrogatories, requests to admit and depositions shall not be allowed. Prior to hearing, the parties shall exchange documents and witness lists and may issue subpoenas.

i) The final decision by the Department shall be rendered within 5 working days after the conclusion of the hearing. The Administrative Law Judge's decision shall be deemed a final administrative decision by the Department, subject to the Administrative Review Law.

j) In computing any period of time prescribed or allowed by this Part, the day of the act, event or default after which the designated period of time begins to run is not to be included, and the designated period shall run until the end of the last day, or the next following working day.

k) If a party seeks judicial review of a final administrative decision, that party shall pay the actual cost to the Department of preparing the administrative record and filing the record in court. Payment shall be by certified check made payable to the Illinois Department of Labor.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.70 Amusement Ride and Amusement Attraction Design and Construction

All amusement rides and amusement attractions shall meet the manufacturer's standards and specifications. No amusement ride or amusement attraction manufactured or undergoing major

alterations after April 29, 1986 shall be placed in service unless:

~~a) It complies with ASTM F698-94;~~

a~~b~~) The owner is supplied with a manual containing the operation procedures established by ASTM F770-11~~-06a~~;

~~c) The owner receives certification that the amusement ride or amusement attraction has been tested to the standards established by ASTM F846-92 ; and~~

b~~d~~) The owner is supplied with a maintenance procedures manual established by ASTM F853-05 (2005); and~~.~~

c) It complies with ASTM F2291-11.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.85 Requirements for Liability Insurance, Bond or Deposit of Security

The owner, operator, agent or manager~~Owner, Operator, Agent or Manager~~ shall have in force liability insurance, a bond or a deposit in cash or security in the amounts specified in Section 2-14 of the Act.

a) Liability Insurance

1) Proof of insurance shall be a copy of the policy or policies, including all endorsements, or a certificate of insurance issued by the insurer and filed with the Department's Carnival and Amusement Ride Inspection Division.

2) The company or companies affording coverage shall have a current Best's rating of "B+"~~"B"~~ or better and a current Best's financial class of "V" or better.

3) Policies and certificates issued by companies not a part of the Illinois Insurance Guaranty Fund shall bear a surplus lines stamp.

b) Bonds

1) The bonding company shall have:

A) A current Best's rating of "B+"~~"B"~~ or better and a current Best's financial class of "V" or better.

B) A duly issued license in the State of Illinois by the Department of Financial and Professional Regulation-Division of Insurance.

2) The bonding company shall not have an unacceptable record of improper conduct or financial problems with the Division of Insurance.

3) The bond shall be in effect for a minimum of 3 years or until any pending litigation has been finalized.

c) Deposit of Cash or Other Security

1) The acceptability of any deposit of cash or other security shall be determined by the Director with agreement from a majority of the Board.

2) The deposits shall be held, interest free, by the Department for a minimum of 3 years or until any pending litigation has been finalized.

d) Self-Insured Governmental Bodies

1) A governmental body that is self-insured shall submit a Statement of Self-Insurance at least as great as those required by Section 2-14 of the Act.

2) If the governmental body's self-insurance is not as great as required, then the body shall also submit documentation of its excess coverage, either through a conventional insurance company or an insurance pool. If the excess coverage is through a conventional insurance carrier, then the A.M. Best ratings as stated in this Section shall apply. If a pool is used, the pool shall be registered with the Division of Insurance, and shall submit a financial statement to the Department's Carnival and Amusement Ride Inspection Division evidencing a surplus to liability ratio of at least 2.5 to 1.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.90 Penalties

a) *Any person who operates an amusement ride or amusement attraction at a carnival or fair without having obtained a permit from the Director or who violated any order or rule issued by the Director or Board under this Act is guilty of a Class A misdemeanor. Each day shall constitute a separate and distinct offense.* (Section 2-15 of the Act)

b) *Any person who interferes with, impedes, or obstructs in any manner the Director or any authorized representative of the board or Department in the performance of their duties under this Act is guilty of a Class A misdemeanor.* (Section 2-15 of the Act)

c) The Department may assess a civil penalty not to exceed $2,500 per violation for a first violation and not to exceed $5,000 for a second or subsequent violation to any person who owns or operates an amusement ride or amusement attraction without having obtained a permit from the Department in violation of the Act.

d) The Department may assess a civil penalty in an amount not to exceed $1,000 for a first offense, not to exceed $5,000 for a second offense, and not to exceed $15,000 for a third or subsequent offense to any person that owns or operates a carnival or fair that fails to conduct a criminal history records check or a sex offender registry check for carnival workers in its employ, as required by the Act.

e) When the Department assesses a penalty in accordance with subsection (d) or (e), the Department shall notify the owner/operator of the grounds for its action.

f) If a person against whom the penalty has been assessed wishes to challenge the basis for the penalty or the amount of the penalty, the person may appeal the Department's decision by filing a written request for a hearing within 10 working days after the Department's action. Failure to file an appeal and request for a hearing shall cause the decision of the Department to become a final decision of the Department, subject to the Administrative Review Law.

g) Service of notice of a hearing shall be made by personal service or certified mail to the address shown on the application for permit, or to any other address on file with the Department and reasonably believed to be the current address of the permit holder.

h) The written notice of a hearing shall specify the time, date and location of the hearing

i) At the hearing, the Department shall have the burden of establishing the violation for which the penalty has been assessed.

j) The hearing under this Section shall comply with 56 Ill. Adm. Code 120 (Rules of Procedure in Administrative Hearing), except that formal discovery, such as production requests, interrogatories, requests to admit and depositions shall not be allowed. Prior to hearing, the parties shall exchange documents and witness lists and have the right to issue subpoenas.

k) The Administrative Law Judge's decision shall be deemed a final administrative decision of the Department, subject to the Administrative Review Law.

l) In computing any period of time prescribed or allowed by this Part, the day of the act, event or default after which the designated period of time begins to run is not to be included, and the designated period shall run until the end of the last day, or the next following working day.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.100 Employment of Carnival Workers~~Appeals of Permit Denials~~

a) All persons that own or operate a carnival or fair must conduct a criminal history records check and perform a check of the National Sex Offender Public Website (www.nsopr.gov) for carnival workers 17 years of age or older at the time the worker is hired. This check must be performed annually for workers. The only exception to the requirement for the annual check is for workers who remain in the continuous employment of the entity. A worker who works only during the season but works each season is not exempt from the annual check. The annual check for a seasonal employee must be performed before the employee commences active employment each season.

b) No person that owns or operates a carnival or fair shall employ a carnival worker who has been convicted of any offense set forth in Article 11 of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5], is a registered sex offender as defined in the Sex Offender Registration Act [730 ILCS 150], or has ever been convicted of any offense set forth in Article 9 of the Criminal Code of

1961 or 2012. The provisions of this Section shall apply to any employees who may have been continuously employed and may not have been subject to the requirements of subsection (a) by virtue of having been hired prior to the effective date of the criminal history and background check requirements.

c) In order to comply with Section 20(c) of the Act requiring a substance abuse policy that must include random drug testing, the person that operates the carnival or fair must demonstrate the policy is enforced in practice. The policy must be in writing and must have been distributed to all affected employees, and there must be records documenting that employees have undergone random drug testing. The requirements of the Act are not satisfied if the random drug testing procedure has not been implemented in practice.

~~If, after inspection, a permit is denied, the affected owner or agent may request the Director to review the denial. If the Director determines that the denial was in conformance with this Part and the Act, the Director shall notify the affected party of the determination, orally or in writing, within 5 days after the receipt of the request. The owner or agent may, within 20 business days after the original request, petition the Board in writing and request a review of the Director's determination. The Board shall issue its written findings within 15 days after receipt of the written petition. The Board's findings shall constitute final administrative action.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.120 ~~Operator~~ Requirements for Operation

No amusement ride or amusement attraction shall be operated for public use at a carnival or fair in this State without an attendant or assistant. The attendant and/or assistant may be an employee or volunteer.

a) All attendants or assistants shall be at least 16 years of age.

b) The attendant shall operate no more than one amusement ride or amusement attraction at any given time, even if automatic timing devices are used to control the time cycle of the amusement ride or amusement attraction.

c) The attendant and/or assistant shall be trained in the proper use and operation of the amusement ride or amusement attraction as provided for in ASTM F770-11~~06a~~, ASTM F853-05 and ASTM 2374-10~~07a~~.

d) The attendant and/or assistant shall ensure that all passenger safety devices are in place around patrons before starting.

e) The attendant and/or assistant shall be within arms length of the operators station when the amusement ride or amusement attraction is in use.

f) The attendant and/or assistant shall not operate any amusement ride or amusement attraction while under the influence of alcohol or any drug or combination of drugs to a degree that renders the operator incapable of safely operating the amusement ride or amusement attraction. For the purposes of this Section, the term "drug" includes any substance defined as a drug by Section 102(t) of the Illinois Controlled Substance Act [702 ILCS 570/102].

g) The attendant and/or assistant shall ensure that no one is permitted on an amusement ride or amusement attraction while carrying any article, i.e., food, beverages, packages, lighted cigarettes, etc., which could endanger the rider or spectators.

h) The record of attendant and assistant training required by subsection (c) ~~of this Section~~ shall be kept on file by the owner or operator and be made available to the inspector during inspection and upon request by the Department.

i) The attendant and/or assistant shall not use a cellular phone or any other handheld mobile device except when the use is in conjunction with the operations of the ride or attraction and/or the performance of the attendant's/assistant's duties, nor shall an attendant and/or assistant engage in any other activities that distract the attendant/assistant from his or her duties while operating an amusement ride or attraction.

j) Each amusement ride or attraction shall clearly post at each entrance of the amusement ride or attraction the height requirements, age requirements and any other restrictions set forth by the manufacturer or any more stringent requirements above and beyond those set forth by the manufacturer and that are imposed by the operator.

k) This subsection (k~~i~~) does not apply to volunteers.

1) The owner or operator has a duty to comply with all the requirements set forth in Section 2-20 of the Act regarding the employment of carnival

workers, criminal history records checks, sex offender registry checks and the maintenance of a substance abuse policy for carnival workers.

2) The owner or operator shall be required to acknowledge in writing that the owner or operator understands its obligations under the Act and confirm that the required criminal history records check and national search of sex offender registry checks have been performed. Upon annual inspection or reinspection, the owner or operator shall provide written evidence that the criminal history records check and the sex offender registry check have been completed for each carnival worker in its employ. If the documentation is not available upon inspection, the Department may grant the owner or operator five calendar days to obtain and provide documentation to the Department showing that the checks were requested and the results were received for each carnival worker. An owner or operator shall provide copies of the results of the criminal records check and the sex offender registry checks to the Department upon inspection or upon request by the Department. These records shall be maintained by the owner or operator for a period of two years unless the records relate to an ongoing investigation or enforcement action under the Act, in which case the records must be maintained until after their destruction is authorized by the Department or court order.

3) The owner or operator shall also be required to provide written documentation that he or she maintains a substance abuse policy that includes random drug testing of carnival workers.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.130 ~~Operator~~ Authority Regarding Passenger Safety

a) *The owner or operator of an amusement ride or amusement attraction may* remove from or *deny entry to a person to an amusement ride or amusement attraction if, in the owner's or operator's opinion, the entry* or conduct *may jeopardize the safety of such person or the safety of any other person.* (Section 2-19 of the Act)

b) Any amusement ride or amusement attraction that is subject to guardian, height or weight requirement established by manufacturer, manager or attendant shall have that restriction in plain view at the entrance to the amusement ride or amusement

attraction. The restriction may not be waived.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.170 Maintenance

a) Periodic~~The attendant shall perform periodic~~ maintenance as required or recommended by the amusement ride or amusement attraction manufacturer shall be performed. The~~Such~~ maintenance shall be recorded on ~~Daily Inspection Checklists as provided in Section 6000.150(a) and be available for review by the Director~~ a log documenting daily maintenance, which shall detail the maintenance performed, the date performed and by whom performed, and that shall be available for review by the Department.

b) Maintenance records shall be maintained for one calendar year.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.270 Inflatable Amusement Attractions

All inflatable amusement attractions shall meet the manufacturer's standards and specifications.

a) Anchorage in accordance with the manufacturer's specifications shall be provided for inflatable amusement attractions and examined daily.

b) The fabric on inflatable amusement attractions shall be examined daily for rips and tears and those found shall be repaired immediately.

c) Ventilators and fans shall be shielded by one of the following methods:

1) Fencing around unit;

2) Mesh guarding over unit; or

3) Total enclosure.

d) Covered or enclosed inflatable amusement attractions shall be so designed that if a power failure occurs the structure will remain substantially erect for more than the time required to evacuate the normal rated occupancy or five minutes

whichever is the longer period.

e) No inflatable amusement attraction manufactured after January 1, 2010 shall be placed in service unless the owner:

1) Receives certification that the attraction has been designed, constructed and tested to the standards established by ASTM F2374-10~~07a~~;

2) Obtains and complies with the manual containing the operation procedures established by ASTM F2374-10~~07a~~; and

3) Obtains and complies with the maintenance procedures manual established by ASTM F2374-10~~07a~~.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.280 Non-Destructive Testing

a) The owner or agent shall provide the Department with a certificate of non-destructive testing for each part which the manufacturer recommends testing or the Board requires to be tested.

b) Persons performing non-destructive testing on amusement ride or amusement attraction components shall be qualified to NDT Level II or NDT Level III, in accordance with the ASNT Recommended Practice No. SNT-TC-1A. Only individuals qualified may perform non-destructive testing on amusement ride or amusement attraction components. The Department may require certifications of personnel or accept previous certifications at their option.

~~e) The Board shall direct the Department to require the non-destructive testing of any part, which if failure were to occur, would result in a major breakdown. The Board shall designate the parts to be tested, the date by which the initial test certificate shall be submitted to the Department and the frequency at which the test is to be repeated.~~

c~~d~~) The Department shall maintain and disseminate a listing of all amusement ride or amusement attraction components requiring non-destructive testing. This list shall include the test specifications and frequency of testing.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.302 Outdoor and Indoor Concession Go-Karts

a) Vehicle Requirements

1) All vehicles shall be equipped with driver padding and passenger padding, if applicable, including, but not limited to, steering wheel pad, headrest pad, steering wheel support post and seat cushions.

2) All vehicles shall be guarded to prevent interlocking of wheels during operation.

3) All vehicles equipped with seat belts shall be equipped with a roll over protection system.

4) Vehicles' shall be equipped with a guarding system that covers or encloses all rotating parts of the drive mechanism except the tires. The guarding system shall also cover the exhaust to protect the passenger when entering or exiting the vehicle.

5) Vehicles' fuel tanks shall be mounted and/or guarded in such manner that provides protection to the passenger during operation and if an accident should occur. Fuel tank caps shall conform to ANSI SAE J-1241.

6) Wheels shall be retained by a castellated nut and cotter pin or other positive method recommended by the manufacturer. Nuts with inserts of nylon or other material shall not be re-used.

b) Track and Course Requirements

1) The surface of the track or course used by go-karts shall be of a solid and binding material.

~~2) Minimum width requirements for go-kart tracks shall be 20 feet throughout the entire length of the track.~~

2~~3~~) A barrier system shall be installed around the inner and outer edges of the track or course used by go-karts. It shall be securely anchored and extend

the entire length of the track or course. The system may be a guardrail, rubber tires, a runoff strip or embankment of friable earth or gravel or a combination thereof.

A) When rubber tires are used for a barrier system, these tires shall be free of the rims and/or wheels. They shall be fastened together to form a continuous train. Tires shall never be stacked over two high.

B) If a metal or fiberglass rail is used as the barrier, the rail surface shall be kept free of sharp or protruding edges or seams and shall be maintained so that there are no loose or unsecured areas.

C) A barrier system shall be installed to designate and protect opposing traffic, the pit area or passenger loading area.

D) No one shall have access to the track and courses other than properly admitted go-kart drivers, employees of the ~~licensee or the Board~~, and other persons authorized by the license for the purpose of maintenance, etc.

4) A fence or railing system shall be installed at maintenance buildings, driveways, pit areas, and fuel storage pumping areas to keep patrons awaiting amusement rides and spectators from entering these track areas without the permission of, or direction by, track personnel.

5) No intersecting course configurations, including but not limited to a Figure 8 course configuration, shall be permitted.

c) Operation

1) The attendants or assistants shall be able to clearly view the entire course.

2) Fire extinguishers shall be charged and readily available to the track personnel at all times in accordance with ASTM F-2007-12~~07~~ .

3) The refueling of vehicles with internal combustion engines or the charging of batteries in electric powered karts shall take place in the pit areas.

4) All storage containers of gasoline and other flammables shall be in accordance with Section 6000.190—(Fire Prevention and Protection).

5) Beginning at twilight at an outdoor operation, track lighting is required. During indoor operation, track lighting is required. Track lighting shall be in accordance with ASTM F-2007-12~~07~~.

6) Monitoring

A) A signal system shall be installed to safely alert the drivers of the vehicles to a caution situation or to stop the vehicles in case of an emergency. This signal system may consist of, but is not limited to, a hand held flag system or a set of lights visible to the drivers. The system shall be explained to the drivers before operating any vehicle.

B) Effective January 1, 2006, each vehicle shall be equipped with a throttle control device that can be activated from the ride attendant's station.

7) A separate and distinct maintenance log shall be kept for each vehicle. The maintenance logs shall be kept on a daily basis and kept available for inspector's review. All replacement of parts should be documented in the maintenance log for that vehicle. A comment section should be provided. On a daily basis, the track mechanic shall sign each log sheet indicating that the vehicle is ready to operate. This log shall include, but not be limited to, the following information:

A) Brake inspection;

B) Tire wear and pressure;

C) Steering inspection;

D) Body inspection;

E) Padding inspection;

F) Lubrication and engine oil check; and

G) Drive mechanism.

8) Only one patron per seat shall be permitted in each vehicle. No in-line riding shall be permitted.

d) Special Circumstances/Waiver of this Section

1) The Director may approve an operating permit for an existing facility that does not meet the requirements of this Section if the following apply:

A) A written request for waiver is submitted to the Director; and

B) The facility requesting waiver was built and licensed prior to January 1, 2007.

2) If, after January 1, 2007, any modifications are made to an existing track that would have otherwise been exempt under this Section, the existing track with the modifications shall not be eligible for a waiver and shall comply with this Section.

3) Tracks constructed on or after January 1, 2007 shall comply with this Section and are not eligible for a waiver under subsection (d)(1).

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.305 Racing Go-Karts

a) Vehicle Requirements

1) All vehicles shall be equipped with driver padding and passenger padding, if applicable, including, but not limited to, steering wheel pad, headrest pad, steering wheel support post and seat cushions.

2) All vehicles shall be guarded to prevent interlocking of wheels during operation.

3) All vehicles equipped with seat belts shall be equipped with a roll over protection system.

4) Vehicles shall be equipped with a guarding system that covers or encloses all rotating parts of the drive mechanism except the tires. The exhaust system shall be located or guarded to protect the passenger when entering or exiting the vehicle.

5) Vehicles with fuel tanks shall have the tanks mounted and/or guarded in such manner that provides protection to the passenger during operation and if an accident should occur. Fuel tank caps shall conform to ANSI SAE J-1241 and be designed and maintained so as not to leak.

6) Wheels shall be retained by a castellated nut and cotter pin or other positive method recommended by the manufacturer. Nuts with inserts of nylon or other material shall not be re-used.

b) Track and Course Requirements

1) The surface of the track or course used by go-karts shall be of a solid and binding material.

~~2) Minimum width requirements for tracks shall be 20 feet throughout the entire length of the track or course.~~

2~~3~~) A barrier system shall be installed around the inner and outer edges of the track or course used by go-karts and shall extend the entire length of the track or course.

A) When rubber tires are used for a barrier system, these tires shall be free of the rims and/or wheels. They shall be fastened together to form a continuous train. Tires shall never be stacked over two high.

B) If a metal or fiberglass rail is used as the barrier, the rail surface shall be kept free of sharp or protruding edges or seams and shall be maintained so that there is no loose or unsecured areas.

C) A barrier system shall be installed to designate and protect the pit area or passenger loading area.

D) Access to the entire track shall be restricted.

34) A fence or railing system shall be installed at maintenance buildings or areas, driveways, pit areas, and fuel storage/pumping areas to keep patrons awaiting rides and spectators from entering these track areas without the permission of, or direction by, track personnel.

45) No intersecting course configurations, including but not limited to a Figure 8 course or opposing traffic configuration, shall be permitted.

c) Operation

1) The attendants or assistants shall be able to clearly view the entire course.

2) Fire extinguishers shall be charged and readily available to the track personnel at all times.

3) The refueling of the vehicles with internal combustion engines or the recharging and/or exchanging of batteries shall take place in the pit areas.

4) All storage containers of gasoline and other flammables shall be in accordance with Section 6000.190—(Fire Prevention and Protection).

5) Beginning at twilight, track lighting is required and lighting is required for indoor tracks at all times during operations.

6) Monitoring

A) A signal system shall be installed to safely alert the drivers of the vehicles to a caution situation or to stop the vehicles in case of an emergency. This signal system may consist of, but is not limited to, a hand held flag system or a set of lights visible to the drivers. The system shall be explained to the drivers before operating any vehicle.

B) Effective January 1, 2006, each vehicle shall be equipped with a throttle control device that can be activated from the ride attendant's station.

7) A separate and distinct maintenance log shall be kept for each vehicle. The maintenance logs shall be kept on a daily basis and kept available for inspector review. All replacing of parts should be noted. A comment section should be provided. The track mechanic shall sign each log sheet indicating that the vehicle is ready to operate. This log shall include, but not be limited to, the following information:

A) Brake inspection;

B) Tire wear and pressure;

C) Steering inspection;

D) Body inspection;

E) Padding inspection;

F) Lubrication and engine oil check; and

G) Drive mechanism.

8) Only one patron per seat shall be permitted in each vehicle. No in-line riding shall be permitted.

9) Personal Safety Equipment. Drivers of karts that are not equipped with seatbelts and roll bars shall wear the following personal safety equipment while on the track or course.

A) Drivers of karts shall wear the following personal safety equipment while on the track or course:

i) Head Gear – A full-face helmet with head sock complying with a Snell Foundation test specification as published in the Snell Helmet Safety Standards is mandatory. A full-face shield is mandatory. The helmet must be secured by a chinstrap.

ii) Neck Brace – The use of unaltered collar-type neck brace designed for racing is mandatory. Any driver losing his or

her neck brace shall immediately precede to the pits and may, upon replacing the missing neck brace, return to the track.

B) Drivers of indoor karts that are not equipped with seatbelts and roll bars, and that go less than 7 mph, are not required to wear personal safety equipment as stated in this Section and are called kiddie karts.

d) Special Circumstances/Waiver of this Section

1) The Director may approve an operating permit for an existing facility that does not meet the requirements of this Section if the following apply:

A) A written request for waiver is submitted to the Director; and

B) The facility requesting waiver was built and licensed prior to January 1, 2007.

2) If, after January 1, 2007, any modifications are made to an existing track that would have otherwise been exempt under this Section, the existing track with the modifications shall not be eligible for a waiver and shall comply with this Section.

3) Tracks constructed on or after January 1, 2007 shall comply with this Section and are not eligible for a waiver under subsection (d)(1).

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 6000.351 Haunted Houses

a) Emergency Planning

1) Maximum occupant load, which shall include staff, shall be determined during plan review. A sign stating maximum occupant capacity shall be posted in a visible location near the entrance, and staff shall control the flow of patrons so as not to exceed this limit.

2) A written emergency procedure plan shall be provided with the permit application packet. All employees shall be trained in emergency procedure.

3) The emergency procedure plan shall include training of staff and familiarization with fire alarm tone. Specific personnel shall be designated to turn off all distracting noises (e.g., sound system) and turn on lights when alerted by the fire alarm or otherwise notified of an emergency condition.

4) While the haunted house is open to the public, it shall be adequately staffed to control the occupant load and assist patrons in exiting should an evacuation become necessary. Staffing level shall be determined upon review of plans and may be increased at the discretion of the fire department.

5) All employees shall carry flashlights and know the location of all exits, fire extinguishers, light switches, electrical panels and emergency phones.

6) A fire drill demonstrating the implementation of the emergency plan may be required at the time of inspection.

7) Phone communication shall be readily available for the purpose of calling 911 in the event of an emergency.

b) Exits

1) Two exits shall be provided from each room with an occupant load of 50 or more. Required exit doors shall swing in the direction of egress.

2) Naturally or artificially illuminated exit signs shall be provided at each exit.

3) Exit doors serving an occupant load of 50 or more shall not be provided with a latch or lock other than panic hardware.

4) Emergency lighting shall be provided.

5) Exhibits and decorative materials shall not obstruct, confuse or obscure exits, exit pathways, exit signs or emergency lighting units.

6) Additional pathway markings, including low level marking and signs, may be required during the field inspection.

c) Fire Protection

1) Fire and smoke detecting systems shall be installed in each building or structure used in an amusement ride or amusement attraction that requires a darkened interior during operation.

2) Fire extinguishers shall be:

A) Minimum 2A10BC rated.

B) Visible and accessible at all times and clearly illuminated or marked with reflective tape.

C) Located within 50 feet travel distance from anywhere in the building.

3) Decorative materials shall not obstruct fire sprinklers, fire extinguishers or any other fire protection equipment.

4) Fabric constituting part of an amusement ride or amusement attraction shall meet the flamespread ratings of NFPA 701. A certificate or a test report from the fabric manufacturer or approved testing agency indicating a fire resistance rating equal to or better than NFPA 701 shall be available upon request.

5) "No Smoking" signs shall be posted at the entrances/exits to all amusement rides or amusement attractions that require a darkened interior during operation.

d) Electrical

1) Extension cords shall be of heavy commercial type, UL listed and in good condition, and shall be appropriate for the intended use.

2) Only UL listed power strips with over-current protection shall be used when the number of outlets provided is inadequate. Power strips shall be plugged directly into provided outlets and shall not be plugged into one another in series.

3) All extension cords and power strips shall be adequately protected from foot traffic ("bridged") if paths of travel cannot be avoided.

4) Emergency Lighting. If an amusement attraction requires a darkened interior during operation, each building or structure shall be equipped with a battery powered emergency lighting system.

e) Decorative Materials

1) All decorative materials (decorations, drapes, backdrops and props) shall be either inherently flame retardant and labeled as such, or shall be treated with a flame retardant.

2) If material is treated by the user, a container and receipt will serve as proof. A flame test may be required.

3) Care and consideration shall be used with respect to smoke generator and smoke alarm locations. Use of smoke generators may be restricted if determined to be incompatible with the smoke alarms.

f) Miscellaneous

1) Storage or use of flammable or combustible liquids, gasses and solids is prohibited.

2) Open flame is prohibited.

3) Good housekeeping shall be maintained throughout exhibit and exit pathways at all times.

4) There shall be no sharp corners, splintered wood walls or protruding screws or nails that can cause injury.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Illinois Food, Drug and Cosmetic Act

2) Code Citation: 77 Ill. Adm. Code 720

3)

Section Numbers:	Proposed Action:
720.10	Amendment
720.20	Amendment
720.25	New Section
720.35	New Section

4) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

5) A Complete Description of the Subjects and Issues Involved: The Department has issued Certificates of Free Sale for all product items (food, drugs, cosmetics) under the Illinois Food, Drug and Cosmetic Act for a $10 fee to include an unlimited number of items. This rulemaking develops new rules for issuance of Certificates of Free Sale to only Illinois Food and Dairy Manufacturers, Processors, Warehousers and Packers, or those facilities which the Department inspects, permits or surveys. In addition, the rulemaking states that a certificate of free sale will include no more than five items. Section 720.10 is being added to update the statutory citation and to make other technical corrections. A new Section is being added to list referenced materials.

The economic effect of 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*.

6) Published studies or reports, and sources of underlying data used to compose this rulemaking: Other states' rules on issuance of certificates were utilized to develop Illinois' rulemaking on issuance of Certificates of Free Sale.

7) Will this rulemaking replace any emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandates on units of local government.

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 IL 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: Illinois Food and Dairy Manufacturers, Processors, Packers and Warehousers

B) Reporting, bookkeeping or other procedures required for compliance: There will be no change.

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 Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 720
~~THE ILLINOIS~~ FOOD, DRUG AND COSMETIC CODE~~ACT~~

Section
720.10 General Regulations
720.20 Definitions
720.25 Referenced Materials
720.30 Prohibited Acts and Penalties
720.35 Certificate of Free Sale
720.40 Food
720.50 Drugs and Devices
720.60 Cosmetics

AUTHORITY: Implementing and authorized by the Illinois Food, Drug and Cosmetic Act [410 ILCS 620].

SOURCE: Filed October 29, 1968; codified at 8 Ill. Reg. 16339; amended at 38 Ill. Reg. _____, effective _____.

Section 720.10 General Regulations

a) The provisions of this Part~~regulations promulgated under the Illinois Food, Drug and Cosmetic Act (the Act) (Ill. Rev. Stat. 1983, ch. 56½, pars. 501 et seq.)~~ with respect to the doing of any act shall be applicable also to the causing of the~~such~~ act to be done.

b) The definitions and interpretations of terms contained in Section 2 of the Act shall be applicable also to those~~such~~ terms when used in this Part~~regulations promulgated under the Act~~.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 720.20 Definitions

Act – the Illinois Food, Drug and Cosmetic Act.

Apostille – a document that certifies the validity of an Illinois notary public, county clerk, circuit clerk or local registrar.

Certificate of Free Sale – a document issued to Illinois food and dairy manufacturers, processors, packers or warehousers that are inspected by the Department, verifying that the specified items are freely marketed in the United States and eligible for export to any foreign country as long as that particular manufacturer, processor, packer or warehouser has no unresolved enforcement actions pending before the Department in accordance with this Part, the Act, the Grade A Pasteurized Milk and Milk Products Act and Grade A Pasteurized Milk and Milk Products administrative rules, the Manufactured Dairy Products Code, and the Manufacturing, Processing, Packing or Holding of Food Code. A Certificate of Free Sale may be issued as an equivalent certificate to include a Certificate of Origin, Certificate of Good Manufacturing Practices, or Certificate of Sanitation.

Certificate of Good Manufacturing Practices – equivalent to a certificate of free sale that certifies that the items were made using good manufacturing practices in an Illinois manufacturing facility.

Certificate of Origin – equivalent to a certificate of free sale to certify that the items were manufactured in Illinois.

Certificate of Sanitation – equivalent to a certificate of free sale to certify that the food items manufactured in Illinois meet applicable food sanitation standards.

Difference of Opinion Among Experts – the existence of a difference of opinion, among experts qualified by scientific training and experience, as to whether the truth of a representation made or suggested in the labeling is a fact (among other facts), the failure to reveal which may render the labeling misleading, if there is a material weight of opinion contrary to the representation.

FDA – United States Food and Drug Administration.

Item – each single unit listed on the Certificate of Free Sale request form.

Labeling –all written, printed or graphic matter accompanying an article at any time while the article is for sale or delivery, held for sale or offered for sale in Illinois.

Single-service Plant – an Illinois facility that manufactures single-service containers and closures for milk and milk products in accordance with the Grade A Pasteurized Milk and Milk Products Code and FDA Pasteurized Milk Ordinance (PMO) Appendix J.

~~a)~~ ~~Labeling Definition.~~
~~Labeling includes all written, printed or graphic matter accompanying an article at any time while such article is for sale, delivery, held for sale or offered for sale in the State of Illinois.~~

~~b)~~ ~~Difference of Opinion Among Experts.~~
~~The existence of a difference of opinion, among experts qualified by scientific training and experience, as to the truth of a representation made or suggested in the labeling is a fact (among other facts) the failure to reveal which may render the labeling misleading, if there is a material weight of opinion contrary to such representation.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 720.25 Referenced Materials

a) The following Illinois statutes are referenced in this Part:

1) Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

2) Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635]

b) The following federal statutes are referenced in this Part:

Food, Drug and Cosmetic Act (21 USC 352)

c) The following Illinois administrative rules are referenced in this Part:

1) Grade A Pasteurized Milk and Milk Products (77 Ill. Adm. Code 775)

2) Manufactured Dairy Products Code (77 Ill. Adm. Code 785)

3) Manufacturing, Processing, Packing or Holding of Food Code (77 Ill. Adm. Code 73)

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 720.35 Certificate of Free Sale

a) Requirements for Issuance of Certificate of Free Sale

1) The Department will approve issuance of a certificate of free sale only for items that are from Illinois food and dairy manufacturers, processors, packers or warehousers or an Illinois single-service plant that manufactures single-service containers and closures and is approved for the listing of certified single-service manufacturers in the current publication of the FDA Interstate Milk Shippers (IMS) List.

2) *The Department is authorized*, but is not required, *upon request, to issue certificates of free sale to Illinois dairy, drug, cosmetic, or medical device manufacturers, processors, packers, or warehousers* (Section 21.3 of the Act). The Department will not approve a certificate of free sale for medical equipment, devices, drugs, cosmetics, vitamins, and dietary supplements as defined in the Act, even if manufactured, processed, packaged or stored in Illinois.

3) The Department will not issue a certificate of free sale to a business, corporation or entity that is only headquartered in Illinois but manufactures, processes, packs or warehouses in another state.

4) The Department will not modify the language on the certificate of free sale from the original wording.

5) The certificate of free sale covers only existing conditions of the items and shall not be interpreted as a guarantee, explicit or implied, for all items of the company at all times in the future.

6) The issuance of a certificate of free sale does not preclude the Department from taking enforcement action against a food or dairy manufacturer,

processor, packer or warehouser in the future in accordance with this Part, the Act, the Grade A Pasteurized Milk and Milk Products Act, and Grade A Pasteurized Milk and Milk Products administrative rules, the Manufactured Dairy Products Code, and the Manufacturing, Processing, Packing or Holding of Food Code.

b) Application Process for the Certificate of Free Sale

1) The applicant shall complete and submit the Department certificate of free sale request form and payment per the instructions. The request form will be located on the Department website (www.idph.state.il.us).

2) A certificate of free sale will only be made available in English or Spanish. If the applicant needs the certificate of free sale in any other language or dialect, the applicant shall pay the cost of the Department's hiring of a translator to create the requested foreign language certificate of free sale.

3) On the application, the applicant shall provide the Illinois State Identification Number or Illinois Permit Number that has been issued to the Illinois manufacturer, processor, packer, distributor or warehouser upon inspection by the Department.

4) Along with the application, the applicant shall submit a fee to the Department for the certificate of free sale. A certificate of free sale will include no more than five items. The fee for each certificate of free sale will be $10.

5) Certificates of free sale issued by the Department will be notarized by a certified State of Illinois notary public. If the applicant requires a certificate of authority for the signing notary public or requires an Apostille to certify the Illinois notary public, then the applicant shall include a cover letter with its application stating the request and a check payable to the "Secretary of State" in an amount in accordance with the Illinois Secretary of State Notary Services found at http://www.cyberdriveillinois.com/departments/index/notary/home.html.

(Source: Added at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Food Service Sanitation Code

2) Code Citation: 77 Ill. Adm. Code 750

3)

Section Numbers:	Proposed Action:
750.5	Amendment
750.10	Amendment
750.570	New Section
750.3400	New Section
750.3410	New Section
750.3420	New Section
750.3430	New Section

4) Statutory Authority: Authorized by the Illinois Food, Drug and Cosmetic Act [410 ILCS 620], Food Handling Regulation Enforcement Act [410 ILCS 625], and Sanitary Food Preparation Act [410 ILCS 650]

5) A Complete Description of the Subjects and Issues Involved: As currently written, this Part is in conflict with the Food Handling Regulation Enforcement Act, which was recently amended by PA 98-566 to require food handler training for any food handler working in a retail food establishment. This rulemaking will add definitions, course content, course approval, and requirements for food handler training.

The economic effect of 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*.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? Yes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section Numbers:	Proposed Action:	*Illinois Register* Citation:
750.5	Amendment	January 24, 2014; 38 Ill. Reg. s787
750.551	Amendment	January 24, 2014; 38 Ill. Reg. 2787
750.1820	Amendment	January 24, 2014; 38 Ill. Reg. 2787
750.1830	Amendment	January 24, 2014; 38 Ill. Reg. 2787
750.1840	Amendment	January 24, 2014; 38 Ill. Reg. 2787

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandates on units of local government.

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 IL 62761

217/782-2043
dph.rules@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Food service establishments (e.g., restaurants, long-term care facilities, schools, grocery stores)

B) Reporting, bookkeeping or other procedures required for compliance: There will be no change in the reporting, bookkeeping or other procedures required for compliance.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2014

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 750
FOOD SERVICE SANITATION CODE

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750.10 Definitions
750.20 Inspections and Inspection Report

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750.180 Cooking Potentially Hazardous Foods
750.185 Minimum Food Temperature and Holding Time Required Under Section 750.180(a)(2) for Cooking All Parts of Pork and Game Animals, Comminuted Fish and Meats, and Injected Meats
750.186 Oven Parameters Required for Destruction of Pathogens on the Surface of Roasts of Beef and Corned Beef
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750.188 Plant Food Cooking for Hot Holding
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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

750.190 Dry Milk and Dry Milk Products
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750.510 General – Personal Cleanliness
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750.550 Management Sanitation Certification Examination (Repealed)
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750.560 Certificate Revocation or Suspension
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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

750.1020 Bottled Water
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750.1220 General – Cleaning Physical Facilities
750.1230 General – Lighting
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750.1260 Special Ventilation
750.1270 Dressing Areas
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750.1290 Poisonous or Toxic Materials Permitted
750.1300 Labeling of Poisonous or Toxic Materials
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750.1320 Use of Poisonous or Toxic Materials
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750.1600 General – Temporary Food Service Establishments
750.1610 Restricted Operations
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750.1650 Wet Storage
750.1660 Waste Disposal
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750.1850 Certification Examination
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750.2020 Employee Training
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SUBPART L: MEAT/POULTRY PROCESSING AND LABELING

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750.3000 Exceptions
750.3100 Meat and Poultry Labeling
750.3200 Smoked Meat, Poultry and Other Food Products
750.3300 Curing of Meat and Poultry

SUBPART M: FOOD HANDLER TRAINING

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750.3400 General Requirements
750.3410 Course Content
750.3420 Course Approval
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750.APPENDIX A Retail Food Sanitary Inspection Report
750.APPENDIX B Examination Date Notification Form
750.APPENDIX C Class Enrollment Form
750.APPENDIX D Permission to Retake Certification Examination Form
750.APPENDIX E Monitor's Agreement Form

AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] and the Sanitary Food Preparation Act [410 ILCS 650] and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/21], Section 11.1 of the Sanitary Food Preparation Act [410 ILCS 650/11.1] and the Food Handling Regulation Enforcement Act [410 ILCS 625].

SOURCE: Adopted December 23, 1975; amended at 2 Ill. Reg. 19, p. 180, effective May 13, 1978; old rules repealed, new rules adopted and codified at 7 Ill. Reg. 1336, effective January 25, 1983; amended at 7 Ill. Reg. 16415, effective November 23, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 18735, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17918, effective December 1, 1988; amended at 13 Ill. Reg. 1819, effective January 30, 1989; amended at 13 Ill. Reg. 18888, effective December 1, 1989; amended at 14 Ill. Reg. 19975, effective January 1, 1991; amended at 14 Ill. Reg. 20535, effective January 1, 1991; amended at 16 Ill. Reg. 15995, effective October 1, 1992; amended at 17 Ill. Reg. 18588, effective October 15, 1993; amended at 20 Ill. Reg. 2171, effective January 20, 1996; amended at 20 Ill. Reg. 3210, effective February 5, 1996; amended at 22 Ill. Reg. 19009, effective October 1, 1998; amended at 32 Ill. Reg. 11980, effective July 10, 2008; amended at 37 Ill. Reg. 20365, effective December 6, 2013; amended at 38 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 750.5 Incorporated and Referenced Materials

a) The following materials are referenced in this Part:

1) Alternative Health Care Delivery Act [210 ILCS 3]

2) Nursing Home Care Act [210 ILCS 45]

3) Good Samaritan Food Donor Act [745 ILCS 50]

4) Hospital Licensing Act [210 ILCS 85]

5) Federal Food, Drug, and Cosmetic Act (21 USC 301)

6) Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

7) Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635]

8) Meat and Poultry Inspection Act [225 ILCS 650]

9) Sanitary Food Preparation Act [410 ILCS 650]

10) Freedom of Information Act [5 ILCS 140]

11~~10~~) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

12~~11~~) Salvage Warehouses and Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices and Cosmetics Code (77 Ill. Adm. Code 725)

13~~12~~) ~~The~~ Illinois Plumbing Code (77 Ill. Adm. Code 890)

14~~13~~) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)

15~~14~~) Drinking Water Systems Code (77 Ill. Adm. Code 900)

16~~15~~) Private Sewage Disposal Code (77 Ill. Adm. Code 905)

17~~16~~) ~~Illinois~~ Water Well Construction Code (77 Ill. Adm. Code 920)

b) The following materials are incorporated in this Part:

1) Official Methods of Analysis of the Association of Official Analytical Chemists, 18th Edition, Association of Official Analytical Chemists (2006), 111 North Nineteenth Street, Suite 210, Arlington, Virginia 22209.

2) Standard Methods for the Examination of Dairy Products, 17th Edition, American Public Health Association (2004), 8001 I Street, Washington, D.C. 20001-3710.

3) The following Federal Regulations, Office of the Federal Register, National Archives and Records Administration (2005), U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, D.C. 20401.

A) 9 CFR 1: Animals and Animal Products; Animal Welfare, Definition of Terms;

B) 9 CFR 301: Animals and Animal Products; Mandatory Meat Inspection, Definitions;

C) 9 CFR 318: Animals and Animal Products; Mandatory Meat Inspection, Entry into official establishments; reinspection and preparation of products;

D) 9 CFR 381: Animals and Animal Products; Mandatory Poultry Products Inspection, Poultry products inspection regulations;

E) 21 CFR 110: Current Good Manufacturing Practice in Manufacturing, Packaging, or Holding Human Food;

F) 21 CFR 133: Cheeses and Related Cheese Products;

G) 21 CFR 131: Milk and Cream;

H) 21 CFR 114: Acidified Foods;

I) 9 CFR 317: Labeling, Marking Devices, and Containers;

J) 21 CFR 170.39 − Threshold of regulation for substances used in food-contact articles;

K) 21 CFR 178 − Indirect Food Additives: Adjuvants, Production Aides, and Sanitizers (as regulated for use as a food additive with conditions of safe use);

L) 21 CFR 182 − Substances Generally Recognized as Safe;

M) 21 CFR 184 − Direct Food Substances Affirmed as Generally Recognized as Safe; and

N) 21 CFR 186 − Indirect Food Substances Affirmed as Generally Recognized as Safe (for use in contact with food).

4) "Approved Drug Products with Therapeutic Equivalence Evaluations", prepared by the Center for Drug Evaluation and Research, U.S. Food and Drug Administration (available on-line at http://www.fda.gov/cder/ob/default.htm).

5) Tentative Final Monograph: "Topical Antimicrobial Drug Products for Over-the-Counter Human Use: Health-Care Antiseptic Drug Products", prepared by the Center for Drug Evaluation and Research, U.S. Food and Drug Administration (available on-line at http://www.fda.gov/cder/otcmonographs/category_sort/antimicrobial.htm).

c) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 750.10 Definitions

"Acceptable product list" means a list of foods, acceptable to the regulatory authority, that, because of their characteristics, will present a barrier to the growth of Clostridium botulinum.

"Assessment of knowledge" means a written or an online evaluation of a student's achievement in a food handler training course.

"Balut" means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development, after which it is removed from the incubation before hatching.

"Barrier" means a safety factor of a physical, biological, or chemical nature that inhibits or minimizes the growth of microorganisms, including those that may be infectious or toxigenic.

"Beef pattie mix" (or "beef patties" if in pattie form) means chopped beef with or without the addition of beef fat as such and/or seasonings.

"Beverage" means a liquid for drinking, including water.

"Category I facility" means a food establishment that presents a high relative risk of causing food-borne illness, based on the large number of food handling operations typically implicated in food-borne outbreaks and/or the type of population served by the facility. Category I facilities include those where the following operations occur:

Potentially hazardous foods are cooled, as part of the food handling operation at the facility;

Potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;

Potentially hazardous cooked and cooled foods must be reheated;

Potentially hazardous foods are prepared for off-premises serving for which time-temperature requirements during transportation, holding and service are relevant;

Complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations at the facility;

Vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or

Immunocompromised individuals such as the elderly, young children under age four and pregnant women are served, where these individuals compose the majority of the consuming population.

"Category II facility" means a food establishment that presents a medium relative risk of causing food-borne illness, based upon few food handling operations typically implicated in food-borne illness outbreaks. Category II facilities include those where the following operations occur:

Hot or cold foods are held at required temperatures for no more than 12 hours and are restricted to same-day services;

Foods are prepared from raw ingredients, using only minimal assembly; and

Foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food-processing plants, high-risk food service establishments or retail food stores.

"Category III facility" means a food establishment that presents a low relative risk of causing food-borne illness, based upon few or no food handling operations typically implicated in food-borne illness outbreaks. Category III facilities include those where the following operations occur:

Only pre-packaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved processing plant;

Only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or

Only beverages (alcoholic and non-alcoholic) are served at the facility.

"Certification number" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according

to the provisions of the National Shellfish Sanitation Program.

"Certified food service manager or supervisor" means a person certified in compliance with Section 750.540.

"Cold smoke process" is a smoking process used to apply smoke or a smoke flavor at or below ambient temperature to food products not sufficiently darkened in the original smoking operation.

"Commercially prepared sweet baked goods" means an individually portioned and wrapped non-potentially hazardous yeast or cake-type bread, bun, croissant or roll with or without filling and/or icing.

"Commingle" means to combine shellstock harvested on different days or from different growing areas as identified on the tag or label; or to combine shucked shellfish from containers with different container codes or different shucking dates.

"Comminuted" means reduced in size by methods including chopping, flaking, grinding or mincing. It includes fish or meat products that are reduced in size and restructured or reformulated, such as gefilte fish, formed roast beef, gyros, ground beef, and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

"Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

"Consumer" means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or food processing plant, and does not offer the food for resale.

"Controlled atmosphere packaging" or "CAP" means an active packaging system that continuously maintains the desired atmosphere within the package throughout the shelf-life of the product. CAP uses an agent to bind or "scavenge" oxygen permeating the package, or a sachet to emit a gas.

"Cook-chill processing" means a process in which a plastic bag is filled with hot cooked food and the air is expelled while the bag is being sealed before being

blast or tumble chilled.

"Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions of use environment.

"Critical control point" means any point or procedure in a specific food processing or packaging operation where loss of control may result in an unacceptable health risk.

"Curing" means the placing in or on edible flesh of approved ingredients, such as a solution or mixture containing chloride and nitrite salts of sodium or potassium, water, sodium erythorbate or ascorbate, sodium phosphates, sweeteners (dextrose and cane sugar) and flavorings.

"Dedicated equipment or personnel" means equipment or personnel reserved solely for the use of one food processing operation to prevent cross-contamination.

"Department" means the Illinois Department of Public Health.

"Director" means the Director of the Illinois Department of Public Health or his or her designee.

"Easily cleanable" means that surfaces are readily accessible and made of such material and finish and fabricated so that residue may be effectively removed by normal cleaning methods.

"Egg" means the shell egg of avian species such as chicken, duck, goose, guinea, quail, ratites or turkey. The term does not include a balut; the egg of reptile species such as alligator; or an egg product.

"Egg Product" means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. The term does not include food that contains eggs only in a relatively small proportion, such as cake mixes.

"Employee" means individuals having supervisory or management duties, and any other person working in a food service establishment.

"Entity" means a business, non-profit organization, institution or certified local health department.

"Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items, other than utensils, used in the operation of a food service establishment.

"Extensively remodeled" means conversion of an existing structure for use as a retail food establishment; any structural additions or alterations to existing establishments; changes, modifications and extensions of plumbing systems, excluding routine maintenance.

"Field dressed" means the removal of the visceral organs of an animal following the animal's death in the field.

"Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Food-contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back to surfaces normally in contact with food.

"Food employee" or "food handler" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces. "Food employee" or "food handler" does not include unpaid volunteers in a food establishment, whether permanent or temporary.

"Food-processing establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

"Food service establishment" means any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place

regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare foods intended for individual portion service and retail food stores where food and food products are offered to the consumer and intended for, though not limited to, off-premises consumption. The term does not include lodging facilities serving only a continental breakfast (a continental breakfast is one limited to coffee, tea and juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, establishments that handle only prepackaged spirits, roadside markets that offer only fresh fruits and fresh vegetables, or the location of food vending machines.

"Full time" means 30 hours per week or the length of time the facility is in operation, whichever is less.

"Game animal" means an animal, the products of which are food, that is not classified as cattle, sheep, swine, or goat in 9 CFR 301 (Mandatory Meat Inspection, Definitions); as poultry in 9 CFR 381 (Mandatory Poultry Products Inspection, Poultry products inspection regulations); as meat in the Meat and Poultry Act; or as fish. Game animal includes wild and not domestically raised animals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, bear, and muskrat; aquatic and nonaquatic birds such as wild ducks and geese, quail, and pheasant; nonaquatic reptiles such as rattlesnakes; and aquatic mammals. It also includes exotic animals as defined in 9 CFR 1 (Animal Welfare, Definition of Terms), such as lion, tiger, leopard, elephant, camel, antelope, anteater, kangaroo and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal and Yak.

"Ground beef" means chopped or ground beef with or without seasoning and without the addition of beef fat and shall not contain more than 30 percent fat.

"Hamburger" means chopped beef with or without the addition of beef fat and/or seasoning and shall not contain more than 30 percent fat.

"Hazard" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

"Hazard Analysis Critical Control Point Program" or "HACCP" means a comprehensive food safety control plan that includes a step-by-step description of

the food processing, packaging and storage procedure, including identification of critical control points (CCPs); the food-contact surface cleaning and sanitizing procedures; lot identification procedure; and training procedures.

"Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its content after processing.

"Highly susceptible population" means persons who are more likely than other people in the general population to experience food-borne disease because they:

Are immunocompromised, preschool age children or older adults; and

Obtain food at a facility that provides services such as custodial care, health care, or assisted living (such as a child or adult day care center, kidney dialysis center, hospital or nursing home), or nutritional or socialization services (such as a senior center).

"Injected" means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat, such as with juices, which may be referred to as injecting, pinning or stitch pumping.

"Juice" means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purées of the edible portions of one or more fruits or vegetables, or any concentrates of the~~such~~ liquid or puree. The term does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.

"Kitchenware" means all multi-use utensils other than tableware.

"Law" includes State and local statutes, ordinances, and regulations.

"Lodging facilities" means any hotel, motel, motor inn, lodge, and inn or other quarters that provide temporary sleeping facilities open to the public.

"Lot" means a unique run of processed or packaged product with a specifically designated date and processing operation.

"Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.

"Molluscan shellfish" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions of the scallop, except when the scallop product consists only of the shucked adductor muscle.

"Official Methods of Analysis" means the Official Methods of Analysis of the Association of Official Analytical Chemists, 18th Edition, or Standard Methods for Examination of Dairy Products, 17th Edition, as incorporated in Section 750.5(b)(1) and (2).

"Operational Supervision" means the on-site supervision and management of the food service facility, operations, and employees.

"Packaged" means bottled, canned, cartoned, or securely wrapped. The term "packaged" does not include a wrapper, carry-out box, or other non-durable container used to containerize food for the purpose of facilitating food protection during service and receipt of the food by the consumer.

"Partially defatted beef fatty tissue" means a beef by-product derived from the low temperature rendering (not exceeding 120°F) of fresh beef tissue. The product shall have a pinkish color and a fresh odor and appearance.

"Pasteurized shell eggs" means eggs still in their shells that have been heat treated to destroy Salmonella enteritidis to the FDA standard of 5-log reduction and, thus, are exempt from status of a potentially hazardous food because no viable salmonellae exist.

"Person" includes any individual, partnership, corporation, association, or other legal entity.

"Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

"Potentially hazardous food" means any food that requires time/temperature control for safety that consists in whole or in part of milk or milk products, eggs,

meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; growth and toxin production of Clostridium botulinum; or, in raw shell eggs, the growth of Salmonella enteritidis. "Potentially hazardous food" includes an animal food (a food of animal origin) that is raw or heat treated; a food of plant origin that is heat treated or consists of raw seed sprouts; cut tomatoes; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support the growth of infectious or toxigenic microorganisms. The term does not include foods that:

Have a pH level of 4.6 or below;

Have a water activity (a_w) value of 0.85 or less; ~~or~~

Are a food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution; or

Are eggs with shell intact that have been pasteurized to destroy all viable salmonellae.

"Preservative" means any curing agent or curing accelerator (specific chemical agent that extends the shelf life of the product) that cures, accelerates color fixing or preserves color in meat or poultry products, including sodium nitrate or potassium nitrate, sodium nitrite or potassium nitrite, ascorbic acid, erythorbic acid, glucono delta lactone, sodium ascorbate, sodium erythorbate, citric acid, sodium citrate or sodium benzoate.

"Processing" means to manufacture, compound, intermix or prepare food products for sale or for customer service.

"Pushcart" means a non-self-propelled vehicle limited to serving non-potentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

"Ratite" means a flightless bird such as an emu, ostrich or rhea.

"Ready-to-eat food" means food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and

that is reasonably expected to be consumed in that form. Ready-to-eat food includes:

Unpackaged potentially hazardous food that is cooked to the temperature and time required for specific food under Section 750.180;

Washed and cut raw fruit and vegetables;

Whole raw fruits and vegetables that are intended for consumption without the need for further washing, such as at a buffet, but excluding whole raw fruits and vegetables offered for retail sale; and

Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

"Reconstituted" means dehydrated food products recombined with water or other liquids.

"Reduced-oxygen packaging" means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and a process that involves a food for which the hazards Clostridium botulinum or Listeria monocytogenes require control in the final packaged form. "Reduced oxygen packaging" includes:

Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package;

Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air, but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;

Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that, until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, non-respiring food, and impermeable packaging material;

Cook chill packaging, in which cooked food is hot filled into impermeable bags that have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychotrophic pathogens; or

Sous vide packaging, in which raw or partially cooked food is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychotrophic pathogens.

"Regulatory authority" means the State and/or local enforcement authority or authorities having jurisdiction over the food service establishment.

"Re-service" means the transfer to another person of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer.

"Restaurant" means any business, or type of food service establishment, *that is primarily engaged in the sale of ready-to-eat food for immediate consumption.* For the purpose of this definition, *"primarily engaged" means having sales of ready-to-eat food for immediate consumption comprising at least 51% of the total sales, excluding the sale of liquor.* (Section 3.06 of the Food Handling Regulation Enforcement Act)

"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component of or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in section 201(s) or (t) of the federal Food, Drug, and Cosmetic Act, they are "safe" only if they are used in compliance with regulations established pursuant to section 409 or 706 of the Food, Drug, and Cosmetic Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in section 201(s) or (t) of the

federal Food, Drug, and Cosmetic Act and are used in compliance with all applicable regulations of the Food, Drug, and Cosmetic Act that are incorporated by reference in Section 750.5 of this Part.

"Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of at least 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Shellfish control authority" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

"Shellstock" means raw in-shell molluscan shellfish.

"Showering" means a potable water spray with or without liquid smoke in the smoke house that, depending on when the water spray is applied, maintains humidity and flavors, decreases cooking time, promotes rapid cooling or reduces casing shrinkage.

"Shucked shellfish" means molluscan shellfish that have one or both shells removed.

"Single service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.

"Single-use articles" means utensils and bulk food containers designed and constructed to be used once and discarded. "Single-use articles" include items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, etc., and number 10 cans that do not meet the materials, durability, strength, and cleanability specification under Subpart D of this Part, specifically Sections 750.600, 750.630 and 750.650 for multi-use utensils.

"Smoke generator" means a piece of equipment attached or integral to a smoke

house that provides smoke to the smoke house, usually by slowly augering sawdust onto a heating element with the resulting smoke being drawn into the smoke house~~smokehouse~~.

"Smoke house" means a piece of equipment or room-sized enclosure used to conduct the smoking process, with a smoke source, adequate ventilation, heat and humidity source if necessary, approved plumbing and waste lines if necessary, support structures for the food products to be smoked and a method to determine internal product temperature.

"Smoking" means the process of subjecting meat cuts and other foods to an environment of heat and smoke generated from hardwood, hardwood sawdust, corn cobs or natural liquid smoke that has been transformed into a gaseous state by application of direct heat.

"Smooth" means a food-contact surface that is free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel; a nonfood-contact surface of equipment equal to that of commercial grade hot-rolled steel free of visible scale; and a floor, wall or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

"Special event" means a unique event at a particular location, such as a celebration, festival or fundraiser that occurs no more than twice a year.

"Tableware" means multi-use eating and drinking utensils.

"Temperature-measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air or water.

"Temporary food service establishment" means a food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

"Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale or service of food, such as kitchenware or tableware that is multi-use, single service or single use; gloves used in contact with food; temperature-sensing probes of food temperature measuring devices; and probe-type or identification tags used in contact with food.

"Variance" means a written document, issued by the regulatory authority, that authorizes a modification or waiver of one or more requirements of this Part if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the modification or waiver.

"Voluntary inspection" means an inspection of meat or poultry products that are not subject to the federal or State meat or poultry inspection laws, and for which the federal or State mark of inspection is requested.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART C: PERSONNEL

Section 750.570 Food Handler Training

All food handlers, other than someone holding a food service sanitation manager certificate, shall receive or obtain training in basic food handling principles as outlined in Subpart M. Food handlers working for a temporary food service establishment are exempt from this requirement.

(Source: Added at 38 Ill. Reg. _____, effective _____)

SUBPART M: FOOD HANDLER TRAINING

Section 750.3400 General Requirements

a) All food handlers, other than someone holding a food service sanitation manager certificate, shall receive or obtain training in basic food handling principles, as outlined in Section 750.3410, within 30 days after employment.

b) *The regulation of food handler training is considered to be an exclusive function of the State, and local regulation is prohibited*. (Section 3.05 of the Food Handling Regulation Enforcement Act)

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 750.3410 Course Content

a) Food handler training programs shall cover and assess knowledge of the following topics:

1) *The relationship between time and temperature with respect to foodborne illness, including the relationship between time and temperature and micro-organisms during the various food handling preparation and serving states, and the type, calibration, and use of thermometers in monitoring food temperatures.*

2) *The relationship between personal hygiene and food safety, including the association of hand contact, personal habits and behaviors, and the food handler's health to foodborne illness, and recognition of how policies, procedures and management contribute to improved food safety practices.*

3) *Methods of preventing food contamination in all stages of food handling, including terms associated with contamination and potential hazards prior to, during and after delivery.*

4) *Procedures for cleaning and sanitizing equipment and utensils.*

5) *Problems and potential solutions associated with temperature control, preventing cross-contamination*, and *housekeeping and maintenance.* (Section 3.05(b) of the Food Handling Regulation Enforcement Act)

b) All food handler training courses shall have an assessment of knowledge.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 750.3420 Course Approval

a) *If an entity uses an American National Standards Institute* (ANSI) *food handler training accredited program, that training program shall be automatically approved by the Department* (Section 3.06(e) of the Food Handling Regulation Enforcement Act).

b) *Certified local health departments in counties serving jurisdictions with a population of 100,000 or less, as reported by the U.S. Census Bureau in the 2010 Census of Population*, and the other six counties (Will, Kane, McHenry, Tazewell, Kendall and Macon) listed in the Act, may have a food handler training

program. *The training program must meet the requirements of* Section 750.3410 *and be approved by the Department.* (Section 3.06(f) of the Food Handling Regulation Enforcement Act) These certified local health departments with approved training programs can teach food handlers in restaurants and in food service establishments that are not restaurants only within the certified local health department's jurisdiction. The training program shall maintain a list of individuals trained for a minimum of five years from the date of the individuals' training.

c) Any entity can provide food handler training to employees working in a restaurant by using an ANSI accredited food handler training program, including the ANSI assessment. The entity shall register the training program with the Department using an application provided by the Department. The training program shall maintain a list of individuals trained for a minimum of five years from the date of the individuals' training.

d) *If a business with an internal training program is approved in another state prior to* August 27, 2013, *then the business' training program and assessment shall be automatically approved by the Department upon the business providing proof that the program is approved in* that state. (Section 3.06(c) of the Food Handling Regulation Enforcement Act) The business shall register the training program with the Department using an application provided by the Department. For the purpose of this Section, "business" means an organization that provides a food handler training program that was approved in another state prior to August 27, 2013.

e) Any entity can provide food handler training to employees working in a food service establishment that is not a restaurant by using a food handler training program that meets the training and assessment requirements listed in Section 750.3410. The entity providing the training program shall apply for Department approval using an application provided by the Department.

1) *Training may be conducted by any means available, including, but not limited to: on-line, computer, classroom, live trainers, remote trainers, and certified food service sanitation managers.* (Section 3.05(c) of the Food Handling Regulation Enforcement Act)

2) *There must be at least one commercially available approved food handler training module at a cost of no more than $15 per employee;* training may

include, but is not limited to, on-line, computer, classroom, live trainers, remote trainers and certified food service sanitation managers. *If an approved food handler training module is not available at that cost, then provisions of* this Section *shall not apply* and food handlers shall comply with Section 3.06 of the Food Handling Regulation Enforcement Act. (Section 3.05(c) of the Food Handling Regulation Enforcement Act)

f) *Any and all documents, materials, or information related to a restaurant or business food handler training module submitted to the Department is confidential and shall not be open to public inspection or dissemination and is exempt from disclosure under Section 7 of the Freedom of Information Act.* (Section 3.06(g) of the Food Handling Regulation and Enforcement Act)

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 750.3430 Requirements for Food Handlers

a) Food handlers employed by a restaurant:

1) *All food handlers employed by a restaurant, other than someone holding a food service sanitation manager certificate, shall receive or obtain ANSI accredited training* or Department approved training *in basic food handling principles*, as outlined in Section 750.3410, by December 31, 2014. *From July 1, 2014 through December 31, 2014, enforcement of the provisions of this Section shall be limited to education and notification of requirements to encourage compliance.* (Sections 3.06(b) and(i) of the Food Handling Regulation and Enforcement Act)

2) Existing employees shall receive training by July 1, 2014 and every three years after that date.

3) New employees shall receive training within 30 days after employment and every three years after the initial training.

4) Training is transferable between employers, except for training obtained through an internal training program.

b) Food handlers employed by a food service establishment that is not a restaurant:

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1) *All food handlers* employed by a food service establishment that is not a restaurant, *other than someone holding a food service sanitation manager certificate, shall receive or obtain training in basic food handling principles*, as outlined in Section 750.3410, by July 1, 2016. *From July 1, 2016 through December 31, 2016, enforcement of the provisions of this Section shall be limited to education and notification of the requirements to encourage compliance.* (Sections 3.05(a) and (e) of the Food Handling Regulation and Enforcement Act)

2) Existing employees shall receive training by July 1, 2016.

3) New employees shall receive training within 30 days after employment.

4) Training is not transferable between individuals or employers.

c) *All food handlers employed in nursing homes, licensed day care homes and facilities, hospitals, schools, and long-term care facilities must renew their training every three years.* (Section 3.06(b) of the Food Handling Regulation and Enforcement Act)

d) Kane County shall issue expirations of food handler training to food handlers in accordance with Section 3.06(b) of the Food Handling Regulation Enforcement Act starting July 1, 2014. If a food handler in Kane County received training prior to July 1, 2014, then the expiration of the certificate issued shall be valid. Upon expiration, the food handler shall obtain training in accordance with the frequency set forth in Section 3.06(b) of the Food Handling Regulation Enforcement Act.

e) *There is no limit to how many times an employee may take the training.* (Sections 3.05(a) and 3.06(b) of the Food Handling Regulation and Enforcement Act)

f) *Proof that a food handler has been trained* shall *be available upon reasonable request by a State or local health department inspector and may be in an electronic format.* (Sections 3.05(a) and 3.06(b) of the Food Handling Regulation and Enforcement Act)

(Source: Added at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Grade A Pasteurized Milk and Milk Products

2) Code Citation: 77 Ill. Adm. Code 775

3)

Section Numbers:	Proposed Action:
775.10	Amendment
775.20	Amendment
775.50	Amendment
775.115	New Section

4) Statutory Authority: Authorized by the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635] and the Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking will incorporate administrative procedures for the certified pasteurizer sealer program and the issuance of the certified pasteurizer sealer permit.

The certified pasteurizer sealer program allows the Department to authorize a permitted certified sealer, or an employee of the milk plant, to test and temporarily seal pasteurization equipment. The Department will then re-test and re-seal within 10 days.

The industry acknowledges that product produced could be recalled if the product was not pasteurized correctly during the time period from when the certified sealer tests and seals the pasteurization equipment to when the Department re-checks the equipment.

This rulemaking also makes a technical change to update a referenced document, the Grade A Pasteurized Milk Ordinance, to the most current version.

The economic effect of 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*.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Several documents that are incorporated by reference in this Part were used to compose this rulemaking. Documents that were used include the Grade A Pasteurized Milk Ordinance (PMO), the Methods of Making Sanitation Ratings of Milk Shippers (MMSR), the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration (FDA) Program of the National Conference on Interstate Milk

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Shipments and the incorporated sections of the Code of Federal Regulations and the Evaluation of Milk Laboratories, all published by the FDA.

7) Will this rulemaking replace any emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? Yes

10) Are there any other proposed rulemakings pending on this Part? Yes

Section Number:	Proposed Action:	*Illinois Register* Citation:
775.20	Amendment	38 Ill. Reg. 1794; January 17, 2014

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandates on units of local government.

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 IL 62761

217/782-2043
rules@idph.state.il.us

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Grade A Dairy Plants

B) Reporting, bookkeeping or other procedures required for compliance: There will be no change in the reporting, bookkeeping or other procedures required for compliance.

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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 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 m: FOOD, DRUGS AND COSMETICS

PART 775
GRADE A PASTEURIZED MILK AND MILK PRODUCTS

Section

775.1 Minimum Regulations (Renumbered)
775.10 Definitions
775.20 Incorporated and Referenced Materials
775.30 Minimum Requirements
775.40 Local Government Implementation
775.50 Permits
775.60 Suspension of Permits
775.70 Inspections and Investigations
775.80 Approval of Construction Plans
775.90 Administrative Hearings
775.100 Milk Hauler-Samplers Examination
775.110 Milk Tank Trucks
775.115 Certified Pasteurizer Sealer Program
775.120 Cleaning and Sanitizing Procedures
775.130 Action Levels for Added Water in Milk
775.140 Pesticide, Herbicide and Mycotoxin Residue Control Program (Repealed)
775.150 Drug Residue Control Program

AUTHORITY: Authorized by and implementing the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635] and the Illinios Food, Drug and Cosmetic Act [410 ILCS 620].

SOURCE: Adopted and codified at 8 Ill. Reg. 4190, effective March 16, 1984; amended at 11 Ill. Reg. 1464, effective February 1, 1987; amended at 12 Ill. Reg. 17925, effective December 1, 1988; amended at 17 Ill. Reg. 14015, effective August 15, 1993; amended at 19 Ill. Reg. 12271, effective August 10, 1995; amended at 22 Ill. Reg. 20633, effective November 10, 1998; amended at 25 Ill. Reg. 11904, effective September 1, 2001; amended at 25 Ill. Reg. 12629, effective September 25, 2001; amended at 27 Ill. Reg. 15979, effective October 1, 2003; amended at 32 Ill. Reg. 8432, effective May 21, 2008; amended at 35 Ill. Reg. 14193, effective August 2, 2011; amended at 37 Ill. Reg. 7166, effective May 13, 2013; amended at 38 Ill. Reg. _____, effective _____.

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Section 775.10 Definitions

In addition to the definitions contained in Section 1 of the Grade A Pasteurized Milk Ordinance (PMO), the following definitions shall apply:

"Act" means the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635].

"Applicant" means a person who formally applies to be a certified pasteurizer sealer or bulk milk hauler/sampler.

"Bulk milk pickup tank" means the tank, and those appurtenances necessary for its use, used by a milk hauler-sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station, or transfer station. (Section 3(b)(16) of the Act)

"Certified pasteurizer sealer" means a person who has satisfactorily completed a course of instruction and has demonstrated the ability to satisfactorily conduct all pasteurization control tests, as required by this Part. (Section 3(b)(17) of the Act and Section 2.39 of the Illinois Food, Drug and Cosmetic Act)

"Clarification" means an operational procedure that removes sediment from milk.

"Cleaning and sanitizing facility" means any place, premise or establishment where milk tank trucks are cleaned and sanitized. (Section 3(b)(15) of the Act)

"Cultured dairy products" means milk and milk products that have been soured after pasteurization using harmless lactic-acid-producing bacteria, food grade phosphoric acid, lactic acid, citric acid or hydrochloric acid, with or without rennet and/or other safe, suitable milk-clotting enzymes.

"Dairy farm" means any place or premise where one or more cows or goats are kept, and from which a part or all of the milk or milk products are provided, sold or offered for sale to a milk plant, transfer station, or receiving station. (Section 3(b)(1) of the Act)

"Department" means the Illinois Department of Public Health. (Section 3(b)(7) of the Act)

"Director" means the Director of the Illinois Department of Public Health. (Section 3(b)(8) of the Act)

"Downstream " means located after the automatic milk flow safety device in a high temperature short time (HTST) flow-diversion device.

"Embargo or hold for investigation" means a detention or seizure designed to deny the use of milk or milk products which may be unwholesome or to prohibit the use of equipment which may result in contaminated or unwholesome milk or dairy products. (Section 3(b)(9) of the Act)

"Enforcing agency" means the Illinois Department of Public Health or a unit of local government electing to administer and enforce the *Act as provided for in* the *Act.* (Section 3(b)(12) of the Act)

"Field representative" means a person qualified and trained in the sanitary methods of production and handling of milk as set forth in this Part, and generally employed by a processing or manufacturing plant for the purpose of doing quality control work.

"Grade A" means that milk and milk products are produced and processed in accordance with the current Grade A Pasteurized Milk Ordinance as adopted by the National Conference on Interstate Milk Shipments and the United States Public Health Service – Food and Drug Administration. The term Grade A is applicable to "dairy farm", "milk hauler-sampler", "milk plant", "milk product", "receiving station", "transfer station","bulk milk pickup tank", and "certified pasteurizer sealer" whenever used in the Act. (Section 3(a) of the Act)

"High temperature short time flow-diversion device" or "HTST flow-diversion device" means an automatic milk-flow safety device that controls the flow of milk in relation to the temperature of the milk or heating medium and/or pressure, vacuum, or other auxiliary equipment.

"Imminent hazard to the public health" means any hazard to the public health when the evidence is sufficient to show that a product or practice, posing or contributing to a significant threat of danger to health, creates or may create a public health situation that should be corrected immediately to prevent injury and that should not be permitted to continue while a hearing or other formal proceeding is being held. (Section 3(b)(10) of the Act)

"Milk" means the milk of cows or goats and includes skim milk and cream. (Section 3(b)(2) of the Act)

"Milkfat and Nonfat Solid Content Standards" means the standards set forth in 21 CFR 131.110. (See Section 775.20.)

"Milk hauler-sampler" means a person who is qualified and trained for the grading and sampling of raw milk in accordance with federal and State quality standards and procedures (Section 3(b)(14) of the Act) and *transports bulk raw milk for pasteurization from a dairy farm to a receiving station, transfer station, or milk plant.* (Section 3(b)(16)(A) of the Act)

"Milk plant" means any place, premise, or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, ultra-pasteurized, *aseptically processed* and packaged, condensed, dried, *or prepared for distribution.* (Section 3(b)(3) of the Act)

"Milk product" means any product including cream, light cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, sour cream, acidified sour *cream, cultured sour cream, half-and-half, sour half-and-half, acidified sour half-and-half, cultured half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products,* nonfat (*skim*) *milk,* reduced fat or *lowfat milk, frozen milk concentrate, eggnog, buttermilk, cultured milk, cultured* reduced fat or *lowfat milk or* nonfat (*skim*) *milk, cottage cheese* (including dry curd, reduced fat, lowfat, and nonfat), *yogurt, lowfat yogurt, nonfat yogurt, acidified milk, acidified* reduced fat or *lowfat milk, or* nonfat *(skim) milk, low-sodium milk, low-sodium* reduced fat *lowfat milk, low-sodium* nonfat (*skim*) *milk, lactose-reduced milk, lactose-reduced* reduced fat or *lowfat milk, lactose-reduced* nonfat (*skim) milk, aseptically processed and packaged milk and milk products, and milk,* reduced fat, *lowfat milk or* nonfat *(skim*) *milk with added safe and suitable microbial organisms* and any other milk product made by the addition or subtraction of milkfat or addition of safe and suitable optional ingredients for protein, vitamin or mineral fortification of milk products defined in this Section. (Section 3(b)(4) of the Act)

"Milk tank truck" is the term used to describe both a bulk or milk pickup tanker and a milk transport tank.

"Milk transport tank" means a vehicle, including the truck and tank used to transport bulk shipments of milk from a transfer station, receiving station or milk plant to another transfer station, receiving station or milk plant.

"Permit" means a document awarded to a person for compliance with the provisions of and under conditions set forth in the *Act* and this Part. (Section 3(b)(13) of the Act)

"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois, or any political subdivision or Department thereof, or any other entity. (Section 3(b)(11) of the Act)

"Quality assurance program" means the Milk and Dairy Beef Quality Assurance Program, Boeckman, Steve and Carlson, Keith R., Agri-Education Inc., Stratford, Iowa 50249 or equivalent program as determined by the Department.

"Receiving station" means any place, premise, or establishment where raw milk is received, collected, handled, stored or cooled and prepared for further transporting. (Section 3(b)(5) of the Act)

"Separation" means an operational procedure that removes butterfat from milk.

"Transfer station" means any place, premise, or establishment where milk or milk products are transferred directly from one milk tank truck to another. (Section 3(b)(6) of the Act)

"Violative drug residue" means a drug residue at or above the tolerance and/or safe levels as set forth in 21 CFR 556 and Appendix N of the PMO.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 775.20 Incorporated and Referenced Materials

a) The following regulations, guidelines and standards are incorporated in this Part:

1) Federal government guidelines:

A) The Grade A Pasteurized Milk Ordinance (PMO), and Appendices

A through R (except Sections 16 and 17) Recommendations of the United States Public Health Service/Food and Drug Administration, 2013~~2011~~ Revision (Publication 229). U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835. In addition, the jurisdiction name, left blank in Sections 1, 2, 3, 5, and 11 of the PMO, for the purposes of this Part, shall mean the State of Illinois; and the regulatory agency referred to in Section 1 shall mean the Illinois Department of Public Health. (See Section 775.30(a).)

B) Evaluation of Milk Laboratories (2011 Revision), U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835.

C) Methods of Making Sanitation Ratings of Milk Supplies (2011 Revision), U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835.

D) Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments (2011 Revision), U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835.

2) Private and professional standards:

A) Standard Methods for the Examination of Dairy Products (17th Edition, 2004, American Public Health Association, 1015 – 18th Street, N.W., Washington, D.C. 20036). (See Section 775.70(b).)

B) Official Methods of Analysis of the Association of Official Analytical Chemists (18th Edition, 2010, Association of Official Analytical Chemists, P.O. Box 540, Ben Franklin Station,

Washington, D.C. 20044). (See Section 775.70(b).)

3) Federal regulations:

A) 21 CFR 131.110, Milk (2011). (See Section 775.10, the definition of "milkfat and nonfat solid content standards".)

B) 21 CFR 556, Tolerances for Residues or New Animal Drugs in Food (2011). (See Section 775.10, the definition of "violative drug residue".)

C) 40 CFR 180, Tolerances and Exemptions from Tolerances for Pesticide Chemicals in Food (2011). (See Section 775.140(a)(1).)

b) The following rules and statutes are referenced in this Part:

1) Illinois Plumbing Code (77 Ill. Adm. Code 890), Illinois Department of Public Health. (See Section 775.30(c)(4).)

2) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100), Illinois Department of Public Health. (See Section 775.90.)

3) The Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115].

4) Illinois Administrative Procedure Act [5 ILCS 100].

c) All incorporations by reference of federal guidelines and regulations and the standards of professional organizations refer to the materials on the date specified and do not include any amendments or editions subsequent to the date specified.

d) All citations to federal regulations in this Part concern the specified regulation in the 2011 Code of Federal Regulations, unless another date is specified.

e) Copies of all incorporated materials are available for inspection and copying by the public at the Department's Central Office, Division of Food, Drugs, and Dairies, 525 West Jefferson Street, Springfield, Illinois 62761.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 775.50 Permits

It shall be unlawful for any person to establish, maintain, conduct, or operate a dairy farm, milk plant, receiving station, or transfer station processing milk or milk products, to establish and operate a cleaning and sanitizing facility or milk tank truck, to haul or sample milk, or to act as a certified pasteurizer sealer within this State, or to bring in and distribute from out-of-state milk and milk products without first obtaining a permit from the Department. (Section 5 of the Act)

a) The Department will grant and renew a permit for persons who maintain, conduct, or operate a milk plant, receiving station, transfer station, or cleaning and sanitizing facilities within the State of Illinois upon completion of an inspection that establishes compliance with the Act and this Part and upon payment of the fee required by Section 5.1 of the Act. Milk plants that maintain cleaning and sanitizing facilities on the same site as the plant do not have to obtain a separate permit for those facilities.

b) The Department will grant and renew a permit for persons who bring into and distribute pasteurized milk or milk products from another state that has administrative rules or requirements that provide for clean, sanitary and safe handling and processing of pasteurized milk and milk products to ensure protection equivalent to that provided by this Part upon receipt of an inspection report that establishes compliance with that state's administrative rules or requirements and upon payment of the fee required by Section 5.1 of the Act.

c) A permit will be granted to a milk hauler-sampler when the following conditions are met:

1) An inspection establishes that the milk hauler-sampler's equipment is in compliance with the provisions of the Act and this Part;

2) The milk hauler-sampler has successfully completed an~~and~~ examination administered by the Department; and

3) The milk hauler-sampler has paid the fee required by Section 5.1 of the Act.

d) A renewal permit will be granted to a milk hauler-sampler when an inspection establishes that the milk hauler-sampler's equipment and sampling procedures are

in compliance with the provisions of the Act and this Part and upon payment of the fee required by Section 5.1 of the Act.

e) Dairy Farm Permits

1) A dairy farm permit is necessary when a farm does not presently hold a permit, when a change of ownership occurs and only the farm owner's name was on the permit, or when a change of tenant occurs and only the former tenant's name was on the permit.

2) A dairy farm permit will be granted to a dairy farm upon the completion of an inspection that establishes compliance with the Act and this Part. The inspection includes procedures for the establishment of a quality record. The quality record is established by the results of four samples taken at a rate of not more than two per week and on separate days within a three-week period.

f) Certified Pasteurizer Sealer Permits will be issued in accordance with Section 775.115.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 775.115 Certified Pasteurizer Sealer Program

The Department will authorize milk plant personnel to test and temporarily seal pasteurization equipment, provided that the conditions in Item 16p.(D), Pasteurization Records, Equipment Tests and Examinations, 2- Equipment Tests and Examinations, of the Pasteurized Milk Ordinance (PMO) and the provisions of this Section are met. All milk plants with pasteurization equipment shall have one certified pasteurizer sealer by July 1, 2015.

a) The applicant shall contact the Department Regional Office responsible for the oversight of the milk plant where the applicant is employed. The application for a certified pasteurizer sealer permit shall consist of the following:

1) The name and address of the applicant;

2) The location of the milk plant where the applicant is employed; and

3) The type of pasteurization equipment that the applicant is applying to be certified to test and seal, in accordance with PMO Item 16p.(D).

b) Training, Examination and Evaluation Procedures

1) The certified pasteurizer sealer examination and evaluation shall consist of a training course and both a written examination and practical evaluation of testing and sealing pasteurization equipment as referenced in Appendix I of the PMO.

2) Training

A) Prior to taking the certified pasteurizer sealer written examination, the applicant shall attend a certified pasteurizer sealer training course approved and conducted by the Department.

B) The training shall be a minimum of eight hours in length, including an examination.

C) The Department will approve the training course based on the following criteria for course content:

i) Instruction on purpose and methodology for pasteurization equipment testing;

ii) Review of pasteurization and PMO Appendix I;

iii) Overview of requirements for testing of pasteurization equipment;

iv) Evaluation of definitions of processes used in pasteurization and explanation of components and instrumentation;

v) Analysis of flow diagrams and discussion of safe systems operation guidelines and importance; and

vi) Assessment of adjustments of each access point on the pasteurization equipment.

3) Written Examination

A) The written examination shall be administered at the Department Regional Office responsible for the oversight of the milk plant where the applicant is employed or at a location designated by the Department.

B) The minimum passing score for the written examination shall be 80%. If the applicant passes the examination, the Department will issue a training and examination certificate enabling the applicant to then complete the practical exam.

C) If the applicant fails the written examination, the Department will send a letter of failure. Once the applicant receives the letter of failure, the applicant shall contact the Department Regional Office responsible for oversight of the milk plant where the applicant is employed to schedule to re-take the examination.

D) The applicant shall be allowed to retake the examination twice in a six month time period from the date of the applicant's receipt of the letter of failure. The applicant shall not be allowed to retake the examination on the same day that the applicant fails the examination.

4) Practical Evaluation

A) The practical evaluation will be administered after the applicant has completed the Department-approved training course and passed the written examination. The Department will provide a copy of the certified pasteurizer sealer training course certificate and written examination to the Department Regional Office responsible for oversight of the milk plant where the applicant is employed to schedule the practical evaluation.

B) The practical evaluation will be administered on the pasteurization equipment at the milk plant where the applicant is employed and will be evaluated by the Department.

C) The practical evaluation will take place when the Department performs the quarterly pasteurizer equipment checks on each pasteurization system at the milk plant or plants where the applicant is employed.

D) The applicant shall demonstrate proficiency in all pasteurization control test procedures.

E) If the applicant passes the practical evaluation, the Department will issue a certified pasteurizer sealer permit.

F) If the applicant fails the practical evaluation, the Department will issue a letter of failure.

G) Once the applicant receives the letter of failure, the applicant shall contact the Department Regional Office responsible for oversight of the milk plant where the applicant is employed to re-schedule a practical evaluation. The applicant shall present the letter of failure to the Department Regional Office sanitarian in order to retake the practical evaluation.

H) The applicant shall be allowed to retake the practical evaluation twice in a six month time period from the date of the applicant's receipt of the letter of failure.

I) If the milk plant where the certified pasteurizer sealer is employed obtains a new pasteurizer, the certified pasteurizer sealer must pass a practical test on that new equipment to be approved to seal. Upon successful completion of the practical, the new equipment will be added to the certified pasteurizer sealer's permit.

J) The applicant shall be required to take the practical evaluation every 12 months to receive a renewed certified pasteurizer sealer permit.

c) Issuance of a Certified Pasteurizer Sealer Permit

1) The permit shall be valid only to the person to whom it is issued and shall not be subject to transfer.

2) The permit shall be issued to an applicant who has attended a minimum eight hour training course, passed the written examination and demonstrated proficiency in all pasteurization control test procedures.

3) The permit will list all of the pasteurization equipment that the applicant was certified to test and reseal.

4) The permit will expire on December 31 of each year. For applicants who receive their permits after September 1, the permit will expire on December 31 of the following year.

5) A renewal permit will be issued upon completion of an annual practical and payment of a $100 fee.

(Source: Added at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Tanning Facilities Code

2) Code Citation: 77 Ill. Adm. Code 795

3)

Section Numbers:	Proposed Action:
795.20	Amendment
795.30	Amendment
795.60	Amendment
795.100	Amendment
795.150	Amendment
795.180	Amendment

4) Statutory Authority: Authorized by the Tanning Facility Permit Act [210 ILCS 145]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is necessary to clean up language that has been determined to be unclear by tanning facility owners and operators and facility inspectors or is outdated.

The economic effect of 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*.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? Yes

10) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers:	Proposed Action:	*Illinois Register* Citation:
795.30	Amendment	38 Ill. Reg. 1801; January 17, 2014
795.40	Amendment	38 Ill. Reg. 1801; January 17, 2014
795.60	Amendment	38 Ill. Reg. 1801; January 17, 2014

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

795.130	Amendment	38 Ill. Reg. 1801; January 17, 2014
795.190	Amendment	38 Ill. Reg. 1801; January 17, 2014
795.220	Amendment	38 Ill. Reg. 1801; January 17, 2014

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandates on units of local government.

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 IL 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: Tanning facilities and other small businesses that include tanning equipment, such as health clubs, hair salons and video stores.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2014

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

PART 795
TANNING FACILITIES CODE

Section

795.10 Purpose and Scope
795.20 Incorporated and Referenced Materials
795.30 Definitions
795.40 Exemptions
795.50 Liability
795.60 Application for Permit to Operate a Tanning Facility
795.70 Issuance of Permit to Operate a Tanning Facility
795.80 Expiration of Permit to Operate a Tanning Facility
795.90 Renewal of Permit to Operate a Tanning Facility
795.100 Report of Changes
795.110 Non-Transfer of Permit
795.120 Approval Not Implied
795.130 Denial, Suspension, Revocation or Non-Renewal of a Permit to Operate a Tanning Facility
795.140 Hearings
795.150 Construction and Operation of Tanning Facilities
795.160 Additional Requirements for Stand-Up Booths
795.170 Protective Eyewear
795.180 Operators
795.190 Records
795.200 Injury Reports
795.210 Sanitation
795.220 Enforcement and Penalties
795.APPENDIX A Examples of Human Skin Types
795.APPENDIX B Determination of Skin Types

AUTHORITY: Implementing and authorized by the Tanning Facility Permit Act [210 ILCS 145].

SOURCE: Adopted at 16 Ill. Reg. 19895, effective December 7, 1992; emergency amendment at 19 Ill. Reg. 11648, effective August 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 2422, effective February 1, 1996; amended at 38 Ill. Reg. _____, effective _____.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 795.20 Incorporated and Referenced Materials

The following materials are incorporated or referenced~~by reference~~ in this Part:

a) Federal Laws and Rules

1) ~~The~~ Federal Food, Drug and Cosmetic Act (21 USC~~U.S.C.~~ 301 et seq.)

2) 21 CFR 801 Labeling (1992)

3) 21 CFR Subchapter J Radiological Health (1992)

4) 21 CFR 1003 Notification of Defects and Failure to Comply (1992)

5) 21 CFR 1010 Performance Standards for Electronic Products: General (1992)

6) 21 CFR 1040.20 Sunlamp products and ultraviolet lamps intended for use in sunlamp products (1992)

b) State Laws and Rules

1) Section 26-4 of the Criminal Code of 2012 [720 ILCS 5/26-4]~~1961, as amended by P.A. 87-970, effective July 1, 1992~~

2) ~~The~~ Illinois Food, Drug and Cosmetic Act [410 ILCS 620]~~(Ill. Rev. Stat. 1991, ch. 56½, pars. 501 et seq.)~~

3) ~~The~~ Department of Public Health Act [20 ILCS 2305]~~(Ill. Rev. Stat. 1991, ch. 111½, pars. 22 et seq.)~~

4) ~~The~~ Local Health Protection Grant Rules~~Departments Program Standard Code~~ (77 Ill. Adm. Code 615)

5) ~~The~~ Illinois Plumbing Code (77 Ill. Adm. Code 890)

6) ~~The~~ Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)

7) Tanning Facility Permit Act [210 ILCS 145]

c) Codes and Standards

~~1)The National Electrical Code, 1990, National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy MA 02269-9101, telephone 1-800-344-3555.~~

~~2)~~Standard for Portable Sun/Heat Lamps, UL 482, Ninth~~Sixth~~ Edition, September 2, 2005~~July 6,1987~~, http://www.ul.com/global/eng/pages/solutions/standards/accessstandards/catalogofstandards/standard/?id=482_9, Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook IL 60062.

d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions~~additions or deletions~~ subsequent to the date specified.

e) Nothing in this Part shall relieve any person of responsibility for compliance with other pertinent Illinois and federal laws and regulations.

f) Copies of these materials shall be on file and available for inspection by the public at the Department's central office (525 West Jefferson Street, Springfield IL 62761)

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 795.30 Definitions

The definitions and interpretations contained in section~~Section~~ 201 of the Federal Food, Drug and Cosmetic Act ~~(21 U.S.C. 301 et seq.)~~, 21 CFR 1040.20, and the Illinois Food, Drug and Cosmetic Act ~~[410 ILCS 620]~~ are applicable to such items when used in this Part. The following definitions shall also apply:

"Act" means the Tanning Facility Permit Act ~~[210 ILCS 145]~~.

"Agent" means a local health department recognized by the Department.

"Applicant" means any person who applies to the Department for a permit to

maintain and operate a tanning facility.

"Change of ownership" means any of the following:

In the case of a tanning facility owned by a corporation, the transfer of the facility by the corporation to another corporation, to a partnership or association, or to a natural person. Transfer of stock in a corporation does not constitute change of ownership.

In the case of a tanning facility owned by a partnership or association, the transfer of the facility by the partnership or association to another partnership or association, to a corporation, or to a natural person. Transfer of interest in the partnership or association or substitution of any or all partners or members of the association does not constitute change of ownership.

In the case of a tanning facility owned by a natural person, the transfer of the facility to any corporation, partnership, association or other natural person whether or not the owner retains any interest in the facility.

"Consumer" means any member of the public who is provided access to a tanning facility in exchange for a fee or other compensation, or any individual who, in exchange for a fee or other compensation, is afforded use of a tanning facility as a condition or benefit of membership or access. (Section 5 of the Act)

"Department" means the Illinois Department of Public Health or other health authority designated as its agent. (Section 5 of the Act)

"Director" means the Director of Public Health or his or her *designee*. (Section 5 of the Act)

"Disinfect" or "disinfection" means a process that~~which~~ provides an effective concentration of a United States Environmental Protection Agency approved chemical for enough time as specified by the manufacturer to reduce bacterial count, including pathogens, to a safe level (when those disease organisms that~~which~~ may be present are destroyed so as to prevent transfer) on tanning equipment surfaces and in toilet and hand-washing~~handwashing~~ facilities.

"Existing facility" means a tanning facility that submitted an application for a

permit to operate a tanning facility on or before March 8, 1993 and remains in operation with an unexpired tanning facility permit at the same location under the same ownership as listed in the original tanning facility permit application.

"Expired facility" means a previously permitted tanning facility that has not renewed its tanning facility permit on or before the expiration date of the ~~said~~ permit, except as provided in the definition of new facility.

"Extensively remodeled" means conversion of an existing structure for use as a tanning facility; structural additions or alterations to existing facilities; or changes, modifications or extensions of plumbing or electrical systems, excluding routine maintenance of the~~such~~ systems.

"Facility" means tanning facility.

"Fee" means the payment or exchange of goods, or anything of value, for the use of the tanning facility or facilities. (Section 5 of the Act)

"Individual" means any human being.

"Injury" means any circumstance or incident, resulting from the use of a tanning device, that~~which~~ prompts a consumer to seek professional medical attention.

"Inspection" means an official examination or observation that~~which~~ includes, but is not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements and conditions of the Department.

"Licensee" means the same as "permittee~~permitee~~".

"New facility" includes any tanning facility that submitted an initial application for a tanning facility permit on or after March 9, 1993. Previously permitted facilities that have changed location or ownership are considered to be new facilities upon their relocation or change of ownership. Expired facilities that fail to renew their tanning facility permit within 90 days after the permit expiration shall be considered new facilities.

"Operator" means the trained *person designated by the licensee for the facility* to control the operation of a tanning facility in compliance with the Act and this Part and *to assist and instruct the public in the correct operation of the tanning facility*

and its equipment. (Section 5 of the Act)

"Other compensation" means the payment or exchange of goods, or anything of value, for use of the tanning facility or facilities. (Section 5 of the Act)

"Permanent" means a minimum of five years for records related to an adult and a minimum of five years past the last attendance date~~emancipation~~ for records related to a minor.

"Permit" means a permit issued by the Department in accordance with this Part.

"Permittee~~Permitee~~" means any person who is licensed by the Department in accordance with this Part.

"Person" means any individual, corporation, partnership, firm, association, society, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency of the State or political subdivision~~thereof~~, and any legal successor, representative, agent, or agency of the foregoing.

"Photosensitizing agent" means any food, drug, cosmetic, toiletry or other substance, whether ingested or topically applied, that~~which~~ may induce hypersensitivity of an individual to exposure to the sun or other sources of ultraviolet radiation, resulting in inflammation of the skin and its underlying structures, often accompanied by edema.

"Protective eyewear" means eyewear that has been designed and tested in accordance with ~~the provisions set forth in~~ 21 CFR 1040.20. The~~Such~~ protective eyewear must have been determined to allow for the required protection to ultraviolet radiation while also allowing for adequate vision to maintain balance and location of the tanning equipment's 'emergency cut-off' switch.

"Radiation" means ultraviolet radiation.

"Radiation machine" means any device capable of producing radiation.

"Registrant" means any person who obtains a permit or other entitlement from the Department~~Agency~~, and who is obligated to obtain the~~such~~ permit or other entitlement from the Department pursuant to the Act and this Part.

"Registration" means registration with the Department in accordance with this Part.

"Tanning equipment" means sunlamp products and ultraviolet lamps intended to induce skin tanning through the irradiation of any part of the living body. (Section 5 of the Act) Tanning equipment includes, but is not limited to, protective eyewear, accurate timers, original equipment lamp type, protective barriers, handrails, warning labels, recommended exposure schedules, and recommended exposure distances. Tanning equipment shall be manufactured in accordance with 21 CFR 1040.20.

"Tanning facility" or "tanning~~Tanning~~ facilities" means a room or a booth or a group of rooms or booths, structure or business *that houses ultraviolet lamps or products containing lamps intended for the irradiation of any part of the living body for cosmetic or nonmedical related purposes but does not include any hotel or motel guest rooms where sunlamps are installed in the restroom area*. (Section 5 of the Act)

"Ultraviolet radiation" means electromagnetic radiation with wavelengths in air between ~~two hundred (~~200~~) nanometers~~ and ~~four hundred (~~400~~)~~ nanometers.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 795.60 Application for Permit to Operate a Tanning Facility

a) Prior~~Each person having a tanning facility in operation on the effective date of this Part shall apply to the Department for a permit to operate such facility within 90 days following the effective date of this Part or, thereafter, prior~~ to acquiring or establishing the operation of a tanning facility, application~~. Application~~ for a~~the~~ permit shall be completed on forms prescribed by and available from the Department and shall contain all of the information required by the form (see subsection (c)) and any accompanying instructions. Unless otherwise stated, the term "application" as used in this Part~~therein~~ shall include original and renewal applications.

b) If~~In the event of~~ a change of ownership occurs, the new owner shall apply for a permit to operate a tanning facility prior to taking possession of the property. A provisional permit may be issued by the Department until an initial inspection for

a permit can be performed by the Department or its designated agent.

c) The Department shall require at least the following information on the Application for Permit to Operate a Tanning Facility form:

1) Name~~name~~, physical address, mailing address and telephone number or numbers~~number(s)~~ of the following:

A) The~~the~~ tanning facility;

B) The~~the~~ applicant (owner or owners~~owner[s]~~) of the tanning facility;

2) The~~the~~ manufacturer, model number, serial number, and year~~ and month~~ of manufacture~~, and type of each ultraviolet lamp or piece~~ of tanning equipment located within the facility;

3) The~~the~~ primary function of the business in which the tanning facility is located;

4) The~~the~~ geographic areas within the State to be covered, if the facility is mobile;

~~5) copies of any posted warnings or other notices which are not required by this Part and which address the safe or proper use of tanning equipment and protective devices;~~

~~6) copies of consent forms and statements which consumers, parents or guardians will be required to sign pursuant to this Part;~~

~~7) names and addresses of the tanning equipment supplier(s), installer(s), and service agent(s);~~

5)~~8)~~ A~~a~~ copy of the operating procedures to be used in the tanning facility;

6)~~9)~~ The~~the~~ hours of operation of the tanning facility; and

~~10) the name of the on-site manager of the tanning facility;~~

7)~~11)~~ A~~a~~ signed and dated certification that the applicant has received, read and understood the requirements of this Part. Electronic signatures shall be acceptable for online application submission when an online application is made available by the Department.

d) Each applicant shall provide ~~such~~ additional information as the Department may reasonably require.

e) Each initial application shall be submitted with a nonrefundable $250 fee.

f) Each annual renewal application shall be submitted with a nonrefundable $150 fee, except that each expired facility shall pay a nonrefundable $250 fee for renewal of the permit.

g) If the owner owns or operates more than one tanning facility, the owner shall file a separate application and submit a separate fee for each facility owned and operated.

h) Expired facilities that fail to pay a nonrefundable $250 permit renewal fee within 90 days after the permit expiration shall submit a new permit application and comply with requirements for new facilities in order to receive a tanning facility permit.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 795.100 Report of Changes

a) The facility owner shall notify the Department in writing before making any change that~~which~~ would render the information in the application, reported pursuant to Section 795.60, no longer accurate. This requirement shall not apply to changes involving replacement of the original equipment lamp types that~~which~~ have been determined to be compliant or lamps designed to meet the criteria as being "compatible" with the provisions set forth in 21 CFR 1040.20.

b) The facility owner shall maintain, at the facility, manufacturer's literature or federal Food and Drug Administration certification demonstrating the equivalency of any replacement lamps.

c) The facility shall maintain a log noting the date of installation, the location in the

unit, and a description (lamp name, model or serial designation) of all replacement lamps~~bulbs~~ in each piece of tanning equipment.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 795.150 Construction and Operation of Tanning Facilities

Each~~Unless otherwise ordered or approved by the Department, each~~ tanning facility shall be constructed, operated~~,~~ and maintained to meet the following minimum requirements:

a) Physical facilities
~~1)~~The following warning sign, provided by the Department, shall be conspicuously posted ~~in the immediate proximity (~~within 3 feet~~)~~ of each piece of tanning equipment; it shall be readily legible, clearly visible, and not obstructed by any barrier, equipment, or other item so that the user can easily view the warning sign before energizing the ultraviolet light generating equipment:

Danger – Ultraviolet Radiation. (This indented heading must be in upper case letters.)

- Follow instructions.

- Avoid too frequent or lengthy exposure. As with natural sunlight, exposure to a sunlamp may cause eye and skin injury, sunburn and allergic reactions. Repeated overexposure may cause chronic damage characterized by wrinkling, dryness, premature aging of the skin, and skin cancer.

- Wear protective eyewear.

- Failure to use protective eyewear may result in severe burns or long-term injury to the eyes. (This sentence must be in upper case letters.)

- Ultraviolet radiation from sunlamps enhances the effects of the sun. Do not sunbathe before or after exposure to ultraviolet radiation.

- Abnormal or increased skin sensitivity or burning may be caused by certain foods, medications (including, but not limited to tranquilizers, diuretics, antibiotics, high blood pressure medication, birth control pills,

and skin creams), cosmetics or toiletries. Consult a physician or pharmacist before using a sunlamp if you are using prescription or non-prescription medications, have a history of skin problems, or believe yourself especially sensitive to sunlight. Pregnant women and women on birth control pills who use a tanning device may develop discolored skin.

- If you do not tan in the sun, you are unlikely to tan from the use of this product.

- Use of a tanning device may not provide a protective base in regard~~regards~~ to sun exposure.

~~2) The lettering on each warning sign shall be at least ⅜ inches high for all words shown in capital letters and at least 3/16 inches high for all lower-case letters.~~

b) Requirements for Tanning Devices

1) Only tanning equipment manufactured in accordance with ~~the provisions set forth in the Code of Federal Regulations (CFR)~~ 21 CFR 1040.20, ~~entitled~~ "Sunlamp products and ultraviolet lamps intended for use in sunlamp products~~,~~", shall be used in tanning facilities.

2) Each piece of tanning equipment shall have a timer that~~which~~ complies with ~~the requirements of~~ 21 CFR 1040.20(c)(2). The maximum timer interval shall not exceed the manufacturer's maximum recommended exposure time. A~~No~~ timer interval shall not have an error greater than plus or minus 10% of the maximum timer interval for the product.

3) Each piece of tanning equipment shall have~~incorporate~~ a control ~~on the device~~ to enable the consumer to manually terminate radiation without physically disengaging the electrical power or having contact with the ultraviolet lamp or lamp sockets.

4) All tanning equipment electrical circuits shall be labeled with the symbol of ~~listed by~~ the Underwriters Laboratory (UL), Electrical Testing Laboratories (ETL), Applied Research Laboratories (ARL) or Canadian Standards Association (CSA) or an~~its~~ equivalent.

~~5)~~ ~~Tanning equipment shall meet the requirements of the National Fire Protection Association's National Electrical Code and shall have been inspected and have satisfied all the local electrical code requirements.~~

5~~6~~) Physical~~There shall be physical~~ barriers shall be in place to protect consumers from injury induced by touching or breaking the lamps. Each ultraviolet lamp shall be shielded to prevent contact with the consumer. Plastic sheaths inserted over individual lamps are not acceptable physical barriers~~ to ensure that consumers do not come into contact with lamps~~.

6~~7~~) Each tanning facility shall be ~~so~~ equipped to dissipate heat so that the ambient temperature does not exceed ~~one hundred degrees Fahrenheit (~~100° F~~.)~~ or ~~thirty-eight degrees Celsius (~~38° C~~.)~~.

7~~8~~) Defective or burned-out lamps, bulbs or filters shall be replaced with a lamp, bulb or filter~~type~~ of the same spectral ultraviolet distribution intended for use in that device as specified on the product label on the tanning equipment, or~~,~~ with equivalent lamps, bulbs or filters that have been determined to meet the requirements and specifications of~~as being "equivalent" in accordance with~~ 21 CFR 1040.20.

8~~9~~) Floors in rooms containing tanning equipment are to be constructed of nonabsorbent, easily cleanable materials. New tanning facilities shall not include carpeting in rooms containing tanning equipment. Existing facilities with carpeting in rooms containing tanning equipment shall remove the carpeting~~ from such rooms~~ whenever the facilities are ~~extensively~~ remodeled.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 795.180 Operators

a) All employees designated as operators shall be trained on the correct and compliant operation of the facility and its equipment. ~~All operators shall have received training by July 1, 1993.~~ Employees ~~hired on or after July 1, 1993,~~ shall not be allowed to work as operators until they have completed the required training. Training~~Such training~~ shall include:

1) Knowledge~~knowledge~~ of the requirements of this Part and of 21 CFR

1040.20;

2) Interpretation of recommended exposure schedules as included by manufacturers on equipment labels;~~proper use of U.S.F.D.A. Recommended Exposure Schedule;~~

3) Procedures~~procedures~~ for correct operation of the tanning facility;

4) Recognition~~recognition~~ of injuries and the facility's procedures of handling~~ such~~ injuries from overexposure to ultraviolet radiation;

5) Manufacturer's~~manufacturer's~~ procedures for operation and maintenance of the tanning device;

6) Use~~use~~ of protective eyewear;

7) Emergency~~emergency~~ procedures in case of injury;

8) Effects~~effects~~ of ultraviolet radiation, effects of acute and chronic exposure, biological effects, and health risks;

9) Photosensitizing~~photosensitizing~~ agents; and

10) The~~the~~ six different skin types, in accordance with Appendices A and B~~ of this Part~~.

b) The facility shall maintain a~~A~~ list of the facility's operators who have been trained in accordance with subsection ~~Section 795.180~~(a), noting the date of training, hours spent in training and specific materials used in training. The list~~,~~ shall be ~~maintained and~~ available at the facility for inspection by the Department or its designated agent.

c) A trained operator shall be present at the tanning facility during all operating hours,~~ and/or~~ while tanning equipment is in operation. Consumers~~No consumer~~ shall not be allowed to use the tanning equipment in the absence of a trained operator.

d) The operator shall instruct the consumer in the proper position to be maintained in relation to the tanning lamps; the position of the safety railing, if applicable; the

manual switching device to terminate the radiation in case of emergency and reasonable exposure time.

e) Operators shall limit each consumer to the maximum exposure time as recommended by the manufacturer, taking the consumer's skin type into consideration. Operators shall not allow use of tanning equipment by consumers who have used the services of a tanning facility within the immediately previous ~~twenty-four (~~24~~)~~ hours.

f) Operators shall keep a list of emergency telephone numbers in view at each tanning facility. This list shall include the telephone numbers of the following:

1) Closest~~closest~~ hospital;

2) Fire~~fire~~ department; and

3) Emergency~~emergency~~ medical services or 911 service, if available.

g) The operator shall maintain a list of common photosensitizing agents available for inspection by consumers.

h) An~~No~~ establishment shall not provide for the use of tanning equipment operated via tokens in the absence of a trained operator.

i) A~~No~~ facility shall not sell, or otherwise make available to any individual, tokens used to operate tanning equipment in quantities greater than the tanning equipment manufacturer's maximum recommended exposure time for the individual.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Motor Fuel Tax

2) Code Citation: 86 Ill. Adm. Code 500

3)

Section Numbers:	Proposed Action:
500.100	Amendment
500.200	Amendment
500.335	Amendment

4) Statutory Authority: Implementing the Motor Fuel Tax Law, 35 ILCS 505

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends provisions in Part 500 (Motor Fuel Tax) to establish a formula that accurately converts cubic feet or pounds of compressed natural gas (CNG) to gallons for purposes of calculating motor fuel tax/motor fuel use tax. Motor fuel tax is calculated on a per gallon basis. The need for this rulemaking arises because CNG is not sold on a per gallon basis; instead, it is sold at an established price per cubic foot or pound. It is necessary to provide taxpayers with a conversion factor so that tax can be properly applied. These changes incorporate the standards adopted for use by the International Fuel Tax Agreement; those standards are also generally accepted for use by industry and government.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Jerilynn T. Gorden
Deputy General Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Retailers who sell CNG and consumers who purchase same.

B) Reporting, bookkeeping or other procedures required for compliance: Basic bookkeeping

C) Types of professional skills necessary for compliance: Bookkeeping

14) Regulatory Agenda on which this rulemaking was summarized: January 2014

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 500
MOTOR FUEL TAX

SUBPART A: DEFINITIONS

Section
500.100 Definitions
500.101 Definition of Receiver (Repealed)
500.102 Definition of Loss (Repealed)
500.103 Basis and Rate of Tax Payable by Receivers (Recodified)
500.105 Monthly Returns (Recodified)
500.110 Report of Loss of Motor Fuel (Recodified)
500.115 Daily Gallonage Record (Recodified)
500.120 Licenses Are Not Transferable (Recodified)
500.125 Changes of Corporate Officers (Recodified)
500.130 Blenders' Permits Are Not Transferable (Recodified)
500.135 Vehicles of Distributors Transporting Petroleum Products (Recodified)
500.140 Other Vehicles (Recodified)
500.145 Cost of Collection – Determination (Recodified)
500.150 Cost of Collection – Books and Records (Repealed)
500.155 Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers (Recodified)
500.160 Claims for Refund – Original Invoices (Recodified)
500.165 Definition of Loss (Recodified)
500.170 Sales of Special Fuel – Variation in Usage (Recodified)
500.175 Special Motor Fuel Permits and Decals (Recodified)
500.180 Estimated Claims Not Acceptable (Recodified)
500.185 Claimants Owning Motor Vehicles (Recodified)
500.190 Detailed Answers (Recodified)
500.195 Revocation of License, Etc. – Notice – Hearing (Recodified)

SUBPART B: MOTOR FUEL TAX

Section
500.200 Basis and Rate of the Motor Fuel Tax
500.201 Licensure

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

500.202 Basis and Rate of Tax Payable by Receivers
500.203 Monthly Returns
500.204 Report of Loss of Motor Fuel
500.205 Daily Gallonage Record
500.206 Special Fuel Sold or Used for Non-Highway Purposes
500.210 Documentation of Tax-free Sales of Motor Fuel Made by Licensed Distributors and Suppliers
500.215 Documentation of Tax-free Sales of Fuel Made by Licensed Receivers
500.220 Vehicles of Distributors Transporting Petroleum Products (Repealed)
500.225 Other Vehicles (Repealed)
500.230 Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers
500.235 Claims for Refund of Taxes and Motor Fuel Use Tax Decal Fees – Invoices
500.240 Sales of Special Fuel – Variation in Usage (Repealed)
500.245 Estimated Claims
500.250 Claimants Owning Motor Vehicles (Repealed)
500.255 Detailed Answers
500.260 Revocation of License, Etc. – Notice – Hearing
500.265 Distributors' and Suppliers' Claims for Credit or Refund
500.270 Receivers' Claims for Credit
500.275 Procedure When Tax-Paid Motor Fuel is Returned to Licensee for Credit
500.280 Sales of Motor Fuel to Municipal Corporations Owning and Operating Local Transportation Systems
500.285 Sales of Motor Fuel to Certain Privately-Owned Public Utilities Owning and Operating Transportation Systems in Metropolitan Areas
500.290 When Purchaser's License Number With Department on Invoices Covering Sales of Special Fuel is Required (Repealed)
500.295 Cost of Collection – Determination (Repealed)
500.297 Protest Procedures for Certain Penalties
500.298 Civil Penalties for Dyed Diesel Fuel Violations

SUBPART C: MOTOR FUEL USE TAX

Section
500.300 Licensure – Temporary Waiver upon Determination of Disaster
500.301 Special Motor Fuel Permits and Decals (Repealed)
500.302 Motor Carrier's Quarterly Report (Repealed)
500.305 Licenses and Decals
500.310 Display of License and Decals

500.315 Renewal of Decals and Licenses
500.320 Single Trip Permits
500.325 Licensure of Lessors and Lessees
500.330 Cancellation of License
500.335 Quarterly Payment and Reporting
500.340 Credits and Refunds
500.345 Records Requirements
500.350 Revocation
500.355 IFTA Protest Procedures
500.360 Audits

SUBPART D: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section
500.400 General Information
500.405 Due Date That Falls on Saturday, Sunday or a Holiday

SUBPART E: GENERAL REQUIREMENTS APPLICABLE TO ALL LICENSES AND PERMITS ISSUED UNDER THE MOTOR FUEL TAX LAW

Section
500.500 Licenses and Permits Are Not Transferable
500.501 Blenders' Permits Are Not Transferable (Repealed)
500.505 Changes of Corporate Officers

SUBPART F: INCORPORATION BY REFERENCE OF RETAILERS' OCCUPATION TAX

Section
500.600 Incorporation of the Retailers' Occupation Tax Regulations by Reference

AUTHORITY: Implementing the Motor Fuel Tax Law [35 ILCS 505] and authorized by Section 2505-20 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-20].

SOURCE: Adopted July 3, 1931; amended at 2 Ill. Reg. 1, p. 97, effective December 31, 1978; amended at 3 Ill. Reg. 13, p. 98, effective March 25, 1979; amended at 4 Ill. Reg. 28, p. 568, effective June 1, 1980; codified at 8 Ill. Reg. 8612; amended at 10 Ill. Reg. 4540, effective February 28, 1986; amended at 11 Ill. Reg. 10295, effective May 18, 1987; emergency amendment at 13 Ill. Reg. 13271, effective August 7, 1989, for a maximum of 150 days; emergency expired January 4, 1990; amended at 14 Ill. Reg. 6826, effective April 19, 1990;

amended at 15 Ill. Reg. 6305, effective April 16, 1991; amended at 15 Ill. Reg. 13538, effective August 30, 1991; recodified at 18 Ill. Reg. 4451; amended at 19 Ill. Reg. 3008, effective February 28, 1995; amended at 19 Ill. Reg. 17195, effective December 18, 1995; amended at 20 Ill. Reg. 10168, effective July 16, 1996; amended at 22 Ill. Reg. 2253, effective January 9, 1998; amended at 22 Ill. Reg. 14917, effective August 3, 1998; amended at 22 Ill. Reg. 16322, effective August 25, 1998; amended at 22 Ill. Reg. 20299, effective December 1, 1998; emergency amendment at 24 Ill. Reg. 880, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6918, effective April 21, 2000; amended at 24 Ill. Reg. 17826, effective November 28, 2000; amended at 26 Ill. Reg. 9912, effective June 24, 2002; amended at 27 Ill. Reg. 7870, effective April 21, 2003; emergency amendment at 27 Ill. Reg. 10547, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 3921, effective February 13, 2004; amended at 32 Ill. Reg. 7134, effective April 21, 2008; amended at 36 Ill. Reg. 6677, effective April 12, 2012; amended at 38 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 500.100 Definitions

For purposes of this Part, the following definitions apply:

"Base Jurisdiction" means the jurisdiction where commercial motor vehicles are based for vehicle registration purposes and:

Where the operational control and operational records of the licensee's commercial motor vehicles are maintained or can be made available; and

Where some travel is accrued by commercial motor vehicles within the fleet.

"Blender" *means any person who engages in the practice of blending.* (Section 1.6 of the Law)

"Blending" *means the mixing together by any process whatsoever, of any one or more products with other products, and regardless of the original character of the products so blended, provided the resultant product so obtained is suitable or practicable for use as a motor fuel, except such blending as may occur in the process known as refining by the original refiner of crude petroleum, and except, also, the blending of products known as lubricating oil in the production of*

lubricating oils and greases and except, also, the dyeing of special fuel as required by Section 4d of the Law. (Section 1.5 of the Law)

"Commercial Motor Vehicle" means *a motor vehicle used, designed, or maintained for the transportation of persons or property and either having 2 axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds or 11,793 kilograms, or having 3 or more axles regardless of weight, or that is used in combination, when the weight of the combination exceeds 26,000 pounds or 11,793 kilograms gross vehicle weight.* For purposes of administration of the Motor Fuel Use Tax imposed by Section 13a of the Law, this term does not include motor vehicles operated by the State of Illinois or the United States, recreational vehicles, school buses and commercial motor vehicles operated solely within Illinois for which all motor fuel is purchased within this State. (Section 1.16 of the Law)

"Designated inspection site" *means any State highway inspection station, weigh station, agricultural inspection station, mobile station, or other location designated by the Department to be used as a fuel inspection site. A designated inspection site will be identified as a fuel inspection site.* (Section 1.26 of the Law)

"Diesel fuel" means *any product intended for use or offered for sale as a fuel for engines in which the fuel is injected into the combustion chamber and ignited by pressure without electric spark.* (Section 2(b) of the Law)

"Distributor" *means a person who (i) produces, refines, blends, compounds or manufactures motor fuel in this State, or (ii) transports motor fuel into this State, or (iii) exports motor fuel out of this State, or (iv) who is engaged in this State in the distribution of motor fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he* or she *has active bulk storage capacity of not less than 30,000 gallons for gasoline as defined in Section 5(A) of the Law.* (Section 1.2 of the Law)

"Dyed diesel fuel" *means special fuel, as defined in Section 1.13 of the Law, dyed in accordance with Section 4d of the Law.* (Section 1.13B of the Law)

"Export" means the transportation of reportable motor fuel or fuel, by any vessel, from Illinois, when the motor fuel or fuel comes to rest in a different state, whether or not in the original vessel used to transport the motor fuel or fuel.

Motor fuel or fuel delivered to a different state, by or on behalf of the seller, constitutes an export by the seller. Motor fuel or fuel delivered to a different state, by or on behalf of the purchaser, constitutes an export by the purchaser. The exporter of the motor fuel or fuel is subject to the reporting and licensing requirements of the origin and destination states.

"Fuel" means *all liquids defined as "motor fuel"* and aviation fuels and kerosene, but excluding liquified petroleum gases. (Section 1.19 of the Law)

"Gallon" means, in addition to its ordinary meaning, its equivalent in a capacity of measurement of substance in a gaseous state (Section 1.8 of the Law). For purposes of this Part, a gallon is equal to a liquid measurement of 4 quarts or 3.785 liters.

"Import" means the transportation of reportable motor fuel or fuel, by any vessel, into Illinois, when the motor fuel or fuel comes to rest in Illinois, whether or not in the original vessel used to transport the motor fuel or fuel. Motor fuel or fuel delivered into Illinois, from a different state, by or on behalf of the seller, constitutes an import by the seller. Motor fuel or fuel delivered into Illinois, from a different state, by or on behalf of the purchaser, constitutes an import by the purchaser. The importer of the motor fuel or fuel is subject to the reporting and licensing requirements of the origin and destination states.

"International Fuel Tax Agreement" or "IFTA" means the multijurisdictional International Fuel Tax Agreement ratified by Congress, the provisions of which were imposed upon States pursuant to Public Law 102-240, which mandates that no State shall establish, maintain or enforce any law or regulation that has fuel use tax reporting requirements not in conformity with the International Fuel Tax Agreement.

"Jurisdiction" is a state of the United States, the District of Columbia, a state of the United Mexican States, or a province or Territory of Canada.

"Kerosene-type jet fuel" *means any jet fuel as described in ASTM specification D 1655 and military specifications MIL-T-5624R and MIL-T-83133D (Grades JP-5 and JP-8).* (Section 1.25 of the Law)

"Law" means the Motor Fuel Tax Law [35 ILCS 505].

"Leasing" means the giving of possession and control of a vehicle for valuable consideration for a specified period of time.

"Loss" means, for purposes related to claims for refund, the reduction of motor fuel resulting from spillage, spoilage, leakage, theft, destruction by fire or any other provable cause, but does not include a reduction resulting from evaporation or shrinkage due to temperature variations.

"Motor fuel" *means all volatile and inflammable liquids produced, blended or compounded for the purpose of, or which are suitable or practicable for, the propulsion of motor vehicles. Among other things, "motor fuel" includes "special fuel."* (Section 1.1 of the Law)

"Person" *means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, or any city, town, county or other political subdivision in this State. When used in these rules to prescribe or impose a fine or imprisonment or both, the term as applied to partnerships and associations shall mean the partners or members thereof; as applied to limited liability companies, the term means managers, members, agents or employees of the limited liability company; and as applied to corporations, the term shall mean the officers, agents, or employees thereof who are responsible for any violation of the Act.* (Section 1.11 of the Law)

"Power take-off equipment" *means any accessory that is mounted onto or designed as an integral part of a transmission of a motor vehicle that is registered for highway purposes whereby the accessory allows power to be transferred outside the transmission to a shaft or driveline and the power is used for a purpose other than propelling the motor vehicle.* (Section 1.27 of the Law)

"Premises" *means any location where original records are kept; where tank cars, ships, barges, tank trucks, tank wagons, or other types of transportation equipment are used to distribute fuel or motor fuel; or where containers, storage tanks, or other facilities are used to store or distribute fuel or motor fuel.* (Section 1.24 of the Law)

"Receiver" *means a person who either produces, refines, blends, compounds or manufactures fuel in this State, or transports fuel into this State or receives fuel transported to him* or her *from without the State or exports fuel out of this State,*

or who is engaged in the distribution of fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he or she *has active fuel bulk storage capacity of not less than 30,000 gallons.* (Section 1.20 of the Law)

"Records" means all data maintained by the taxpayer, including data on paper, microfilm, microfiche or any type of machine-sensible data compilation.

"Recreational vehicle" means vehicles, such as motor homes, pickup trucks with attached campers, camping or travel trailers, van or truck campers, mini motor homes, or buses, used exclusively for personal pleasure by an individual. In order to qualify as a recreational vehicle, the vehicle shall not be used in connection with any business endeavor.

"Research and development" *means basic and applied research in the engineering, designing, development, or testing of prototypes or new products. "Research and development" does not include manufacturing quality control, any product testing by consumers, market research, sales promotion, sales service, or other non-technological activities or technical services.* (Section 1.29 of the Law)

"Revocation" means the withdrawal of license and privileges.

"Semitrailer" *means every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.* (Section 1.28 of the Law)

"Special fuel" means *all volatile and inflammable liquids capable of being used for the generation of power in an internal combustion engine except that it does not include gasoline as defined in Section 5(A) of the Law, or combustible gases as defined in Section 5(B) of the Law. "Special fuel" includes "diesel fuel." All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of the Law.* (Section 1.13 of the Law)

"Supplier" *means any person other than a licensed distributor who (i) transports special fuel into this State; or (ii) exports special fuel out of this State; or (iii) engages in the distribution of special fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he* or she *has active bulk storage capacity of not less than 30,000 gallons for special fuel as defined in Section 1.13 of the Law.* (Section 1.14 of the Law)

"Terminal rack" *means a mechanism for dispensing motor fuel or fuel from refinery, terminal, or bulk plant into a transport truck, railroad tank car, or other means of transportation.* (Section 1.23 of the Law)

"Total distance" for purposes of the motor fuel use tax means all miles traveled during the reporting period by every commercial motor vehicle in the licensee's fleet, regardless of whether the miles are considered taxable or nontaxable by a jurisdiction.

"Weight" for purposes of the motor fuel use tax means the maximum weight of the loaded vehicle or combination of vehicles during the registration period.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART B: MOTOR FUEL TAX

Section 500.200 Basis and Rate of the Motor Fuel Tax

a) *The Motor Fuel Tax is imposed "on the privilege of operating motor vehicles upon the public highways, including toll roads, and recreational-type watercraft upon the waters of this State".*

1) *Motor fuel used in such motor vehicles upon public highways and in such recreational watercraft on such waters is taxed according to the following rate schedule:*

Tax Period	*Rate*
Until August 1, 1983	*7½¢ per gallon*
From August 1, 1983 through June 30, 1984	*11¢ per gallon*
From July 1, 1984 through June 30, 1985	*12¢ per gallon*
From July 1, 1985 through June 30, 1989	*13¢ per gallon*
From August 1, 1989 through December 31, 1989	*16¢ per gallon*
From January 1, 1990 and thereafter	*19¢ per gallon*

2) *The tax on the privilege of operating motor vehicles which use diesel fuel shall be the rate according to subsection (a) plus an additional 2½ cents*

per gallon. This rate is as follows:

Tax Period	*Rate*
Until August 1, 1983	*7½¢ per gallon*
From August 1, 1983 through June 30, 1984	*13½¢ per gallon*
From July 1, 1984 through June 30, 1985	*14½¢ per gallon*
From July 1, 1985 through July 31, 1989	*15½¢ per gallon*
From August 1, 1989 through December 31,1989	*18½¢ per gallon*
From January 1, 1990 and thereafter	*21½¢ per gallon*

b) *The Motor Fuel Use Tax is imposed "upon the use of motor fuel upon highways (including toll ways of this State) by commercial motor vehicles". The tax on such motor fuel shall be comprised of two parts:*

1) *A tax at the rate established in subsections (a)(1) and (a)(2); and*

2) *A rate established by the Department as of January 1 of each year using the average "selling price", as defined in the Retailers' Occupation Tax Act, per gallon of motor fuel sold in this State during the previous 12 months and multiplying it by 6.25% to determine the cents per gallon rate.* (Section 13a(2) of the Law). The Department may use data derived from independent surveys conducted or accumulated by third parties to determine the average selling price per gallon of motor fuel. Third parties include, but are not limited to, commercial entities that collect data (available by contract or at no cost) regarding the selling price of motor fuel sold in this State on a per gallon basis.

c) Compressed natural gas is subject to tax at the rate established in subsection (a)(1). However, because compressed natural gas cannot be measured in gallons, it must be converted to gallons using a conversion factor. For purposes of calculating tax under the Motor Fuel Tax Law, a gallon of compressed natural gas means a quantity of compressed natural gas equal to 126.67 cubic feet of natural gas at 60 degrees Fahrenheit and one atmosphere of pressure. In the alternative, it means a quantity of compressed natural gas that weighs 5.66 pounds.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART C: MOTOR FUEL USE TAX

Section 500.335 Quarterly Payment and Reporting

a) Every person holding a valid unrevoked motor fuel use tax license issued by the Department under the provisions of the IFTA shall file a quarterly motor fuel use tax return, along with full payment of taxes, with the Department. Returns are due, even if no operations were conducted during the reporting period. The due date for the return and full payment of taxes is the last day of the month immediately following the close of the quarter for which the return is being filed. Returns and full payment of taxes are due on or before the following dates:

Reporting Quarter	Due Date
January - March	April 30
April - June	July 31
July - September	October 31
October - December	January 31

If the due date is a Saturday, Sunday, or legal holiday, the next business day is considered the due date. Each motor fuel use tax return should be mailed in a separate envelope. On and after January 1, 2013, returns and payment of tax, including amended returns, must be made electronically. Electronic returns shall be made in accordance with 86 Ill. Adm. Code 760. Electronic payments shall be made by ACH debit in accordance with 86 Ill. Adm. Code 750.

b) The taxable event is the consumption of motor fuel, as defined in Section 500.100 of this Part, used to operate commercial motor vehicles. For tax payment and reporting purposes, all motor fuels placed in supply tanks of commercial motor vehicles, and all miles travelled, are taxable. Carriers must utilize the procedures in Section 500.235 for refunds for off-road or non-highway use.

c) For IFTA licensees: The IFTA provides that member jurisdictions may determine what type of motor fuels and miles travelled are exempt from tax, and are therefore not reportable. Carriers should contact member jurisdictions to determine what types of fuel and miles travelled are exempt from taxation. For IFTA carriers, claims for refunds for fuel used for any purpose other than propelling a commercial motor vehicle upon public highways must be made directly to the respective jurisdiction.

d) The quarterly return shall include a statement of the total number of miles travelled, as well as total miles travelled in each jurisdiction and in Illinois during the previous calendar quarter; the total number of gallons and type of reportable motor fuel consumed on the highways of all jurisdictions, as well as in each jurisdiction and in Illinois, and the total number of gallons and types of tax paid fuel purchased within each jurisdiction during the previous calendar quarter; and the total (net) of tax due the base jurisdiction on behalf of all jurisdictions. Licensees shall report all required information, and may not include miles operated and gallons of fuel purchased that were unavailable during any prior quarters. If a licensee does not include all required information, and that information is subsequently available, he or she must file an amended return, which will include penalty and interest.

e) Fuel and distance must be reported in gallons and miles. The conversion rates are:

One liter	=	0.2642 gallons
One gallon	=	3.785 liters
One mile	=	1.6093 kilometers
One kilometer	=	0.62137 mile

f) For carriers registered under the IFTA that consume compressed natural gas and other fuels that cannot be measured in gallons, the fuels must be converted to gallons using the conversion factor used by the jurisdiction in which the fuel was consumed. See Section 500.200(c) for the conversion factor used for compressed natural gas.~~The conversion rate for compressed natural gas is 14.7 pounds per square inch for 1 gallon or 1.24 therms of compressed natural gas for 1 gallon.~~

g) In order for a licensee to obtain credit for tax-paid retail purchases, a receipt or invoice, a credit card receipt, or microfilm/microfiche of the receipt or invoice must be retained by the licensee showing evidence of the purchases and tax having been paid by the licensee directly to the applicable jurisdiction or at the pump. The receipt must contain the following information:

1) date of purchase;

2) seller's name and address;

3) number of gallons purchased;

4) fuel type;

5) price per gallon or total amount of sale;

6) unit numbers; and

7) purchaser's name (in the case of a lessee/lessor agreement, receipts will be accepted in either name, provided a legal connection can be made to reporting party).

h) In the case of withdrawals from licensee-owned, tax-paid bulk storage, credit may be obtained only if the following records are maintained:

1) date of withdrawal;

2) number of gallons;

3) fuel type;

4) unit number (upon application by a licensee, the Department may waive the requirement of unit numbers for fuel withdrawn from the licensee's own bulk storage and placed in its commercial motor vehicles. The licensee must show that adequate records are maintained to distinguish fuel placed in commercial vs. non-commercial motor vehicles for all member jurisdictions); and

5) purchase and inventory records to substantiate that tax was paid on all bulk purchases.

i) Carriers registered under the IFTA must pay all taxes due to all member jurisdictions with one check, to be made payable to the Department. Payment by certified check is required of licensees who are required to post a bond. On and after January 1, 2013, payment shall be made electronically by ACH debit in accordance with 86 Ill. Adm. Code 750.

j) Through December 31, 2012, returns shall be filed on forms provided by the Department. However, with written approval from the Department, a licensee may submit a computer-generated tax return instead of the Department-supplied return. Computer-generated tax returns will be approved only if they contain all

the same information, are in the same format and are on the same size paper, as the Department's return. On and after January 1, 2013, returns shall be filed electronically in accordance with 86 Ill. Adm. Code 760.

k) If a licensee uses a reporting service for his or her motor fuel use taxes, the licensee must maintain a power of attorney in its books and records. Use of a power of attorney does not relieve the licensee of the legal obligations associated with the license. The licensee is responsible for the payment of taxes as well as all acts and omissions of the reporting service. Decal and renewal applications will always be mailed directly to the licensee.

l) Reports not filed or full payment of taxes not made by the due date shall be considered late and any taxes due considered delinquent. The licensee shall be assessed a penalty of $50 or 10 percent of the delinquent taxes, whichever is greater, for failure to file a report, for filing a late report, or for underpayment of taxes due. Tax shall bear interest at the rate of 1 percent per month or fraction of month until paid. For reasonable cause shown, the Department may waive a penalty. For IFTA licensees, the Department may waive interest for another jurisdiction only with that jurisdiction's approval.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

CHIEF PROCUREMENT OFFICER FOR
CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Procurement Practices

2) Code Citation: 44 Ill. Adm. Code 8

3)

Section Numbers:	AdoptedAction:
8.90	Repeal
8.100	Repeal
8.110	Repeal
8.120	Repeal
8.130	Repeal
8.140	Repeal
8.150	Repeal
8.160	Repeal
8.170	Repeal
8.180	Repeal
8.190	Repeal
8.200	Repeal
8.210	Repeal
8.220	Repeal

4) Statutory Authority: The Illinois Procurement Code [30 ILCS 500].

5) Effective Date of Rule: May 7, 2014

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 12143; August 2, 2013

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

11) Differences between Proposal and Final Version: In PA 96-795 (SB 51) the Illinois Procurement Code was amended, transferring oversight for procurement to independent Chief Procurement Officers appointed by the Executive Ethics Commission and

confirmed by the Senate. The legislation further established independent State Purchasing Officers and Procurement Compliance Monitors. In PA 97-895 (SB 2958) further amendments were made to the Illinois Procurement Code to clarify the changes initially made in PA 96-795 (SB 51).

The new rule Part 8 and the repeal of the existing Part 8 more fully implement the changes of PA 96-795 and incorporated changes resulting from PA 97-895 for the Chief Procurement Office for Capital Development Board.

12) Have all of the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, all the agreed upon changes have been made.

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking? The adopted repealer assists in more fully implementing the changes of PA 96-795 and incorporated changes resulting from PA 97-895 for the Chief Procurement Office for Capital Development Board. It does this by repealing the existing Part 8 because of its limited content and scope. The new Part 8 rule will replace it with a comprehensive description of the processes for procuring construction and construction related services.

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

Lorri Lawton
Rules Coordinator
Chief Procurement Office for Capital Development Board
401 S. Spring Street
Room 318 Stratton Office Building
Springfield IL 62706

217/558-2295
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CHIEF PROCUREMENT OFFICER FOR
CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

1) Heading of the Part: Chief Procurement Officer for the Capital Development Board

2) Code Citation: 44 Ill. Adm. Code 8

3)

Section Numbers:	Adopted Action:
8.1	New Section
8.5	New Section
8.15	New Section
8.20	New Section
8.25	New Section
8.530	New Section
8.1005	New Section
8.1040	New Section
8.1050	New Section
8.1501	New Section
8.1525	New Section
8.1535	New Section
8.1560	New Section
8.1570	New Section
8.1580	New Section
8.1585	New Section
8.1595	New Section
8.2005	New Section
8.2010	New Section
8.2020	New Section
8.2025	New Section
8.2030	New Section
8.2036	New Section
8.2037	New Section
8.2038	New Section
8.2039	New Section
8.2040	New Section
8.2045	New Section
8.2046	New Section
8.2047	New Section
8.2050	New Section
8.2055	New Section
8.2060	New Section

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8.2065	New Section
8.2075	New Section
8.2076	New Section
8.2080	New Section
8.2084	New Section
8.2086	New Section
8.2560	New Section
8.3000	New Section
8.3005	New Section
8.3015	New Section
8.3025	New Section
8.3030	New Section
8.3035	New Section
8.3040	New Section
8.3043	New Section
8.3045	New Section
8.3050	New Section
8.3055	New Section
8.3060	New Section
8.3065	New Section
8.3070	New Section
8.3075	New Section
8.3080	New Section
8.3085	New Section
8.3090	New Section
8.3095	New Section
8.3100	New Section
8.3105	New Section
8.3110	New Section
8.3115	New Section
8.3120	New Section
8.3125	New Section
8.3130	New Section
8.3135	New Section
8.3140	New Section
8.3145	New Section
8.3150	New Section
8.3155	New Section

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8.4505	New Section
8.4510	New Section
8.4526	New Section
8.4535	New Section
8.4545	New Section
8.4557	New Section
8.4570	New Section
8.4590	New Section
8.4599	New Section
8.5002	New Section
8.5005	New Section
8.5010	New Section
8.5011	New Section
8.5012	New Section
8.5013	New Section
8.5014	New Section
8.5015	New Section
8.5020	New Section
8.5023	New Section
8.5030	New Section
8.5035	New Section
8.5037	New Section
8.5038	New Section
8.5039	New Section
8.5060	New Section
8.5400	New Section
8.5420	New Section
8.5440	New Section
8.5460	New Section
8.5560	New Section
8.5620	New Section
8.5700	New Section
8.5710	New Section
8.5720	New Section
8.5730	New Section
8.5740	New Section
8.7000	New Section
8.7010	New Section

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8.7015	New Section
8.8001	New Section
8.8005	New Section
8.8015	New Section
8.8017	New Section
8.8020	New Section
8.8025	New Section
8.8030	New Section
8.8035	New Section
8.8040	New Section
8.8045	New Section
8.8050	New Section
8.8055	New Section
8.8057	New Section
8.8060	New Section
8.8065	New Section
8.8070	New Section
8.8072	New Section
8.8075	New Section
8.8080	New Section
8.8082	New Section
8.8085	New Section
8.8090	New Section
8.8092	New Section
8.8095	New Section
8.8098	New Section

4) Statutory Authority: The Illinois Procurement Code [30 ILCS 500]

5) Effective Date of Rule: May 7, 2014

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes. Incorporations by reference include:

Illinois Procurement Code [30 ILCS 500];

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The Design-Build Procurement Act [30 ILCS 537];

Architectural, Engineering, and Land Surveying Qualification Based Selection Act [30 ILCS 535];

Capital Development Board Act [20 ILCS 3105];

Professional Service Corporation Act [805 ILCS 10];

Illinois Architecture Practice Act of 1989 [225 ILCS 305];

Professional Engineering Practice Act of 1989 [225 ILCS 325];

Structural Engineering Licensing Act of 1989 [225 ILCS 340];

Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330];

Procurement of Domestic Products Act [30 ILCS 537];

Business Enterprise for Minorities, Females, and Persons with Disabilities (BEMFD) Act [30 ILCS 575];

Freedom of Information Act (FOIA) [5 ILCS 140];

Prevailing Wage Act [820 ILCS 130];

Illinois Human Rights Act [775 ILCS 5];

Local Government Professional Services Selection Act (LGPSS Act) [50 ILCS 510];

Illinois False Claims Act [740 ILCS 175];

Criminal Code of 2012 [720 ILCS 5];

Illinois Use Tax Act [35 ILCS 105];

Illinois Environmental Protection Act [415 ILCS 5];

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Public Officer Prohibited Activities Act [50 ILCS 105];

Lobbyist Registration Act [25 ILCS 170];

Illinois Securities Law of 1953 [815 ILCS 5];

Governmental Joint Purchasing Act [30 ILCS 525];

Steel Products Procurement Act [530 ILCS 565]; and

Project Labor Agreements Act [30 ILCS 571].

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 12143; August 2, 2013

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

11) Differences between Proposal and Final Version: In PA 96-795 (SB 51) the Illinois Procurement Code was amended, transferring oversight for procurement to independent Chief Procurement Officers appointed by the Executive Ethics Commission and confirmed by the Senate. The legislation further established independent State Purchasing Officers and Procurement Compliance Monitors. In PA 97-0895 (SB 2958) further amendments were made to the Illinois Procurement Code to clarify the changes initially made in PA 96-795 (SB 51).

The proposed rule more fully implements the changes of PA 96-795 and incorporated changes resulting from PA 97-895 for the Chief Procurement Office for Capital Development Board. It did this by repealing the existing Part 8 because of its limited content and scope and replacing it with a comprehensive description of the processes for procuring construction and construction related services.

Included in the new Part were detailed definitions of terms; the structure for the CPO and SPO for exercising procurement authority and providing oversight of procurement processes; and direction to the Capital Development Board on its role in construction procurement matters for contractors, architects/engineers, design build entities,

construction managers, subcontractors, and others. The proposed rule contains new or more detailed procedures for: the development of procurement policies and procedures, the publication of procurement actions including cancellation, rejection and withdrawal of bids; providing public notice for solicitations, including duration of public notice; documenting procurement actions, including the content and retention of procurement files; source selection and contract formation, including sole source and sole economically feasible procurements, methods for modifying or withdrawing bids or proposals, the scope and extension of emergency purchases, and small procurements; determining whether vendors are responsible and how vendors may be found non-responsible, including through and as related to procedures for prequalification; security requirements for bids, proposals and performance; limits on the types and duration of contracts; addressing protests, disputes, and contract controversies; prevailing wage requirements, the formatting of construction project specifications; expenditures in excess of contract price; implementing preferences, including for domestic products; disclosure of financial interests, conflicts of interest and other ethical considerations; and debarment and suspension of vendors. The Rule also details the continuing duty for contract holders to update financial disclosures and certifications in the event of change and to annually recertify the ability to hold multi-year contracts, prohibition of political contributions, lobbying restrictions, procurement communications reporting requirements, and the circumstances where a bidder may be prohibited. General procedures for permitting and conducting hearings, including notices and providing comment, are also provided.

Changes incorporated during the Second Notice and in the Adopted Rules were in response to input from the Procurement Policy Board, the Capital Development Board and the public. Added definitions for 'Modification', 'Renewal', 'Standard Documents for Design-Build Projects'. Revised definitions for 'Amendment', 'Award', 'Change Order', 'Contractor' or 'Vendor', 'Designee' and 'Procurement Compliance Monitor'. Added New Section 8.1535, Vendor Portal to allow the CPO to establish a portal to allow vendors to submit certain information electronically and reduce bidding documents. Added New Section 8.3043, Other Acts, to clarify the SPO role in reviewing compliance with Acts such as the Prevailing Wage Act, and addresses the responsibility of other agencies with regards to compliance. Added New Section 8.3150 to clarify that procurement of construction related professional services shall be in accordance with the Architectural, Engineering and Land Surveying Qualifications Act. Added New Section 8.3155, Procurement under the Design Build Procurement Act to clarify that procurement of design-build entities is in compliance with the Design-Build Procurement Act.

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Amended New Section 8.1005 to permit the CPO or SPO to request written determinations of need and a statement that a procurement is in the best interest of the state. Amended New Section 8.1005 (j) to clarify participation of PCMs in the QBS selection process. Amended New Section 8.1050 to include the Qualifications Based Selection Act and the Design Build Act. Amended 8.1501 to clarify the role of the SPO in publishing the procurement bulletin and to detail the information required to be posted in the bulletin. Amended New Section 8.2005 to require greater detail in contracts regarding subcontractor participation and the process for changing a subcontractor. Amended 8.2010 to prescribe the handling and confidentiality of bids and notice of awards. Amended 8.2025 to include the use of a PPB form for sole source procurements. Amended 8.2030 to limit emergency procurements to only those supplies and services necessary to mitigate the immediate emergency, to require documentation of competition used in an emergency and to clarify the date of an emergency. Amended New Section 8.2036 to remove the Art-In-Architecture program and clarify the CPO role in reviewing the selection of the single-prime method of procurement. Amended New Section 8.2050 to require a statement that an outside vendor preparing specification received no inducement. Allows vendors that demonstrate new technologies to CDB to submit bids. Further clarifies the use of RFIs to obtain information prior to posting a solicitation. Amended New Section 8.2055 to include controls established by the Travel Board and provide greater restrictions on the use of time and materials, definite quantity, indefinite quantity contracts and options provisions. Amended New Section 8.2060 to further detail the use of renewals. Amended 8.2076 to delineate the role of the CPO and CDB in resolving contract disputes and controversies. New provisions include a 90 day timeline for appointing a mediator to resolve disputes and establishing a $25,000 threshold for mediation. Status updates from CDB to the CPO for open matters are now required. Amended New Section 8.2080 to establish CDB responsibility to maintain procurement files, including written justification for use of Project Labor Agreements and the availability of documents for use in filing protests. Amended New Section 8.3000 to require CDB to notify the CPO of procurements when the procurement is initially established. Amended New Section 8.3015 to remove the requirement for CPO approval for use of the Single Prime method of procurement and the add the requirement to file a determination with the PPB with 15 days. Amended New Section 8.3035 to clarify the requirement for written authorization prior to performing changed work. Amended New Section 8.3040 to establish that CDB is primarily responsible for the selection of construction-related professional services under the QBS and Design-Build Acts and that the CPO is responsible for procurement functions related to these selections as governed by the Procurement Code. The CPO function includes determinations related to fairness, transparency, responsibility and responsiveness of offerors. Added New Section 8.3040

to establish the SPO role in reviewing procurements for compliance with other Acts, such as the Prevailing Wage Act. The New Section allows for imposition of appropriate sanctions related to non-compliance with Other Acts. Amended New Section 8.3045 to clarify the role of CDB and the CPO related to determinations to use the Design-Build procurement method, with CDB making decisions to use the method and the CPO reviewing the written determination. Prohibits the CPO from unreasonably withholding approval. Establishes information to be included in a written determination to use the Design-Build procurement methods, including compliance with the Business Enterprise Act and veterans goals. Amended New Section 8.3075 to remove the CPO approval of the members of the construction-related professional services evaluation committees. Amended New Section 8.3080 to include minority, female and veterans goals as criteria for construction-related professional service selections. Amended New Section 8.3090 to remove the CPO's ability to set the dollar threshold for conducting A/E interviews. Amended New Section 8.3095 to include veteran participation as a criteria for Design-Build phase 1 evaluations. Amended New Section 8.3110 to remove the requirement for A/E selections under the Local Government Professional Services Selection Act to include a short-list of three firms. Amended New Section 8.4535 to provide that purchases made from sheltered workshops can be done without competition. These purchases must be published in the Procurement Bulletin. Amended New Section 8.4545 to require that soliciations for small businesses utilize the commodity code in the solicitation. Establishes the criteria for a small business, including separate criteria for retail, wholesale and manufacturing businesses. Prohibits artificially diving a business to qualify as a small business. Amended New Section 8.4570 to establish the Good Faith Effort Committee to evaluate requests for waivers of the Business Enterprise goals. Amended 8.5014 to clarify that false certifications made by a subcontractor do not result in voiding a contract unless the contractor refuses to cancel a subcontract. Amended New Section 8.5035 to establish that the form for financial disclosure is prescribed by the CPO and to detail information required to be collected on the disclosure form. Amended New Section 8.5037 to permit vendors that are registered with the State Board of Elections to provide a certificate if requested. Adds the requirement for the SPO to verify registration and obtain a copy of the certificate and include in the procurement file when the contract exceeds $50,000. Provides additional requirements for indefinite quantity contracts. Amended 8.5039 to provide additional requirements for communications reporting to the PPB, including private communications made in a public forum. Provides a list of additional exempted communications. Amended New Section 8.5560 to require notices of suspension or debarment be provided by personal service, certified or registered mail. Amended 8.7015 to protect confidential information from disclosure

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resulting from an inspection. Amended 8.8025 to include compliance with DFPR, SOS and DHR requirements.

12) Have all of the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, all the agreed upon changes have been made.

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: The rule more fully implements the changes of PA 96-795 and incorporated changes resulting from PA 97-895 for the Chief Procurement Office for Capital Development Board. It did this by repealing the existing Part 8 because of its limited content and scope and replacing it with a comprehensive description of the processes for procuring construction and construction related services.

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

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Chief Procurement Office for Capital Development Board
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The full text of the Adopted Rules begins on the next page:

CHIEF PROCUREMENT OFFICER FOR
CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS
CHAPTER IV: CHIEF PROCUREMENT OFFICER FOR
CAPITAL DEVELOPMENT BOARD

PART 8
CHIEF PROCUREMENT OFFICER FOR THE CAPITAL DEVELOPMENT BOARD

SUBPART A: GENERAL

Section
8.1 Short Title
8.5 Policy and Scope
8.15 Definition of Terms Used in This Part
8.20 Referenced Materials
8.25 Property Rights

SUBPART B: PROCUREMENT RULES, POLICIES AND PROCEDURES

Section
8.530 Policies and Procedures

SUBPART C: PROCUREMENT AUTHORITY

Section
8.1005 Procurement Authority
8.1040 Central Procurement Authority of the CPO
8.1050 Designees

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section
8.1501 Illinois Procurement Bulletin
8.1525 Bulletin Content
8.1535 Vendor Portal
8.1560 Alternate and Supplemental Notice
8.1570 Error in Notice

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8.1580 Direct Solicitation
8.1585 Notice Time
8.1595 Availability of Solicitation Time

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section
8.2005 General Provisions
8.2010 Competitive Sealed Bidding
8.2020 Small Purchase Limits
8.2025 Sole Economically Feasible Source Procurement
8.2030 Emergency Procurements
8.2036 Other Methods of Source Selection
8.2037 Tie Bids and Proposals
8.2038 Modification or Withdrawal of Bids or Proposals
8.2039 Mistakes
8.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: PREQUALIFICATION AND RESPONSIBILITY

Section
8.2045 Vendor Prequalification and Responsibility
8.2046 Responsibility and Ineligibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section
8.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section
8.2050 Specifications and Samples

SUBPART I: CONTRACTS

Section
8.2055 Types of Contracts
8.2060 Duration of Contracts – General

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8.2065 Cancellation of Contracts

SUBPART J: PROTESTS, DISPUTES AND CONTRACT CONTROVERSIES

Section
8.2075 Protests
8.2076 Disputes and Contract Controversies

SUBPART K: PROCUREMENT FILES

Section
8.2080 Public Procurement File
8.2084 Record Retention
8.2086 Filing with the Comptroller

SUBPART L: WORKING CONDITIONS

Section
8.2560 Prevailing Wage

SUBPART M: GENERAL PROVISIONS RELATED TO CONSTRUCTION

Section
8.3000 Notification of Procurement
8.3005 Construction and Construction Related Professional Services
8.3015 Method of Source Selection
8.3025 Retention Trust
8.3030 Construction Project Specifications
8.3035 Expenditure in Excess of Contract Price

SUBPART N: SELECTION OF CONSTRUCTION-RELATED
PROFESSIONAL SERVICES AND CONSTRUCTION MANAGEMENT SERVICES
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AUTHORITY: Implementing, and authorized by, Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20324, effective October 1, 1984; amended at 9 Ill. Reg. 17332, effective October 29, 1985; amended at 12 Ill. Reg. 9864, effective May 27, 1988; amended at 13 Ill. Reg. 8403, effective May 22, 1989; amended at 22 Ill. Reg. 1169, effective January 1, 1998; old Part repealed and new Part adopted by emergency rulemaking at 22 Ill. Reg. 14333, effective July 16, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 21848, effective December 4, 1998; amended at 26 Ill. Reg. 2606, effective February 8, 2002; recodified, pursuant to PA 96-795, from Capital Development Board 44 Ill. Adm. Code 910 to Chief Procurement Officer for Capital Development Board 44 Ill. Adm. Code 8 at 35 Ill. Reg. 10165; old Part repealed at 38 Ill. Reg. 10901, and new Part adopted at 38 Ill. Reg. 10903, effective May 7, 2014.

SUBPART A: GENERAL

CHIEF PROCUREMENT OFFICER FOR
CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

Section 8.1 Short Title

This Part may be cited by its official name or as CPO-CDB Procurement Rules.

Section 8.5 Policy and Scope

Section 1-5 of the Illinois Procurement Code establishes the policy of the State to be that the principles of competitive bidding and economical procurement practices shall apply to all purchases and contracts by or for State agencies. The purpose of this Part is to establish the rules necessary and desirable to carry out that policy with respect to procurements of construction and construction-related services committed by law to the jurisdiction or responsibility of the Capital Development Board and, therefore, subject to the jurisdiction of the Chief Procurement Officer for the Capital Development Board.

a) Sections 1-15.15, 10-5 and 10-20 of the Code establish the Chief Procurement Officer for the Capital Development Board as the person upon whom is imposed the duty to exercise all procurement authority created by the Code with respect to construction and construction-related services subject to the jurisdiction or responsibility of the Capital Development Board. Subject to exceptions established by the Code, that authority extends to the procurement of construction and construction-related services committed by law to the jurisdiction or responsibility of the Capital Development Board.

b) Pursuant to Section 5-25 of the Code, the Chief Procurement Officer is also granted the authority to promulgate rules to carry out the authority to make procurements under the Code. This Part establishes rules necessary and appropriate to implement the requirements and grants of authority of the Code with respect to the procurements described in subsection (a).

c) Among the purposes and policies of this Part are:

1) The policy that the activities of all State actors in the procurement processes be undertaken to maximize the value of the expenditure of public funds and in a manner that maintains public trust in the integrity of those processes.

2) The intent to ensure that procurement activities are conducted in a manner that is uniform, consistent, fair and open so as to facilitate vendor

participation in State procurements and encourage competition to the ultimate benefit of the State.

d) The procurement of office supplies, equipment, commodities and services required for the administrative operation of CDB is not subject to the jurisdiction of the CPO; rather, that procurement shall be conducted under the auspices of the CPO for General Services in accordance with 44 Ill. Adm. Code 1.

Section 8.15 Definition of Terms Used in This Part

Terms used in this Part shall have the meanings given to them in the Code and this Section unless a term's use in a particular context clearly requires a different meaning. A term may be defined in a particular Section for use in that Section.

"A/E" – An architectural or engineering firm that is in the business of offering the practice of furnishing architectural, engineering or land surveying services for building projects, that is registered with the Department of Financial and Professional Regulation (DFPR) and licensed to practice architecture, structural engineering or professional engineering in the State of Illinois, or that is properly authorized under the Professional Service Corporation Act and by DFPR to practice architecture, structural engineering or professional engineering in the State of Illinois. For purposes of this Part, this includes licensed individuals transacting business as sole proprietorships, which are not required to be registered with DFPR. Solicitation for procurement of services of architects/engineers (A/Es), or related professionals, shall be in accordance with the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535] and CDB's rules at 44 Ill. Adm. Code 1000.

"Amendment" − A change in the terms or conditions of a contract, including, but not limited to, alterations to the scope of work, price, schedule, terms or conditions covered by the contract or the manner of performance or completion of the contract terms. An amendment may memorialize an action authorized by specific language in the contract (e.g., exercise of an option or showing price decrease or increase based on CPI), or may memorialize non-material changes (e.g., change in the names of notice contacts or number of periodic status meetings). An amendment to a written contract must be in writing to be effective. An amendment to a construction contract is known as a "change order" and an amendment to a design or construction-related professional service contract is

known as a "modification". A change order or a modification is an amendment, but an amendment is not always a change order or a modification.

"Award" − The identification of a vendor with whom CDB intends to enter into a contract as evidenced by posting a Notice to Award or a Notice of Intent to Award to the Illinois Procurement Bulletin after all CDB-required and SPO approvals have been obtained.

"Bid" – The response to an Invitation for Bids.

"Bid Documents" − Documents that include, but are not limited to, the Standard Documents for Construction, advertisement for bids, bid forms including PC-2, MBE/FBE Business Enterprise Participation Form, drawings, and product and performance specifications following a format standard in the construction industry.

"Bidder" – Any person who submits a bid.

"Bid Officer" − A person designated to receive and open bids or offers.

"Board" – The seven member Capital Development Board appointed by the Governor.

"Brand Name Specification" – A specification limited to one or more items specified by manufacturers' names or catalogue numbers. A bidder may request product substitutions as specified in the Project Manual or SDC.

"Bulletin" or "Procurement Bulletin" − The volume of the Illinois Procurement Bulletin published by the CPO-CDB.

"CDB Act" –The Capital Development Board Act [20 ILCS 3105], CDB's enabling Act.

"Capital Development Board" or "CDB" – The State agency established by the CDB Act.

"Change Order" – *A change in a contract term other than as specifically provided for in the contract* that is determined necessary to address needs that are best

performed by the contract holder, and *that authorizes or necessitates any increase or decrease in the cost of the contract or the time of completion.* [720 ILCS 5/33E-2(c)] Change orders that increase or decrease the cost by a total of $10,000 or more or the time of completion by a total of 30 days or more must be accompanied by a written determination that includes a statement that *the circumstances said to necessitate the change in performance were not reasonably foreseeable at the time the contract was signed, the change is germane to the original contract as signed, or the change order is in the best interest* of the State. [720 ILCS 5/33E-9] Renewals, change of a vendor's name, and modifications to design or construction-related professional service contracts are not change orders.

"Chief Procurement Officer" or "CPO" or "CPO-CDB" – The chief procurement officer appointed by the Executive Ethics Commission for procurements for construction and construction-related services committed by law to the jurisdiction or responsibility of the Capital Development Board pursuant to Section 10-20(a)(2) of the Code.

"Code" – The Illinois Procurement Code [30 ILCS 500].

"Construction Management Services" – *Includes, but is not limited to:*

> *services provided in the planning and pre-construction phases of a construction project, including, but not limited to, consulting with, advising, assisting, and making recommendations to the Capital Development Board and architect, engineer, or licensed land surveyor on all aspects of planning for project construction; reviewing all plans and specifications as they are being developed and making recommendations with respect to construction feasibility, availability of material and labor, time requirements for procurement and construction, and projected costs; making, reviewing, and refining budget estimates based on the Board's program and other available information; making recommendations to the Board and the architect or engineer regarding the division of work in the plans and specifications to facilitate the bidding and awarding of contracts; soliciting the interest of capable contractors and taking bids on the project; analyzing the bids received; and preparing and maintaining a progress schedule during the design phase of the project and preparation of a proposed construction schedule; and*

services provided in the construction phase of the project, including, but not limited to, maintaining competent supervisory staff to coordinate and provide general direction of the work and progress of the contractors on the project; directing the work as it is being performed for general conformance with working drawings and specifications; establishing procedures for coordinating among the Board, architect or engineer, contractors, and construction manager with respect to all aspects of the project and implementing those procedures; maintaining job site records and making appropriate progress reports; implementing labor policy in conformance with the requirements of the public owner; reviewing the safety and equal opportunity programs of each contractor for conformance with the public owner's policy and making recommendations; reviewing and processing all applications for payment by involved contractors and material suppliers in accordance with the terms of the contract; making recommendations and processing requests for changes in the work and maintaining records of change orders; scheduling and conducting job meetings to ensure orderly progress of the work; developing and monitoring a project progress schedule, coordinating and expediting the work of all contractors and providing periodic status reports to the owner and the architect or engineer; and establishing and maintaining a cost control system and conducting meetings to review costs. [30 ILCS 500/33-5]

"Construction Manager" or "CM" – *Any individual, sole proprietorship, firm, partnership, corporation, or other legal entity providing construction management services for the Board and prequalified by the State in accordance with* Section 33-10 of the Code. [30 ILCS 500/33-5]

"Construction-related Professional Services" – Services performed that are governed by the Architectural, Engineering, and Land Surveying Qualifications-Based Selection Act. “Professional services” means those services within the scope of the practice of architecture, professional engineering, structural engineering, or registered land surveying, as defined by the laws of this State.

"Contract" – *All types of State agreements, including change orders and renewals, regardless of what they may be called, for the procurement, use, or disposal of supplies, services, professional or artistic services, or construction or for leases*

of real property, whether the State is lessor or lessee, or capital improvements, and including master contracts, contracts for financing through use of installment or lease-purchase arrangements, renegotiated contracts, amendments to contracts, and change orders. [30 ILCS 500/1-15.30]

"Contractor" or "Vendor" – An individual, firm, partnership, corporation, joint venture or other legal entity who seeks, or has entered into, a construction or construction-related professional services contract with CDB. The terms contractor and vendor are used interchangeably for purposes of the Code and this Part.

"Construction" – means building, altering, repairing, improving, or demolishing any public structure or building, or making improvements of any kind to public real property.

"Day" – A calendar day. In computing any period of time, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday or a State holiday, as applicable, in which event the period shall run to the end of the next business day.

"DB Act" – The Design-Build Procurement Act [30 ILCS 537].

"Design and Construction Manual" or "DCM" – A contractual document that details the role of the A/E on a CDB construction project and contains standard forms and procedures.

"Design-Bid-Build" – The traditional delivery system used on public projects in this State that incorporates the Architectural, Engineering, and Land Surveying Qualification Based Selection Act and the principles of competitive selection in the Code.

"Design-Build" or "DB" – *A delivery system that provides responsibility within a single contract for the furnishing of architecture, engineering, land surveying and related services as required, and the labor, materials, equipment, and other construction services for the project.* [30 ILCS 537/10]

"Design-Build Contract" – A contract for a public project under the DB *Act*

between the State construction agency and a design-build entity to furnish architecture, engineering, land surveying, and related services as required, and to furnish the labor, materials, equipment, and other construction services for the project. The design-build contract may be conditioned upon subsequent refinements in scope and price and may allow the State construction agency to make modifications in the project scope without invalidating the design-build contract. [30 ILCS 537/10]

"Design-Build Entity" – Any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that proposes to design and construct any public project under the DB *Act. A design-build entity and associated design-build professionals shall conduct themselves in accordance with the laws of this State and the related provisions of the Illinois Administrative Code, as referenced by the licensed design professionals Acts of this State.* [30 ILCS 537/10]

"Design Professional" – An individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation or other entity that offers services under the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, the Structural Engineering Licensing Act of 1989, or the Illinois Professional Land Surveyor Act of 1989.

"Designee" − A CDB employee or category of employees designated to exercise procurement authority on behalf of the CPO. A designee acts under procurement authority of the CPO or SPO and has the responsibility for taking procurement actions in accordance with applicable laws, rules and CDB's Standard Documents for Construction and Design and Construction Manual, as limited by the terms of the designation.

"Domestic Product" – A product that meets the requirements of the Procurement of Domestic Products Act.

"Drawings" – A technical drawing or set of drawings showing some or all requirements and elements of a construction project. Drawings fall within the definition of architecture or engineering, and follow a set of conventions that include particular views (floor plans, section, details, etc.), sheet sizes, units of measurement, assembly of components, annotations and cross references. Drawings are complemented by a project manual containing detailed construction

specifications that are based on industry standards and which include general requirements, product and sourcing information, and instructions on performing the work. Individually or collectively these documents constitute "technical submissions".

"Evaluation Criteria" – The requirements for the separate phases of the selection process as defined in the QBS Act, the Design Build Procurement Act, or Article 33 of the Illinois Procurement Code for the selection of construction managers, and which may include the specialized experience, technical qualifications and competence, capacity to perform, past performance, experience with similar projects, assignment of personnel to the project, and other appropriate factors.

"Germane" – For purposes of the limitations on the expenditure of funds in excess of a contract price under Section 30-35 of the Code, additional work to be performed or materials to be furnished is "germane" to the original contract only if, in the services or materials are closely or significantly related to, arise out of, or are directly incident to the original contract. An initial determination of germaneness shall be made by CDB in writing subject to approval of the CPO or SPO. Additional work that is such a substantial departure from the nature, scope or scale of the original contract that it amounts to a new contract or could not fairly been said to have been bid shall not be considered germane.

"Invitation for Bids" or "IFB" – *The process by which a purchasing agency requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids.* [30 ILCS 500/1-15.45]

"Modification" – *A* modification *in a contract term other than as specifically provided for in the contract* that is determined necessary to address needs that are best performed by the contract holder, and that *authorizes or necessitates any increase or decrease in the cost of the contract or the time of completion.* [720 ILCS 5/33E-2(c)] Modifications that increase or decrease the cost by a total of $10,000 or more or the time of completion by a total of 30 days or more must be accompanied by a written determination that includes a statement that *the circumstances said to necessitate the change in performance were not reasonably foreseeable at the time the contract was signed, the change is germane to the original contract as signed, or the change order is in the best interest* of the State. [720 ILCS 5/33E-9] Renewals, change of a vendor's name, and change orders to construction contracts are not modifications.

"Offer" or "Proposal" − The response to a Request for Proposal in the form of a letter of interest or statement of qualifications.

"Offeror" – A person who responds to a Request for Proposal.

"Person" − *Any business, public or private corporation, partnership, individual, union, committee, club, unincorporated association or other organization or group of individuals, or other legal entity.* [30 ILCS 500/1-15.55]

"Proceed Order" – A written directive or agreement amending a contract to allow germane and necessary work to proceed in a manner otherwise not provided for in the contract and subject to a fixed maximum price prior to the finalizing of a change order. The change order establishes the actual price, which may not exceed the maximum established by the proceed order.

"Procurement Compliance Monitor" or "PCM" − Person appointed by the Executive Ethics Commission (EEC) under Section 10-15 of the Code to oversee and review procurement processes, including services procured in accordance with the QBS Act [30 ILCS 535] and the DB Act [30 ILCS 537].

"Procurement Officer" – The CPO, SPO or CPO designee who is responsible for a particular procurement.

"Procurement Policy Board" or "PPB" − The body created by Section 5-5 of the Code.

"Project Manual" – Contractual documents that provide directions to the contractor that follow a format standard to the construction industry.

"Purchasing Agency" − *A State agency that enters into a contract at the direction of* the CPO or an SPO *authorized by the CPO*. [30 ILCS 500/1-15.70]

"Qualifications Based Selection" or "QBS" –The selection of construction-related professional services in accordance with the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

"QBS Act" – The Architectural, Engineering, and Land Surveying Qualifications

Based Selection Act [30 ILCS 535].

"Renewal" – Except for Real Property and Capital Improvement Leases, an agreement between the parties to a contract to authorize an additional contract period under the terms and conditions of the renewal provision in the contract.

"Request for Information" or "RFI" − The process of requesting information from potential vendors or other interested persons for the purpose of educating the State as to the range of available technical solutions and procurement options. This type of RFI is not a procurement method and does not result directly in the award of a contract.

"Request for Proposals" or "RFP" – A notice of projects and services to be procured that is published for purposes of the solicitation of letters of interest or statements of qualifications from construction managers under Article 33 of the Code or from architects, engineers or land surveyors under QBS or of proposals from design-build entities or commissioning agents.

"Respondent" – A person who responds to an RFI.

"Responsible Bidder" or "Offeror" – Includes a *person who has the capability in all respects to perform fully the contract requirements and* who has *the integrity and reliability that will assure good faith performance. A responsible bidder or offeror shall not include a business or other entity that does not exist as a legal entity at the time a bid or proposal is submitted for a State contract.* [30 ILCS 500/1-15.80] Additional responsibility requirements related to construction contractors are enumerated in Section 30-22 of the Code.

"Responsive Bidder" – *A person who has submitted a bid that conforms in all material respects to the* Invitation for Bids. [30 ILCS 500/1-15.85]

"Responsive Offeror" – a person who has submitted an offer that conforms in all material respects to the request for proposals.

"Scope and Performance Criteria" – The requirements for the public project, including, but not limited to, the intended usage, capacity, size, scope, quality and performance standards, life-cycle costs, and other programmatic criteria that are expressed in performance-oriented and quantifiable specifications and drawings

that can be reasonably inferred and are suited to allow a DB entity to develop a proposal.

"Scoring Tool" – The document used by the individuals evaluating the responses to a solicitation to judge qualifications or otherwise show whether or how well the responses met requirements set forth in the solicitation.

"Single Prime" – A contracting method whereby one contractor provides all subdivisions of the work necessary to complete the construction project. These subdivisions include, but are not limited to, plumbing, heating, ventilating, electrical, fire protection, temperature control, and general work.

"Solicitation" – The document (e.g., IFB or RFP) posted to the Bulletin requesting interested contractors or vendors to submit a bid, offer or proposal for evaluation by the State. An RFI is not considered a solicitation.

"Specifications" – *Any description, provision or requirement pertaining to the physical or functional characteristics, or of the nature of, a supply, service, or other item to be procured under a contract. Specifications may include a description of any requirement for inspecting, testing, or preparing a supply, service, professional or artistic service, construction, or other item for delivery.* [30 ILCS 500/1-15.95] Specifications include the Standard Documents for Construction, Design and Construction Projects, and Standard Documents for Design-Build Projects Manual for general application and repetitive use, as well as specifications applicable to a specific project which are contained in the Project Manual and drawings.

"Standard Documents for Construction" or "SDC" – The document incorporated and made a part of CDB construction contracts that contains the requirements and obligations of contractors and design professionals and that applies to all CDB projects.

"Standard Documents for Design-Build Projects" − A contractual document that details the role of the A/E on a CDB design-build project and contains standard forms and procedures.

"State" − The State of Illinois, a State agency as defined in the Code, and all officers and employees of the foregoing, as appropriate, collectively or

individually.

"Statement of Qualifications" − The information supplied by a vendor in response to an RFP that describes the specific experience and expertise that may qualify the vendor to provide the services requested.

"State Purchasing Officer" or "SPO" – A person appointed by the CPO pursuant to Section 10-10 of the Code and assigned to exercise procurement authority with respect to CDB, at the direction of the CPO.

"State Witness" – An employee of the State who, as part of his or her official duties, is assigned to observe the opening of bids or sealed proposals.

"Subcontract" – A contract between a person and a person who has a contract subject to the Code, pursuant to which the subcontractor provides to the contractor, or, if the contract price exceeds $50,000, another subcontractor, some or all of the goods, services, real property, remuneration, or other monetary forms of consideration that are the subject of the primary contract, including, among other things, subleases from a lessee of a State contract. [30 ILCS 500/1-15.107]

"Subcontractor" – A person or entity that enters into a contractual agreement with a total value of $50,000 or more with a person or entity who has a contract subject to the Code pursuant to which the person or entity provides some or all of the goods, services, real property, remuneration, or other monetary forms of consideration that are the subject of the primary State contract, including subleases from a lessee of a State contract. [30 ILCS 500/1-15.108]

"User Agency" − The agency or unit of government for which CDB carries out a construction project.

Section 8.20 Referenced Materials

The following State statutes are referenced in this Part:

a) Illinois Procurement Code [30 ILCS 500];

b) The Design-Build Procurement Act [30 ILCS 537];

c) Architectural, Engineering, and Land Surveying Qualification Based Selection Act [30 ILCS 535];

d) Capital Development Board Act [20 ILCS 3105];

e) Professional Service Corporation Act [805 ILCS 10];

f) Illinois Architecture Practice Act of 1989 [225 ILCS 305];

g) Professional Engineering Practice Act of 1989 [225 ILCS 325];

h) Structural Engineering Licensing Act of 1989 [225 ILCS 340];

i) Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330];

j) Procurement of Domestic Products Act [30 ILCS 537];

k) Business Enterprise for Minorities, Females, and Persons with Disabilities (BEMFD) Act [30 ILCS 575];

l) Freedom of Information Act (FOIA) [5 ILCS 140];

m) Prevailing Wage Act [820 ILCS 130];

n) Illinois Human Rights Act [775 ILCS 5];

o) Local Government Professional Services Selection Act (LGPSS Act) [50 ILCS 510];

p) Illinois False Claims Act [740 ILCS 175];

q) Criminal Code of 2012 [720 ILCS 5];

r) Illinois Use Tax Act [35 ILCS 105];

s) Illinois Environmental Protection Act [415 ILCS 5];

t) Public Officer Prohibited Activities Act [50 ILCS 105];

u) Lobbyist Registration Act [25 ILCS 170];

v) Illinois Securities Law of 1953 [815 ILCS 5];

w) Governmental Joint Purchasing Act [30 ILCS 525];

x) Steel Products Procurement Act [530 ILCS 565];

y) Project Labor Agreements Act [30 ILCS 571].

Section 8.25 Property Rights

No person shall have any right to a specific contract with the State unless that person has a contract that has been signed by an officer or employee of the purchasing agency with appropriate signature authority. The State shall be under no obligation to issue an award or execute a contract. [30 ILCS 500/1-25] No person who participates in a procurement action has any right to an award or subsequent contract. No notice of award can be issued and no contract can be executed without the written determination of a Procurement Officer. Neither receipt of a solicitation or other procurement documents nor submission of any response to a solicitation or other procurement request, solicited or otherwise, confers any right to receive an award or contract or contractually obligates the State in any manner.

SUBPART B: PROCUREMENT RULES, POLICIES AND PROCEDURES

Section 8.530 Policies and Procedures

a) The CPO may issue policies and procedures to further implement the Code and this Part. Policies and procedures shall be maintained in a structured format. The CPO shall periodically review policies and procedures and determine if any should be issued as an administrative rule.

b) The CPO shall notify the PPB of changes to policies or new policies. The CPO may give notice by including the PPB on the standard distribution list.

SUBPART C: PROCUREMENT AUTHORITY

CHIEF PROCUREMENT OFFICER FOR
CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

Section 8.1005 Procurement Authority

a) The Chief Procurement Officers appointed by the Executive Ethics Commission will exercise the procurement authority created by the Code for the benefit of the State of Illinois and the State agencies under the jurisdiction of each CPO.

b) The authority extends to all aspects of the procurement process, including, but not limited to, pre-solicitation activities, solicitation preparation, source selection, evaluation, award, contracts, contract amendments and records.

c) Any reference in the Code or this Part directing or authorizing a State agency to take procurement action is subject to the general procurement authority of the CPO and SPO as set forth in the Code and this Part.

d) The CPO exercises procurement authority directly or through one or more SPOs or temporary acting SPOs, designees, and CDB staff assigned to the procurement function. Those assigned to assist shall recognize the role and authority of the CPO. The CPO may reserve certain procurement activities to the CPO and reserves the right to review and modify or overturn any action of an SPO or any other designee.

e) An SPO will exercise procurement authority in accordance with direction and limitations established by the CPO. The SPO will act primarily to review, authorize and approve State agency procurement. The CPO and SPO will determine and identify, in writing, procurement activities that must be conducted by the CPO or SPO. Other procurement activities not so identified will be conducted by the CDB staff with CPO/SPO oversight.

f) CDB shall determine and provide an appropriate number of qualified staff and related resources to assist the SPO in meeting the procurement needs of the CDB. CDB staff, while acting to assist the SPO, remain CDB employees.

g) CDB is responsible for assisting User Agencies in determining need for a procurement and, upon direction or request, to provide a rationale to the CPO or SPO for the proposed transaction or activity before the procurement may commence. Additional justification may be required by the CPO or SPO at later stages of the procurement process. The CPO or SPO may require that the justification include a statement that the proposed activity or transaction meets

legal requirements and State agency policies and is in the best interest of the State of Illinois and the State agency. If, at the culmination of any of the procurement processes covered by this Part, CDB determines to proceed with the execution of a contract, CDB shall have authority to fully execute and file the contract for payment if, and only if, a Procurement Officer has given prior, written approval of the contract. The Procurement Officer's approval may be indicated by signature on the contract itself or by signature on a separate form affixed to the contract.

h) CDB staff are responsible:

1) For ensuring that all procurement activities, including those submitted to the SPO or CPO-GS for review, authorization or approval are in accordance with the Code, this Part, other applicable laws and rules, the internal policies of the State, the internal policies of the State agency; and

2) For obtaining all State and State agency approvals applicable to the particular stage of the procurement process.

i) The CPO has the authority to approve or reject contracts for a State agency. In addition to this authority the CPO may direct an SPO to approve or reject contracts for CDB, authorize an SPO to further authorize CDB to enter into contracts, or authorize CDB to enter into contracts. The head of CDB has the authority to sign and enter into a contract once a SPO provides written approval of the contract. The CPO shall determine in writing which contracts, if any, must be signed by the CPO. The CPO shall determine in writing which contracts may be signed by an SPO or CDB. These signature authorities may be modified or revoked at any time by the CPO or SPO, when appropriate.

1) Any written determination regarding signature authorization shall be maintained by the CPO and distributed to the SPO, CDB head, agency purchasing director and the State Comptroller.

2) If the CPO or SPO signs a contract, the State agency must also sign in order for the contract to be legally binding on the agency.

3) If the CPO and SPO do sign or approve a contract, in no event shall the CPO or SPO assume any responsibility or obligation under the contract, financial or otherwise, to any party or person.

j) Procurement Compliance Monitors (PCMs)

1) PCMs have roles and responsibilities established in Section 10-15 of the Code. This includes monitoring procurement activities of CDB, having access to records and systems, and attending any procurement meeting, including procurement activities conducted in accordance with the QBS Act and the DB Act.

2) CDB shall recognize these statutory roles and shall cooperate with PCMs in the conduct of their actions. Cooperation includes the giving of prior notice of, and access to, procurement meetings, when reasonable, and access to all procurement related records in whatever format they may exist, including documents, databases and systems. Failure to cooperate and resolve issues may be reported to the CDB Executive Director and, in certain cases, may require reporting to the Office of the Executive Inspector General for the agencies of the Illinois Governor.

3) Failure to cooperate with the PCM may also be reported to the chairman of the Board and Executive Director of CDB and in certain cases may require reporting to the Office of the Executive Inspector General or other authority.

4) Should a PCM request review of a contract before final execution, CDB shall not execute the contract until approved by the SPO after consultation with the PCM and CDB.

Section 8.1040 Central Procurement Authority of the CPO

a) Procurement Requests
CDB must initiate the procurement process through submission of a procurement request to the CPO. The CPO shall designate the format and requirements for submission. Should a PCM request review of a contract before final execution, CDB shall not execute the contract until approved by the SPO after consultation with the PCM and CDB.

b) Chief Procurement Officer's Authority to Reject

When the CPO, after consultation with CDB, decides that processing the requested procurement is clearly not in the best interest of the State, or that further review is needed, the CPO shall return the procurement request to CDB. A written statement of the reasons for its return shall accompany the returned request.

c) Determination of Contractual Terms and Conditions
The CPO or SPO has authority to approve the terms and conditions of solicitations and contracts. The CPO will consult with CDB if CDB requests special terms and conditions.

Section 8.1050 Delegation

a) The CPO may delegate to any SPO or, in consultation with the CDB Executive Director, to CDB authority, to conduct certain named activities or functions.

b) Delegations of authority to designees shall be in writing and shall specify:

1) the activity or function authorized;

2) that the activity or function shall be in accordance with this Part, the Illinois Procurement Code, QBS Act, DB Act and all related statutes;

3) any limits or restrictions on the exercise of the delegated authority;

4) whether the authority may be further delegated;

5) the CPO with authority for the function or activity;

6) the duration of the delegation; and

7) any reporting requirements.

c) Notwithstanding the provisions of subsection (b), any activities delegated under this Section are subject to review by the CPO, PCM or SPO and modification or cancellation by the CPO.

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

CHIEF PROCUREMENT OFFICER FOR
CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

Section 8.1501 Illinois Procurement Bulletin

a) The Illinois Procurement Bulletin consists of four volumes, one for each of the Chief Procurement Officers designated in the Code. Each volume will contain information relating to procurements under the authority of the appropriate CPO. References in this Part to the Bulletin mean the volume published by the CPO, unless the context indicates a different meaning.

b) The CPO shall have all rights to, and is the authority for, publishing the Bulletin. The CPO, shall, in consultation with CDB, determine the content, form, function, organization and structure and may make revisions as necessary.

c) Whenever this Part charges CDB with publishing a notice or other information in the Bulletin, CDB must receive the prior written approval of the Procurement Officer.

d) The Bulletin shall be published in electronic, web accessible form. In addition, the Bulletin may be made available in print.

Section 8.1525 Bulletin Content

a) The Bulletin will contain all content required by the Code. The Bulletin may include reference information of general interest (e.g., how to access the other volumes of the Bulletin, notice of new legislation, announcements and determinations) and may serve as the CPO's official website.

b) Notice of each procurement shall contain at least the following information:

1) the name of the purchasing and using agency, if different;

2) a brief description of the project with respect to which the services are being procured and of the services sought in the particular solicitation;

3) a project reference number;

4) the date the procurement is first offered (procurements that require notice shall not be distributed to vendors prior to the date the notice is first published in the Bulletin);

5) the date, time and location for submitting bids or proposals;

6) the method of source selection;

7) the name and contact information of the SPO in charge and the name of the CDB Project Manager assigned to the procurement;

8) instructions on how to obtain a comprehensive purchase description and any disclosure and contract forms;

9) encouragement to prospective vendors to hire qualified veterans;

10) encouragement to prospective vendors to hire qualified Illinois minorities, women, persons with disabilities and residents discharged from any Illinois adult correctional center; and

11) any unique evaluation scoring criteria.

c) The SPO shall send notice of bid opening results electronically directly to each bidder or offeror on the day of bid opening and posted on the CDB website no later than the next day after the bid opening.

d) Notice of the award that was subject of a notice in subsection (b) shall be issued electronically by the SPO on the day of the award to those bidders or offerors submitting responses to the solicitation and no later than the next day after the award on the CDB website. Should the SPO fail to send notice of award to bidders or offerors submitting responses to the solicitation, the time for filing a bid protest will be extended a day for each day the notice of award is late, up to 5 business days. No later than the end of the next business day, CDB shall publish the notice of award to its website.

e) The SPO shall publish the notice of award in the Bulletin. This notice shall contain at least the following information:

1) the information published under subsections (b)(1) through (7);

2) contract price and the name of the vendor selected for award;

3) the number of unsuccessful responding vendors;

4) for each vendor who submitted a response:

A) the vendor's name;

B) the amount bid; and

C) the percentage of business enterprise utilization plan;

5) the total number of veteran owned small businesses and service disabled veteran owned small businesses that submitted bids and the percentage of veteran utilization plan; and

6) other disclosures required to be published in the Bulletin.

f) In addition to the notice requirements of subsection (e), for solicitations, CDB shall post notice of the apparent low bidder's award and all other bids from bidders responding to the solicitation on its website the next business day or may include a link to the Bulletin for the detailed information of the award.

g) If CDB awards to other than the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation to bid pursuant to Section 20-10(g), an SPO must post in the Bulletin a written explanation with the notice of award. The written explanation must also be filed with the Legislative Audit Commission and must include:

1) a descriptions of CDB's needs;

2) a determination that the anticipated cost will be fair and reasonable;

3) a listing of all responsible and responsive bidders; and

4) the name of the bidder selected, the total contract price and the reasons for selecting that bidder.

h) Publication of Award

1) The SPO shall publish in the Bulletin the following information regarding emergency procurements within 3 business days after award of an emergency contract:

A) name of the procuring agency (and using agency, if different);

B) name of the vendor selected for award;

C) brief description of what services or supplies the vendor is authorized to provide;

D) total price (if only an estimate is known, it shall be published, but a subsequent notice repeating all required information shall be published when the final amount is known);

E) reasons for using the emergency method of source selection;

F) name of the SPO and the name of the CDB personnel on the purchasing staff in charge of the procurement;

G) the name of the user agency official or officials who initiated the emergency contract action in accordance with Section 8.2030(f)(2); and

H) affidavit of emergency procurement, if available, and if not available, to be filed as an amendment to the notice within 10 days after the emergency procurement.

2) For purposes of this subsection (h), an emergency contract is "awarded" when a Procurement Officer authorizes a vendor to commence work in accordance with Section 8.2030 or when a fully executed contract is issued, whichever occurs first.

i) In addition to the requirements of subsection (h), the notice of hearing to extend an emergency contract must be posted electronically in the Bulletin at least 14 days prior to hearing.

j) The following information in regard to sole source procurements shall be published by the CPO in the Bulletin at least 14 days prior to the award of a contract to a sole source vendor or as many days before the holding of any public hearing pursuant to Section 20-25(a) of the Code:

1) name of the purchasing agency (or using agency, if different);

2) name of the intended sole source vendor;

3) a description of what services or supplies CDB intends to procure;

4) contact information for the CPO and the name of the CDB personnel on the purchasing staff in charge of the procurement;

5) the date, time and location of the a scheduled public hearing with an explanation that the hearing will be cancelled if no hearing request is received; and

6) a completed sole source justification form as prescribed by PPB.

k) CDB shall post in the Bulletin a copy of its annual report of utilization of businesses owned by minorities, females and persons with disabilities. Posting is due within 10 days after CDB submits its report to the Business Enterprise Council pursuant to Section 6(c) of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575].

l) As determined by the CPO, other notices shall be published in the Bulletin as provided by the Code, including notices related to suspensions and debarment, Business Enterprise Program and Small Business Set-Aside waivers, and other matters of public interest.

m) The CPO may allow another CPO or another governmental entity to publish procurement related notices and other matters of public interest in the Bulletin.

CHIEF PROCUREMENT OFFICER FOR
CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

Section 8.1535 Vendor Portal

a) In consultation with the PPB and State agencies, the CPO may operate a vendor portal, use another CPO's vendor portal, or jointly operate a vendor portal with other Chief Procurement Officers if a single portal better serves the needs of State agencies and the vendor community. A vendor portal shall allow prospective vendors to:

1) Provide certifications, disclosures, registrations and other documentation needed to do business with the State in advance of a particular procurement;

2) Submit the vendor's registration number, with a confirmation that the portal information is current, as part of the vendor's response to a competitive selection or a contracting process.

b) The CPO may accept the registration of a vendor from another CPO's vendor portal, provided the portal information is current, in lieu of certifications, disclosures, registrations and other documentation needed to do business with the State in advance of a particular procurement.

Section 8.1560 Alternate and Supplemental Notice

a) If the electronic Bulletin cannot be published, the CPO may publish notices in one of the other CPO's Procurement Bulletin on an interim basis. If no electronic version of the Bulletin can be published, the CPO may designate its website as its volume of the Bulletin. If necessary, the CPO may designate the Official State Newspaper or other newspaper of general circulation as its volume of the Bulletin. All newspaper notices will be published in the Bulletin when it becomes available, but that publication will not extend any procurement-related timeframes.

b) Publication in the Bulletin may be supplemented in order to reach a broader pool of vendors by publication elsewhere at the discretion of the CPO or SPO. Examples include publication in:

1) print or online newspapers;

2) industry publications or websites; or

3) CDB or user agency website.

Section 8.1570 Error in Notice

When a required publication contains an error, the error may be corrected by a single notice published in the Bulletin and elsewhere in the same manner as the original notice within 30 days after the time the error is known. A correction that results in a change of procurement method or a material change in the requirements set forth in a solicitation may require extension of the time to respond to the original solicitation. The duration of the extension shall be set forth in the correction. Extensions may be granted at the discretion of the Procurement Officer, taking into consideration impacts on the State as well as on vendors.

Section 8.1580 Direct Solicitation

In addition to giving notice in the Bulletin, a Procurement Officer CDB, the A/E or the user agency may directly contact prospective vendors. Direct solicitation may be oral or in writing, but all vendors shall receive the same information as provided in the Bulletin. No direct solicitation shall be made prior to the date any required notice first appears in the Bulletin.

Section 8.1585 Notice Time

Each solicitation shall be published in the Bulletin at least 14 days prior to the date set for opening, unless a shorter time is authorized by the Code or this Part.

Section 8.1595 Availability of Solicitation Document

The content of a solicitation shall not be distributed to vendors or otherwise to the public prior to the date the solicitation is first published in the Bulletin.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 8.2005 General Provisions

a) Solicitation. A solicitation will contain forms that must be returned or may require completion in a prescribed format. If a form or format is prescribed, prospective vendors shall submit those forms as instructed.

b) Late Bids or Proposals, Late Withdrawals and Late Modifications

1) Any bid or proposal (including any modification, withdrawal or other procurement related submission) received after the time and date for receipt, or at other than the specified location, is late. A submission that is delivered to the wrong location but that is subsequently delivered to the correct location by the date and time specified shall not be considered to be late. Staff at the incorrect delivery location shall not be responsible for ensuring subsequent delivery. Delivery at the specified location and time shall be the sole responsibility of the bidder or offeror.

2) No late submission will be considered unless the SPO, and not a designee, determines it would have been timely but for the action or inaction of State personnel directly serving the procurement activity (e.g., providing the wrong address). It is the responsibility of the bidder or offeror to ensure delivery at the time and to the place specified. A vendor that submits a late response will be notified and given the opportunity to retrieve the submission at its cost. Late submissions not returned to the vendor will be destroyed after all related procurement activity is complete and the resulting contract has been executed.

3) Records shall be made and kept for each late bid or proposal, late modification, or late withdrawal. The record shall include time of receipt, method of delivery (e.g., hand-delivered, overnight mail), name of vendor and person making delivery, and a brief description of the circumstances, if known, that caused the delivery to be late.

c) Extension of Solicitation Due Date
The SPO or a designee may, prior to the due date, extend the time for submitting or modifying a bid or proposal for the convenience of the State. If notice to extend cannot be made in a manner that fosters a competitive procurement, the opening will be cancelled and rescheduled. All notices under this Section will be provided electronically and posted on the CDB Procurement Bulletin.

d) Bid Firm Time

1) Unless otherwise provided in the solicitation, the vendor's bid must be kept firm for at least 60 days after the opening date.

2) After opening bids, the SPO or a designee may request bidders to extend the offer firm time for an additional 60 days, provided that, with regard to offers, no other change is permitted. An extension beyond this will require approval from the Procurement Officer. CDB must submit a detailed written explanation of the need for extension with the request for additional extension. This Extension does not provide an opportunity for others to submit bids or proposals.

e) Offer Firm Time

1) Unless otherwise provided in the solicitation, the vendor's offer must be kept firm for at least 120 days after the opening date.

2) After opening proposals, the SPO or a designee may request offerors to extend the offer firm time for no more than an additional 60 days, provided that, with regard to offers, no other change is permitted. An extension beyond this will require approval from the Procurement Officer. CDB must submit a detailed written explanation of the need for extension with the request for additional extension. This extension does not provide an opportunity for others to submit offers.

f) Electronic Submissions

1) The solicitation may state that electronic submissions will be considered if they and any required attachments are received in the manner and by the time and date set for receipt, as stated in the solicitation.

2) Electronic submissions authorized by specific language in the solicitation will be opened in accordance with electronic security measures in effect at the time of opening.

g) All bids/offers received shall be time-stamped, and if received via hard copy, recorded on a log and stored in a secure, locked file cabinet or safe and under the control of the bid officer. The bid officer shall maintain the confidentiality of the

bid/offer submittals. No information regarding bids/offers received shall be disclosed to anyone except to confirm receipt to the bidder or offeror.

h) Only One Bid or Proposal Received
If only one bid or proposal is received, and if it meets the thresholds established by the Capital Development Board of Director's Resolutions, the SPO may award to the single bidder or offeror if the SPO finds that the price submitted is fair and reasonable, and that other prospective bidders or offerors had reasonable opportunity to respond, or there is not adequate time for resolicitation. Otherwise, the SPO may cancel the procurement and CDB will return the bids.

i) Unit Prices
Unit price items may be included in project specifications only if stated in a solicitation. The interest of the State must be protected from unlimited increased quantities.

j) Alternate Bids
Subject to Procurement Officer approval, CDB shall, with the assistance of the A/E and user agency, determine what parts or features of the work are most essential and, due to the limit of available funding, what discretionary elements may or may not be included in the project. Essential elements must be included in the base bid. All discretionary work must be identified in the IFB as alternates. To the extent discretionary elements are included, CDB shall identify discretionary work items in the order in which CDB will award the work at time of posting the bid. The alternates may be additive or deductive values. The lowest bidder shall be determined by the amount of the base bid plus accepted alternates. If not all the alternate bids are accepted at the award time, an alternate may be added to the project at a later time by change order if funding becomes available. If, however, acceptance of the alternate prior to award would have resulted in changing the lowest bidder, the alternate can only be added by change order upon approval of the SPO.

k) Assignment, Novation or Change of Name

1) Assignment. No CDB contract is transferable, or otherwise assignable, without the prior written consent of the CPO or SPO; provided, however, that a vendor may assign money receivable under a contract after due notice to CDB. The assignee, except in the case of assignment for

payment only, must meet all requirements for contracting with CDB. Any purported assignment without prior written consent shall be null and void. The decision to consent with respect to QBS, Construction Management, or design-build contracts shall be based upon consideration of, among other things, the continued availability of personnel whose qualifications served as the basis for the original award and the importance of the professional and artistic judgment of those persons, the qualifications of replacement staff, and the extent to which the services have already been performed.

2) Recognition of a Successor in Interest; Novation. When in the best interest of the State, a successor in interest may be recognized in a novation agreement in which the transferor and the transferee agree that:

A) the transferee assumes all of the transferor's obligations;

B) the transferee meets all requirements for contracting with CDB;

C) the transferor waives all rights under the contract as against the State; and

D) unless the transferor guarantees performance of the contract by the transferee, the transferee shall, if required by the State, furnish a satisfactory performance bond.

3) Change of Name. A vendor may submit to the SPO a written request to change the name in which it holds a contract with CDB. The name change shall not alter any of the terms and conditions of the contract or the obligations of the vendor.

l) Incorporation by Reference
A solicitation may incorporate documents by reference provided that the incorporated materials are readily available to potential bidders and the solicitation specifies where the documents can be obtained.

m) Confidential Data
Vendors must clearly identify, by page and paragraph, any information submitted to the State claimed to be exempt from the disclosure requirement of the Illinois

Freedom of Information Act (FOIA), identify the specific Section of FOIA applicable to the claimed exemption, and show how that Section applies to the information claimed to be exempt. Information submitted without a claim or exemption may be disclosed to the public without notice or permission. Information submitted with a claimed exemption may still be disclosed to the public if determined by a court, the Public Access Counselor appointed by the Illinois Attorney General, or the agency receiving the FOIA request that the claimed exemption does not meet the requirements for withholding the information under FOIA. The agency receiving the FOIA request shall attempt to provide the vendor reasonable notice and opportunity to object to the disclosure of any material claimed by the vendor to be exempt from FOIA.

n) Notice of Subcontractor

1) Any contract entered into under this Part shall state whether the services of a subcontractor will be used. The contract shall include the names and addresses of all known subcontractors with subcontracts with an annual value of more than $50,000, the general type of work to be performed by each subcontractor and the expected amount of money each will receive under the contract.

2) If, at any time during the term of the contract, a contractor desires to add or change any subcontractors with subcontracts with an annual value of more than $50,000, the contractor shall promptly notify CDB, in writing, of the names and addresses of the proposed subcontractors, the expected amount of money each new or replaced subcontractor will receive, and the general type of work to be performed. Subcontractors shall be required to register with CDB prior to entering into an agreement and provide financial disclosure and standard certifications prior to entering into a contract with the Prime Contractor.

3) No contractor shall change a subcontractor listed in the original bid or proposal, except with the consent of the SPO for good cause.

A) Good cause may include:

i) the failure of the subcontractor to execute a written contract after a reasonable period of time after the written contract is

presented to the subcontractor by the contractor;

ii) bankruptcy of the subcontractor;

iii) the death or disability of the subcontractor, if the subcontractor is an individual;

iv) dissolution of the subcontractor, if the subcontractor is a corporation or partnership;

v) failure of the subcontractor to meet bond requirements as specified in the solicitation;

vi) ineligibility of the subcontractor to perform on the subcontract because the subcontractor is suspended, debarred, or otherwise ineligible to perform;

vii) a series of failures by the subcontractor to perform in accordance with the specifications, terms and conditions of its subcontract;

viii) failure of the subcontractor to comply with a requirement of law applicable to the subcontractor; or

ix) failure or refusal of the subcontractor to perform the subcontract.

B) A request of a contractor for a substitution of a listed subcontractor shall be submitted in writing to the agency and SPO and shall include the reasons for the request. The contractor shall provide a copy of its request for substitution to the listed subcontractor by registered or certified mail to the last known address of the subcontractor.

C) No contractor shall permit any subcontract to be assigned or transferred or performed by any entity other than the subcontractor listed on the bid or proposal without the consent of the SPO. Consent of the SPO to a contractor for a substitution shall be made

in writing and be included in the procurement file.

D) Failure of a contractor to comply with this Section may result in cancellation of its contract or be considered grounds for suspension or debarment.

o) Pre-Solicitation Assistance

1) *For purposes of this subsection* (o):

A) *"business" includes all individuals with whom a business is affiliated, including, but not limited to, any officer, agent, employee, consultant, independent contractor, director, partner, manager or shareholder of a business* [30 ILCS 500/50-10.5(e)]; and

B) "agent of the State" is limited to an A/E under contract with CDB or a consultant to the A/E.

2) Prohibited Bidders or Offerors. Except as provided in subsection (o)(3), Section 50-10.5(e) of the Code prohibits any person or business from bidding or entering into a contract *if the person or business assisted an employee of the State of Illinois, who, by the nature of his or her duties, has the authority to participate personally and substantially in the decision to award a State contract, by reviewing, drafting, directing, or preparing any invitation for bids, request for proposal or request for information or provided similar assistance.*

3) Non-Prohibited Acts. Subsection (o)(2) does not prohibit a person or business from submitting a bid or proposal or entering into a contract if the person or business:

A) Provides the assistance as part of a publicly issued opportunity to review drafts of all or part of the IFB, RFP or RFI.

B) Initiates the communication to provide general information about products, services or industry best practices and, if applicable, that

communication is documented in accordance with Section 50-39 of the Code.

C) Responds to a communication initiated by an employee or agent of the State for the purposes of providing information to evaluate new products, services or technologies.

D) In the case of a vendor who bids or offers to supply technology, goods or services developed by the vendor, demonstrates the technology, goods or services in such a way as to represent industry trends and innovation and not in a way specifically designed to meet the State's needs.

E) Receives or possesses written material obtained from a State employee from public sources, such as through an internet search or literature packets obtained in conjunction with an event such as a trade show.

F) Provides, at the request of the State or agent of the State, general marketing material or makes a general sales presentation to show the person's qualifications or product capabilities. Material may be personalized for the procuring agency provided any personalization is obtained from publically available sources.

G) For purposes of this subsection (o), "agent of the State" is limited to an architect/engineer under contract with CDB, or a consultant to that A/E.

4) Prohibited Acts

A) Specifications. A person or business may not submit specifications to a State agency unless requested to by a State employee.

B) Assistance to State Employees. A person or business is prohibited from bidding on a solicitation and from having a contract or subcontract arising from any of the following activities if the person or business assisted an employee of the State agency who, by the nature of his or her duties, has the authority to participate

personally and substantially in the decision to award a State contract. Assistance to a State employee may include any of the following:

i) Draft (writes or assists the State with writing all or part of the procurement document);

ii) Review (reads the document and provides comments on the procurement document or signifies approval or disapproval);

iii) Direct (any activity relating to giving instructions or commands or in supervising or overseeing the preparation of the procurement document);

iv) Prepare (any activity relating to organizing or distributing the documents, including through the Procurement Bulletin); or

v) Provides similar assistance, e.g., conducting research or providing any advice used in drafting, reviewing or preparing procurement documents.

C) A person who contracts with CDB to write specifications for a particular procurement may not submit a bid or proposal or receive a contract or subcontract for that procurement.

5) Exceptions. Any person or business who responds to an advertised request for information or other publically available opportunity to provide information related to the procurement need or to review drafts of all or part of proposed procurement documents shall not be disqualified by virtue of responding to the State's publically advertised request.

p) Pre-Bid Conference

1) A pre-bid conference may be conducted to enhance the potential vendors' understanding of the procurement requirements. The pre-bid conference shall be announced as part of the solicitation notice. The conference may

be designated as "attendance mandatory" or "attendance optional". CDB may designate a conference as "attendance mandatory" only when direct observation of site conditions or the nature of specifications makes attendance necessary to be able to prepare an accurate bid.

2) The conference should be held long enough after the solicitation has been published to allow potential vendors to become familiar with it, but sufficiently before solicitation opening to allow consideration by vendors of conference results in preparing their responses.

3) Supporting documentation of the conference shall be supplied to all prospective vendors known to have received a solicitation by posting the information on the Bulletin. Nothing stated at the pre-bid conference shall change the solicitation unless a change is made by written modification to the solicitation.

4) Nothing stated at the pre-bid conference shall change specifications unless a change is made by written modification to the solicitation. Information conveyed in pre-bid conferences is not reportable under Section 50-39 of the Code, but any amendments resulting from the conference shall be supplied to all those prospective vendors through posting on the Bulletin. The A/E shall also issue a copy of the modified solicitation directly to all vendors who attended the conference and publish it in the location of the original solicitation and specifications.

q) Federally Funded Purchases. For purchases funded in whole or in part by United States Government funds, the solicitation will identify the federal statutes and regulations with which the vendor must comply.

Section 8.2010 Competitive Sealed Bidding

a) Application. Except as provided, unless an exception authorized by the Code and this Part exists, CDB contracts for construction projects shall be procured by competitive sealed bidding in accordance with Section 20-10 of the Code and this Section. Solicitations for bids shall be in conformance with the Code and this Part, and, in exigent circumstances for a specific procurement, with CPO Notices. Contracts shall be awarded in accordance with those authorities and with the provisions set forth in the SDC unless otherwise specified in the advertisement for

bids published in the Procurement Bulletin, or as authorized by law or policies governing bid matters that are expressed in the SDC relating to the Invitations for Bid process.

b) Invitations for Bids

1) Use. An IFB is used to initiate a competitive sealed bid procurement.

2) Content. An IFB shall include, at a minimum, the following:

A) instructions and information to potential bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the location to which bids are to be delivered, the name of the bid officer, and the bid firm date;

B) the project description, instruction as to where the comprehensive purchase description (also known as "bid documents") may be obtained, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the project description;

C) the contract terms and conditions, including warranty and bonding or other security requirements, as applicable, and State mandated certifications; and

D) A form or format that will specify or organize the manner of price submission and that the bidder shall submit along with all other necessary submissions, including disclosure forms.

3) Delivery Related Costs. Unless otherwise provided in the solicitation, the bid price includes transportation, transit insurance, delivery, installation and any other costs.

c) Amendments to Invitations for Bids

1) Form. Amendments to IFBs shall be issued as "addenda" and shall clearly identify and reference the portion of the IFB being amended.

2) Distribution. Amendments shall be posted to the Bulletin, and the A/E shall distribute them directly to plan rooms and all known plan holders.

3) Timeliness. Amendments shall be made available so as to allow prospective bidders a reasonable time to consider them in preparing their bids, but receipt will be not later than 3 days before the time of bid opening. If the time and date set for receipt of bids will not permit that preparation, the amendment shall extend the response time.

d) Licensing. In addition to other statutory requirements, all bidders shall be responsible for proper licensing with the appropriate State agency in the trades the bidder will perform on the particular project, such as, but not limited to, roofing, plumbing and asbestos abatement.

e) Obtaining Bid Documents. At the time of publishing an advertisement for bids, CDB shall make project plans, specifications and other bidding documents available to prospective bidders through the offices of the project Architect/Engineer (A/E) and other locations such as commercial "plan rooms", or electronic means, including the CDB or CPO websites or the Procurement Bulletin. Each advertisement shall identify the specific locations from which bid documents may be obtained. The A/E may charge a refundable deposit for loan of bid documents.

f) Construction Administration Fee. If CDB assesses a construction administration fee as authorized by Section 9.02(a) of the CDB Act, the amount or percentage of that fee shall be identified in the bid documents.

g) Reporting of Bid Document Errors or Inconsistencies. Bidders shall have an affirmative duty to examine bid documents and site conditions and to report any discovered errors or inconsistencies to the project A/E. Bidders awarded a contract will not be given change orders for extra payment or time extension for conditions that could reasonably have been discovered.

h) Agreement to Terms. By submitting a bid, the bidder agrees to all terms and conditions of the SDC and other contract documents referenced or incorporated in the IFB. Accordingly, submittal of conditions or qualifying statements on bids may be cause for rejection of the bid.

i) Bid Security. All bids shall include bid security in the form of a bid bond on CDB's form, certified check, cashier's check or bank draft in the amount of 10% of the base bid. If a bid bond is used, the surety issuing the bond must be acceptable to CDB.

j) Pre-Opening Modification or Withdrawal of Bids

1) Procedure. Bids may be modified or withdrawn by written notice received at the location designated in the IFB prior to the time and date set for bid opening.

2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.

3) Records. All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.

k) Receipt, Opening and Recording of Bids

1) Receipt. Upon its receipt, each bid and modification shall be date and time-stamped but not opened and shall be stored in a secure manner (e.g., locked file cabinet, safe, locked room or other secure location) until the time and date set for bid opening. If a bid is opened for identification purposes or in error, the file shall state the reason for the breach. The bid officer and the person mistakenly opening the bid shall sign a statement explaining the reason for the mistake or error, including the name of anyone involved. The statement shall be included in the procurement file, and the bid shall be resealed. The bid shall be resealed until the time set for bid opening.

2) Opening and Recording. The bid officer shall open the bids and modifications publicly at the time, date and place designated in the IFB in the presence of a State witness. The bid officer shall not serve as witness. The bid officer shall announce and record on the bid tabulation sheet the project, the construction trade, the name of each bidder and that bidder's price, including modifications and alternate prices, and any acknowledgement of addenda. The Procurement Officer may require the

reading of additional information if the nature of the project and bidding warrants.

3) CDB the CPO or SPO may request that a vendor clarify its bid or proposal as part of the evaluation process. A vendor shall not be allowed to change its bid or proposal or deviate from the specifications in response to a request for clarification.

l) Bid Evaluation and Award

1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the IFB and only those requirements and criteria, except as permitted in the Code and this Part. After evaluating bids, CDB shall identify the lowest responsible and responsive bidder and submit to the Procurement Officer a written recommendation to award to that bidder unless an exception applies.

2) Responsibility and Ineligibility. Responsibility of prospective vendors is addressed in Section 8.2046 and Subpart V.

3) Material deficiencies shall result in rejection of a bid and include:

A) Failure of the contractor to be prequalified;

B) Omission of signatures resulting in the intent to be bound by the bid being not apparent;

C) Submission of a bid price that cannot be determined;

D) Failure to provide required bid security;

E) Failure to demonstrate responsibility.

4) Technical Deficiencies. Technical deficiencies in bids may be remedied by the bidder within 7 days after having been notified of the deficiency by CDB. The date of notification is deemed to be the business day of the sending of an email or fax, the date of delivery if recorded by the service

making the delivery, or, in the case of first class mail, the third day after the date of the postmark. Technical deficiencies include but are not limited to the following:

A) Failure to use proper bid forms;

B) Submission of a bid bond that is not on CDB's form;

C) Failure to include a properly completed PC-2 (the Minority and Female Workforce Participation form of the Department of Human Rights); or

D) Failure to acknowledge an addendum that makes a material change to the bid documents.

5) Product Substitutions. Bids for construction projects shall be based on providing all products, subcontractors or suppliers specified. However, CDB specifications shall provide that a bidder may propose substitutions of a product, subcontractor or supplier upon review and approval by CDB and the project A/E. The product substitution process may be utilized regardless of whether the specification calls for a sole source and whether only brand names are listed. Substitutions shall not be accepted after award unless approved by a Procurement Officer. Determinations on the acceptance of substitutions shall be included in the procurement file.

6) CDB's written recommendation to award shall be in the form of an award package that includes, at least, the bid tabulations, the name and bid amount of the recommended awardee, results of the awardee's evaluation, MBE/FBE participation and identification of any bids rejected and the reasons for rejection.

7) No Disclosure of Information. Other than information that was recorded, read and made publicly available at the opening of the bids, CDB shall not disclose any information contained in any bid with any other bidder or person or entity, other than the CPO, SPO, PCM or CDB personnel, who requires access to information in furtherance of his or her job duties until after award of the proposed contract has been posted to the Illinois Procurement Bulletin.

m) Award to Other Than Low Responsible and Responsive Bidder

1) The SPO, but not a designee, may authorize the State to award to other than the lowest responsible and responsive bidder upon a written determination that award to another bidder is in the State's best interest. The determination shall include a description of the user agency's needs, a statement that the anticipated cost will be fair and reasonable, a listing of all responsible and responsive bidders, the name of the bidder selected, the total contract price and an explanation of the reasons for selecting this bidder instead of the low bidder.

2) The SPO must publish the determination in the Bulletin and file a copy with the Legislative Audit Commission and PPB. This information shall be made available by the CPO for inspection by the public within 30 days after the agency's decision to award the contract.

n) Publicizing Award

1) Bidders shall be notified of contract award. The notification shall be issued electronically to the successful bidder in the form of a letter or other clear communication. Notices of awards through the Invitation for Bids process shall be published in the Bulletin prior to the execution of a contract. Failure to provide this notice to all bidders shall result in extending the time for filing a bid protest up to 5 business days. The extension shall be a day for each day the notice is late, up to 5 days. If the contract is awarded to other than the lowest bidder, the notice shall include an explanation of the award. Notice of the award shall be posted on CDB's website the next business day. All bids and supporting documents shall be made available by CDB for public inspection and copying after award unless exempt from the disclosure requirement of the Illinois Freedom of Information Act ("FOIA") [5 ILCS 140].

2) Notice of award must include at least the following information:

A) date solicitation first offered;

B) due date for submission of offers;

C) location for submission of offers;

D) name of purchasing agency;

E) name of responsible SPO and CDB personnel on the purchasing staff;

F) brief description of supplies/services being purchased;

G) method of source selection;

H) the contract price and the name of the vendor selected for award;

I) the number of unsuccessful responding vendors;

J) for each vendor who submitted a response:

i) the vendor's name;

ii) the bid amount;

iii) the percentage of business enterprise utilization plan;

K) total number of veteran owned small businesses and service disabled veteran owned small businesses that submitted bids and the percentage of veteran utilization plan;

L) any other disclosure required by the Code.

Section 8.2020 Small Purchase Limits

a) As authorized by law and under the jurisdiction of the CPO, individual contracts for construction, construction related services, construction related professional services, and construction management supplies or services not exceeding the following thresholds (hereinafter, "small purchase limit") may be made without notice or competition or use of other method of procurement as follows:

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1) Any construction-related professional services contract with an estimated basic professional services fee of less than $25,000;

2) Construction management contracts of less than $25,000;

3) Construction not exceeding the small purchase level of $30,000, adjusted for inflation each July 1 after 1998 in accordance with Code Section 20-20(b);

4) The CPO shall publish any change identified by the United States Department of Labor in the Consumer Price Index for All Urban Consumers for the period ending each December 31, and for each year thereafter on its website. That percentage change shall be used to recalculate the small purchase maximum for construction that shall be applicable for the fiscal year beginning the following July 1. The CPO shall publish on the Procurement Bulletin the current small purchase maximum.

b) Determination of Small Purchase Status

1) In determining whether a contract is under the small purchase limit, the stated value of the supplies or services, plus any optional supplies and services, determined in good faith shall be utilized. When the value is calculated month-to-month or in a similar fashion, the amount shall be calculated for a 12 month period.

2) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the SPO determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the SPO must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.

3) If there is a repetitive need for small procurements of the same type, the State agency shall notify the SPO. The SPO shall consider whether issuing a competitive sealed bid or proposal for procurement of those needs is required or otherwise in the best interest of the State.

Procurements shall not be artificially divided in order to constitute a small purchase.

c) The CPO may establish policies and procedures to manage the use of the small purchase method of source selection.

Section 8.2025 Sole Economically Feasible Source Procurement

a) Application. The provisions of this Part apply to procurement from a sole economically feasible source (referred to as "sole source") unless the estimated amount of the procurement is within the limit authorized in Section 8.2020 (Small Purchases) or unless emergency conditions exist as defined in Section 8.2030 (Emergency Procurements), in which case those other procedures may be used.

b) Conditions for Use of Sole Source Procurement. Sole source procurement is permissible when a requirement is available from only a single supplier or when only one supplier or service provider is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one vendor authorized to provide that item. The following are examples of circumstances that could necessitate sole source procurement (but are not exhaustive):

1) compatibility of equipment, accessories, replacement parts or service is a paramount consideration;

2) items are needed for trial use or testing of that specific product or service;

3) non-competitive public utility services;

4) item is copyrighted or patented and the item or service is not available except from the holder of the copyright or patent;

5) contract has expired, but the supplies or services have not been fully provided;

6) Federal or State grant requires contract with named vendor;

7) changes to existing contracts (see subsection (c)).

c) Changes
A change that is germane and reasonable in scope and cost in relation to the original contract that is necessary or desirable to the success of the project need not comply with these sole source procedures.

d) Sole Source Determination and Hearing

1) CDB may request that a particular procurement be made on a sole source basis. The request shall be in writing on a form prescribed by the Procurement Policy Board and shall describe in detail the basis for the sole source determination.

2) If the SPO approves, the SPO shall cause to be published in the Bulletin and provided to PPB the notice of intent required by Section 20-25(c) of the Code. In addition to meeting other requirements, the notice shall advise interested parties of the date, time and location of any hearing that may be held in response to a written request submitted by an interested party to challenge the justification for use of the sole source procurement method.

3) The hearing date shall be set for a date no fewer than 15 days after publication of the notice. Unless an interested party's request for hearing is received by the CPO no later than the close of business on the date prior to the scheduled hearing, the Procurement Officer shall cancel the hearing and cause notice of cancellation to be published in the Bulletin prior to the hearing date. If a hearing is requested, the procurement may proceed on a sole source basis only after the hearing is conducted and with the approval of the CPO.

e) Hearing Procedures. Any hearing required shall be conducted in accordance with Subpart T.

Section 8.2030 Emergency Procurements

a) Authority to Make Emergency Procurements. The provisions of this Section apply to every procurement over the small purchase limit set in Section 8.2020 made under emergency conditions. The CPO shall have the authority to make

emergency procurements when an emergency condition arises and the need cannot be met through normal procurement methods.

b) Statutory Emergency Conditions exist:

1) if there exists a threat to public health or public safety;

2) when immediate expenditure is needed for repairs to State property in order:

A) to protect against further loss or damage to State property;

B) to prevent or minimize serious disruption in critical State services that affect health, safety, or collection of substantial State revenues; or

C) to ensure the integrity of State records.

c) Scope of Emergency Conditions. CDB shall provide the CPO a detailed written description of the basis for the emergency and reasons for the selection of the particular contractor to be included in the contract file in accordance with Section 20-30(a) of the Code. Emergency procurement shall be limited to the supplies, services, construction or other items necessary to meet the emergency need (i.e., the temporary solution). Under certain situations, the temporary solution may also be the permanent solution when doing so is shown to be in the best interest of the State. In this event, the notice shall describe that circumstance.

d) Source Selection Methods

1) CDB will employ as much competition as is practicable under the emergency circumstances to address the emergency situation, as approved by the SPO.

2) When practicable, a minimum of three vendors approved by the SPO shall be evaluated for award of an emergency contract. Documentation of efforts made to obtain competition shall be made part of the procurement file.

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e) Determination and Record of Emergency Procurement

1) Determination. The SPO shall make a written determination confirming or denying the basis for the emergency and the reasons for the selection of the particular vendor. These determinations shall be kept in the procurement file.

2) Emergency Contract Award. For purposes of an emergency contract, an emergency contract is awarded on the earlier of the date an agency communicates to a vendor to start work, date of publication in the Illinois Procurement Bulletin identifying the vendor of the required goods or services, or the date the contract is signed by both parties.

3) Vendor Authorization. Unless impractical, no work shall be performed by a vendor under the jurisdiction of the CPO without the prior written authorization of the SPO.

4) Record. A written explanation and affidavit of each emergency procurement (including extensions of emergency contracts beyond 90 days) shall be submitted to the CPO by CDB within 5 days after an emergency contract is awarded (see Section 8.2030(e)(2)). The CPO will submit the explanation and affidavit to the Auditor General and the PPB within 10 days after award and shall include the following information:

A) the vendor's name;

B) the amount and type of the contract (if only an estimate of the amount is available immediately, the record shall be supplemented with the final amount once known);

C) a description of what the vendor will do or provide;

D) the conditions and circumstances requiring use of the emergency method of source selection, including the cost and advantages and disadvantages of reasonable alternatives to the emergency procurement;

E) the expected duration of the contract;

F) the expected or anticipated need for other contracts that might be necessary to completely address the emergency conditions;

G) an analysis of how a competitive selection may or will be structured to address a permanent solution to the condition prompting the emergency; and

H) such other information as may explain the emergency procurement or as may be requested by the SPO.

5) Notice of the Emergency Procurement. Notice of the emergency procurement shall be published in the Bulletin by the SPO as specified in Sections 15-25(c) and 20-30 of the Code no later than 3 business days after the contract is awarded and shall include a description of the procurement, identification of the contractor, the reasons for the emergency procurement, the names of the responsible CPO and SPO, and the total cost. When only an estimate of the total cost is known at the time of publication, the estimate shall be identified as an estimate and published. When the total cost is determined, it shall also be published in like manner before the 10th day of the next succeeding month.

6) CDB shall be responsible for preparing the filings required in Section 20-30 of the Code.

f) Duration and Replacement of Emergency Contract. By statute, the term of an emergency purchase shall be limited to the time reasonably needed for a competitive procurement, not to exceed 90 days. Therefore, unless the purchase or the temporary nature of the emergency conditions are likely to resolve the emergency or otherwise make unnecessary the emergency measures, CDB shall immediately act to initiate whatever competitive procurement is appropriate to provide the services on a longer term basis or, in the case of a temporary solution, is necessary to acquire the permanent solution.

g) Extension of Emergency Contract. An emergency contract may be extended beyond 90 days if the CPO determines additional time is necessary and the contract scope and duration are limited to the emergency.

1) If CDB believes an extension beyond 90 days is necessary, it shall direct an extension request to the SPO for approval. The request shall be in writing and include justification for the extension and a description of the efforts of CDB and, if appropriate, the using agency to address the emergency condition on a permanent basis.

2) If the SPO approves, the SPO shall submit the request to the CPO with a written approval and justification for that approval. Unless the CPO disapproves the request, the CPO shall hold a public hearing on the extension, notice of which shall be published in the Bulletin no later than 14 days prior to the hearing. Notice shall include at least a description of the need for the emergency extension, the contractor, and, if applicable, the date, time and location of the public hearing.

3) The public and any representative of the PPB may present testimony at the public hearing, which shall be conducted in accordance with Subpart T. Only after the hearing and the CDB providing written justification, may the CPO allow the emergency contract to be extended. The notice of hearing and all hearing documents, including the written justification, must be posted on the Bulletin as soon as possible but no later than 3 days after the hearing.

Section 8.2036 Other Methods of Source Selection

a) Single-Prime. In accordance with Section 30-30 of the Code and subject to prior approval of the Procurement Policy Board, CDB may, on certain projects, retain one contractor to provide all subdivisions of the work necessary to complete the construction contract. Use of this method requires prior written approval of the CPO. The CPO's review and approval shall be limited to compliance with the requirements of Section 30-30(i) through (vii) of the Procurement Code.

b) Design-Build. In accordance the Design-Build Procurement Act, CDB may use the design-build delivery method for certain projects, provided it first makes a written determination that it is in the best interest of the State to enter into a design-build contract. This written determination must include a description of particular advantages of the design-build method.

c) Construction-related professional services shall be procured in accordance with the QBS Act, Subpart M of this Part and, to the extent not inconsistent with QBS and Subpart M, the remainder of this Part and any related rules of the Board.

d) Construction management services shall be procured in accordance with Subpart N of this Part, and, to the extent not inconsistent with Subpart N, the remainder of this Part and any related rules of the Board.

e) Federal Requirements. If a project is funded with federal aid funds, grants or loans or is otherwise subject to federal requirements, the funded procurements shall be conducted in accordance with federal requirements that are necessary to receive or maintain those federal aid funds, grants or loans or to remain in compliance with federal requirements.

Section 8.2037 Tie Bids and Proposals

a) Tie bids or proposals are those from responsive and responsible vendors that are, in the case of bids, identical in price, and, in the case of proposals, identical in rank after evaluation.

b) Tie bids or proposals will be resolved as follows:

1) If the tied vendors include only one Illinois resident vendor, the Illinois resident vendor shall be given the award. "Illinois resident vendor" has the meaning ascribed in Section 8.4510 (Resident Vendor Preference).

2) In all other situations, the award shall be made by the toss of a coin, properly witnessed and recorded, unless CDB requests and documents, and the SPO determines that awarding to one of the vendors is in the State's best interest because, for example, that vendor:

A) is likely to be more reliable or responsive to the State's needs, based on past performance;

B) provides a better quality of the supply or service as demonstrated by performance evaluations on file prior to bidding, or such similar evidence;

C) provides quicker delivery; or

D) in the case of proposals, because of a desire to take advantage of the lower price.

c) Records. In addition to the record in the particular procurement file, a separate record shall be made of all procurements on which tie bids or offers are received, showing at least the following information:

1) The identification number of the solicitation;

2) A description of what was procured; and

3) A listing of all bidders or offerors and the prices submitted.

Section 8.2038 Modification or Withdrawal of Bids or Proposals

a) Modification or Withdrawal A bidder or offeror may withdraw or modify a bid or proposal if notice of the withdrawal or modification is received by the bid officer before the latest time specified for receipt of bids or proposals. Any modification or withdrawal, however, must be made in writing and conveyed directly to the bid officer prior to the scheduled bid or proposal opening. The SPO may allow all modifications or withdrawals by printed form conveyed by electronic mail or fax. Method of submittal of withdrawal and modification must be included in the bid documents including any specific fax numbers or e-mail addresses.

1) Withdrawal of bids or proposals after bid or proposal opening will not ordinarily be permitted. A thorough analysis of the request for withdrawal of bid or proposal, including a recommendation to approve or deny the request, must be provided to the SPO. In cases in which, in the judgment of the SPO, based on credible, clear and concise evidence, the bidder or offeror has made a bona fide error in the preparation of the bid or proposal and that error will result in a substantial loss to the bidder or offeror, a withdrawal may be made at the SPO's discretion.

2) Minor Informalities or irregularities. A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation from the exact requirement of the

solicitation, the correction or waiver of which would not be prejudicial to the State (i.e., the effect on quality, quantity, delivery or contractual conditions is negligible). The bid officer shall waive these informalities or irregularities allowing correction if to allow such correction is in the best interests of the State. A record of minor informalities and irregularities shall be maintained in the Procurement File and is subject to review by the SPO during the award process. Examples of minor informalities as to form include the failure to:

A) return the required number of signed copies required by the IFB;

B) acknowledge receipt of an amendment to the solicitation, but only if:

i) it is clear from the bid that the offeror received the amendment and intended to be bound by its terms; or

ii) the amendment involved had a negligible effect on quantity, quality or delivery.

b) Documentation Required. When a bid or proposal is corrected or withdrawn, or correction or withdrawal is denied, a written determination shall be prepared by the bid officer and provided to the SPO showing that relief was granted or denied in accordance with this Part.

Section 8.2039 Mistakes

a) General. Corrections to bids, proposals or other procurement processes are allowed, but only to the extent not contrary to the best interest of the State or the fair treatment of the other bidders or offerors.

b) Mistakes Discovered Before Opening. A vendor may correct mistakes discovered before the time and date set for opening by withdrawing or correcting the error in writing, or in person at the opening location, before the time and date set for opening.

c) Confirmation of Mistake After Opening. When the SPO knows or has reason to know that a mistake has been made, the SPO may request the vendor to confirm

the information. Situations in which confirmation should be requested include obvious or apparent errors on the face of the document or a price unreasonably lower than the others submitted. If the vendor alleges a mistake, the bid or proposal may be withdrawn if the conditions set forth in this Section, as applicable, are met.

1) Minor Informalities or Irregularities. A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation from the exact requirement of the solicitation, the correction or waiver of which would not be prejudicial to the State (i.e., the effect on price, quality, quantity, delivery or contractual conditions is negligible). The bid officer shall waive these informalities or irregularities allowing correction if to allow the correction is in the best interest of the State. A record of minor informalities and irregularities shall be maintained in the procurement file and is subject to review by the SPO during the award process. Examples of minor informalities as to form include the failure to:

A) return the required number of signed copies required by the IFB or RFP;

B) acknowledge receipt of an amendment to the solicitation, but only if:

i) it is clear from the bid that the offeror received the amendment and intended to be bound by its terms; or

ii) the amendment involved had a negligible effect on price, quantity, quality or delivery.

2) Mistakes in Which the Intended Correct Information Is Evident. If the mistake and the intended correct information are clearly evident on the face of the bid document, the information shall be corrected and the bid may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the solicitation document are typographical errors, errors in extending unit prices, transposition errors and arithmetical errors.

3) Mistakes in Which the Intended Correct Information Is Not Evident.

The bid or proposal may be withdrawn if:

A) a mistake is clearly evident on the face of the bid or proposal document but the intended correct bid or proposal is not similarly evident; or

B) there is clear and convincing evidence demonstrating a mistake was made.

d) Documentation Required. The reason for allowing correction or withdrawal of bids or proposals shall be made part of the procurement file and shall be available for public inspection.

Section 8.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

a) Policy. Any solicitation may be canceled before or after opening when the SPO believes cancellation to be in the State's best interest. An SPO may request from CDB any information necessary to assist the SPO in reaching a determination of whether cancellation is in the State's best interest. Nothing shall compel the award of a contract.

b) Cancellation of Solicitation; Rejection of All Bids or Proposals

1) A solicitation may be canceled in whole or in part when the SPO determines in writing that the action is in the State's best interest for reasons including, but not limited to:

A) the State no longer requires the supplies or services;

B) the State no longer can reasonably expect to fund the procurement;

C) proposed amendments to the solicitation would be of such magnitude that a new solicitation is desirable;

D) ambiguous or otherwise inadequate specifications;

E) the solicitation did not provide for consideration of all factors of significance to the State;

F) prices potentially exceed available funds and it would not be appropriate to adjust quantities to come within available funds;

G) all otherwise acceptable bids or proposals received are at clearly unreasonable prices; or

H) there is reason to question whether the bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.

2) When a solicitation is canceled, notice of cancellation shall be posted to the Bulletin.

3) The notice of cancellation shall:

A) identify the solicitation;

B) briefly explain the reason for cancellation or rejection; and

C) when appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future procurements of similar supplies or services.

c) Rejection of Individual Bids or Proposals

1) Individual bids or proposals may be rejected for reasons including, but not limited to:

A) the bid or proposal is not responsive (i.e., it does not conform in all material respects to the submission requirements for the solicitation);

B) the vendor that submitted the bid or proposal is not responsible as determined under Section 8.2046 (Responsibility and Eligibility);

C) the supply or service item offered in the bid or proposal is unacceptable by reason of its failure to meet the announced

requirements of the solicitation, including, but not limited to, specifications or permissible alternates or other acceptability criteria set forth in the solicitation, statement of work or quotation; or

D) the proposed price, including options, is clearly unreasonable.

2) Notice of Rejection. Bidders or offerors whose bids or proposals have been rejected shall be advised of the reasons for rejection.

d) Documentation. The reason for cancellation or rejection shall be made a part of the procurement file and shall be available for public inspection.

SUBPART F: PREQUALIFICATION AND RESPONSIBILITY

Section 8.2045 Vendor Prequalification and Responsibility

Prequalification constitutes a preliminary determination of responsibility requisite for a vendor to be eligible to bid or submit proposals. Prequalification is not a binding final determination of a vendor's responsibility. All entities required to be prequalified shall be prequalified in accordance with Subparts V, W and X. Responsibility shall be considered by the SPO prior to making an award or signing a contract in accordance with Section 8.2046.

Section 8.2046 Responsibility and Ineligibility

a) Application. Before making an award or signing a contract, the SPO must be satisfied the prospective vendor is responsible. CDB's recommendation to award a contract shall include a determination of responsibility. If there is doubt about responsibility, a vendor may be denied an award. If additional bonding or other security would adequately protect the State's interests, then that vendor may receive an award or contract upon receipt of the bond or other security.

b) Standards of Responsibility. Factors to be considered in determining whether the standard of responsibility has been met include, but are not limited to, whether a prospective vendor:

1) has available the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain and manage this

expertise, necessary to indicate its capability to meet all contractual requirements. CDB shall not recommend a determination of responsibility for any vendor who has the appearance of being a broker, rather than a conventional business. In determining whether a vendor is a broker or a vendor with inadequate resources, CDB may consider one or more of the following:

A) whether the vendor maintains and works from a separate conventional office which is not a residence or offices for other businesses;

B) whether the vendor maintains a full-time office with professional and/or construction staff consisting of clerical, managerial, and supervisory personnel;

C) whether key persons with the vendor have an educational and work experience background that makes the key persons sufficiently expert and knowledgeable to carry out CDB construction projects;

D) whether the vendor owns equipment, tools, machinery, materials or supplies used on construction projects;

E) whether the contractor has financial resources related to or generated by the construction business;

F) whether the vendor has historically subcontracted for a percentage of the work in construction contracts exceeding the requirements of CDB contracts;

G) whether key persons with the vendor are engaged in non-construction businesses;

2) is able to comply with required or proposed delivery or performance schedules, taking into consideration all existing commercial and governmental commitments;

3) has a satisfactory record of performance. Vendors who are or have been materially-deficient in current or recent contract performance in dealing

with the State or other customers may be deemed "not responsible" unless the deficiency is shown to have been beyond the reasonable control of the vendor;

4) has a satisfactory record of integrity and business ethics. Vendors who are under investigation or indictment for criminal or civil actions that bear on the particular procurement or that would make contracting with that vendor undesirable may be declared not responsible for the particular procurement;

5) is qualified legally and authorized to contract with the State, which means, among other things, the vendor holds and is in good standing with respect to all licenses, certifications, financial disclosures and conflicts of interest or registrations necessary to provide the subject services in Illinois;

6) has supplied all necessary information in connection with any inquiry concerning responsibility;

7) has a current public contracts number from the Illinois Department of Human Rights pursuant to 44 Ill. Adm. Code 250.210, if required. Proof of application prior to opening of bids or proposals will be sufficient for an initial determination;

8) does not have any financial or other conflicts of interest under Sections 50-13 and 50-35 of the Code, or any other provisions of Article 50 of the Code;

9) complies with all applicable laws concerning the vendor's entitlement to conduct business in Illinois;

10) complies with all applicable provisions of the Prevailing Wage Act;

11) complies with Subchapter VI ("Equal Employment Opportunities") of 42 USC 2000e et seq. and with Federal Executive Order No. 11246, as amended by Executive Order No. 11375;

12) has a valid Federal Employer Identification Number or, if an individual, a valid Social Security Number;

13) has a valid certificate of insurance showing the following coverages as applicable: general liability, professional liability, product liability, workers' compensation, completed operations, hazardous occupation and automobile; and

14) participates, including its subcontractors, in applicable apprenticeship and training programs approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.

c) Information Pertaining to Responsibility. Information pertaining to responsibility shall be obtained from CDB prequalification files, bid documents, proposals and State vendor registration systems. The prospective vendor may be required to supply additional information, if requested by CDB, the CPO or SPO, concerning the responsibility of the vendor. The State may supplement this information from other sources and may require additional documentation at any time. If the vendor fails to supply the requested information, the determination of responsibility will be based upon any available information, the prospective vendor may be found not responsible.

d) Duty Concerning Responsibility. Before awarding a contract, the CPO or SPO must be satisfied that the prospective vendor is responsible. Responsibility can be proven at any point from the time of bid until time of award.

e) Written Determination of Non-Responsibility Required. If a vendor who otherwise would have been awarded a contract is found to be not responsible, a written determination of non-responsibility setting forth the basis of the finding shall be prepared by CDB for approval by the CPO or SPO. A copy of the determination shall be sent promptly to the non-responsible vendor. The final determination shall be made part of the procurement file.

f) Affiliated Companies. Vendors that are newly formed business concerns having substantially the same owners, officers, directors or beneficiaries as a previously existing, non-responsible vendor may be declared non-responsible solely on that basis unless the new organization can demonstrate it was not set up for the purpose of avoiding an earlier declaration of non-responsibility.

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

CHIEF PROCUREMENT OFFICER FOR
CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

Section 8.2047 Security Requirements

a) Vendors shall furnish security as specified in the solicitation or contract. The cost of providing security will be borne by the vendor unless otherwise stated in the solicitation.

b) Security, unless otherwise specified, may be in the form of cashier's check, certified check, money order, or irrevocable letter of credit or bond. Any bond must be issued by a surety company authorized to do business in the State of Illinois and meeting the requirements set forth in the Standard Documents for Construction.

c) Unless the amount is set by law, CDB will determine the amount, in dollars or percentage of contract price, that will adequately protect the State's interests. That amount will vary depending on the type of procurement and the risks and potential losses associated with delay or failure to complete the project, and for other such reasons.

d) A vendor may be required to furnish up to 100% performance security at any time during contract performance and at its cost, if it appears that delivery or production schedules cannot be met, quality is poor, responsibility is questioned or for similar reasons.

e) Bid Bond

1) The bid bond will be used to ensure the bidder or offeror meets all obligations imposed under the solicitation, including the obligation to keep the price or bid vendor for as long a period as specified in the solicitation to enter into a contract and the obligation to file a performance security. If required, when the contract is awarded, CDB may retain the bid security as damages if the bidder fails to meet its obligations.

2) The bid bond will be returned to the vendor as soon as is practicable after the bid or proposal opening. The three lowest qualified vendors' bond will be returned as soon as possible after the contract is awarded or, if performance bond is required, as soon as the successful vendor has filed acceptable performance bond. Bond will be returned to the unsuccessful

vendors upon expiration of the bid/proposal vendor time or execution of the contract, whichever is earlier.

SUBPART H: SPECIFICATIONS AND SAMPLES

Section 8.2050 Specifications and Samples

a) Responsibilities Regarding Specifications. Subject to the SPO's approval, the CDB shall have necessary specifications drafted.

b) Development of Specifications

1) All procurements shall be based on specifications developed in accordance with CDB's Design and Construction Manual that accurately reflect the State's needs. Specifications shall clearly and precisely describe the salient technical or performance requirements and shall be written in such a manner as to describe the requirements to be met, without being unduly restrictive or having the effect of exclusively requiring a particular brand name, a proprietary supply or service, or procurement from a sole source, unless no other manner of description will suffice.

2) Any specifications or standards adopted by business, industry, not-for-profit organization or governmental unit may be incorporated by reference. Specifications for a construction project shall include reference to the minimum Green Building Act requirements for the project.

3) A specification may provide alternate descriptions when two or more design, functional or performance criteria will satisfactorily meet the State's requirements.

4) Article 45 of the Illinois Procurement Code shall be considered and applied when required or appropriate.

c) Brand Name Specification. Bids for construction projects shall be based on providing all products, subcontractors or suppliers specified in the specifications. When a brand name specification is used, a minimum of three brand names must be specified for each product. Brand name product specifications shall allow that a bidder may propose additional products prior to bid opening. Bidders may

propose substitutions of a product, upon review and approval by CDB and the project A/E. The product substitution process may be utilized regardless of whether only brand names are listed. Substitutions shall be accepted before award and are subject to the review of the SPO. Determinations on the acceptance of substitutions shall be included in the recommendation to award file.

1) Brand name specifications may be used in a construction solicitation when:

A) no specification for a common or general use specification or qualified products list is available;

B) time does not permit the preparation of another form of specification;

C) the nature of the product or the nature of the State's requirement makes use of a brand name specification suitable for the procurement; or

D) use of a brand name specification is in the State's best interest.

2) Brand name specifications shall designate a minimum of three brands and shall further state that substitutions may be allowed.

3) Unless CDB determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name specifications shall include a description of the particular design, functional or performance characteristics that are required.

d) Limited Source Product Specification. CDB shall specify a minimum of three brand name products and shall identify sources to achieve whatever degree of competition is practicable. If less than three brand names are specified, CDB will review and approve all such specifications, which are subject to review by the Procurement Officer upon request. The procedure for review by CDB shall be contained in CDB's Design and Construction Manual.

e) Specifications Prepared by Persons Other Than State Personnel. Specifications may be prepared by persons other than State personnel, including, but not limited to, consultants, architects, engineers, designers or other drafters of specifications for public contracts. CDB shall review and approve such specifications. Vendors preparing specifications must affirm that no conflict of interest exists at time of submittal and review of the specifications by CDB and that it has accepted no gift or consideration intended to influence its judgment on the project. Vendors may be requested to verify conflict of interest status at any time throughout a project. *No person or business shall submit specifications to a State agency unless requested to do so by an employee of the State* [30 ILCS 500/50-10.5(e)].

1) The SPO retains the authority for final approval of the specifications. Contracts with vendors for the preparation of specifications shall require the specification writer to adhere to the Design and Construction Manual, the Code and this Part.

2) The person or business that writes specifications for a particular procurement need shall not submit a bid or proposal, receive a contract to meet that procurement need, or have any financial interest in the product or service specified or the source from which it is procured.

f) Prohibited Bidder and Contractors

1) *No person or business shall bid or enter into a contract if the person or business:*

A) *Assisted an employee of the State of Illinois, who, by the nature of his or her duties, has the authority to participate personally and substantially in the decision to award a State contract, by reviewing, drafting, directing, or preparing any IFB,* an *RFP or* an *RFI;*

B) *Provided similar assistance, except as part of a publicly issued opportunity to review drafts of all or part of these documents.* Similar assistance includes, but is not limited to, providing supplementary support or aid, information that serves as a basis for specifications, or the establishment or development of evaluation criteria.

2) *This subsection* (f) *does not prohibit a person or business from submitting a bid or proposal or entering into a contract if the person or business:*

A) *Initiates a communication with an employee to provide general information about products, services or industry best practice and, if applicable, that communication is documented in accordance with Section 50-39* of the Act*; or*

B) *Responds to a communication initiated by an employee of* CDB *for the purposes of providing information to evaluate new products, trends, services or technologies.* [30 ILCS 500/50-10.5(e)]

3) *For purposes of this subsection* (f)*, "business" includes all individuals with whom a business is affiliated, including, but not limited to, any officer, agent, employee, consultant, independent contractor, director, partner, manager, or shareholder of a business.* [30 ILCS 500/50-10.5(e)]

4) A vendor who develops technology, goods or services that represent industry trends and innovation and is not designed to meet the State's needs is not prohibited from bidding or offering.

g) Pre-Solicitation Request for Information. When CDB does not have sufficient information about available supplies or services to issue a solicitation, CDB may issue a pre-solicitation request for information inviting vendors to submit non-price information about the availability of specified types of supplies and services. Vendors may be provided an opportunity to comment on the RFI itself and make non-proprietary suggestions as to the scope and information being requested that would facilitate the best responses from the vendor community. Public notice of the RFI shall be published in the Bulletin by the SPO at least 14 days before the date set for the receipt of information. The submission of information by a vendor in response to a pre-solicitation request for information is not a prerequisite for that vendor to respond to a subsequent solicitation for the types of supplies and services for which information was solicited, and the issuance of an RFI does not commit the State agency to make any procurement of supplies or services of any kind. Confidential information will not be accepted from a vendor in response to a pre-solicitation request for information. All information received

through a pre-solicitation request for information will be available for public review.

SUBPART I: CONTRACTS

Section 8.2055 Types of Contracts

a) Scope. This Section contains descriptions of types of contracts and limitations as to when they may be utilized by the State in its procurements. Types of contracts not mentioned in this Section may also be utilized.

b) Prohibition of Cost-Plus-a-Percentage-of-Cost Contracting. The cost-plus-a-percentage-of-cost contract is prohibited by Section 20-55 of the Code. This type of contracting may not be used alone or in conjunction with an authorized type of contract. A cost-plus-percentage-of-cost contract is one in which the vendor selects the supply or service on which the vendor's percentage is applied.

1) A percentage mark-up from the price of a supply or service selected by the State or another vendor under contract to the State is not a cost-plus-a-percentage-of-cost contract.

2) The application of such things as overhead and profit to the price of a subcontract is not a cost-plus-a-percentage-of-cost contract.

c) Types of Fixed-Price Contracts

1) Firm Fixed-Price Contract. A firm fixed-priced contract provides a price that is not subject to adjustment because of variations in the vendor's cost of performing the work specified in the contract.

2) Fixed-Price Contract with Price Adjustment

A) A fixed-price contract with price adjustment provides for variation in the contract price under special conditions defined in the contract, other than customary provisions authorizing price adjustments due to modifications to the work. The formula or other basis by which the adjustment in the vendor's price can be made shall be specified in the solicitation and the resulting

contract. Adjustment allowed may be upward or downward only, or both upward and downward. Examples of conditions under which adjustments may be provided in fixed-price contracts are:

i) changes in the vendor's labor agreement rates as applied to an industry or area (such as are frequently found in contracts for the purchase of coal);

ii) changes due to rapid and substantial price fluctuations that can be related to an accepted index (such as contracts for gasoline, heating oils and dental gold alloy); and

iii) in requirement contracts in which a vendor is selected to provide all of the State's needs for the items specified in the contract, when a general price change applicable to all customers occurs, or when a general price change alters the base price (such as a change in a manufacturer's published price list or posted price to which a fixed discount is applied pursuant to the contract to determine the contract price).

B) If the contract permits unilateral action by the vendor to bring about the condition under which a price increase may occur, the State shall have the right to reject the price increase and terminate without cost the future performance of the contract.

d) Cost-Reimbursement Contracts

1) Determination Prior to Use

A) The State agency must submit to the SPO a justification for using any type of cost-reimbursement contract. This justification must be sufficient to show that such a contract is likely to be less costly to the State than any other type or that it is impracticable to obtain the items through any other type of contract. The SPO will consider the justification and any other relevant factors before making a written determination to authorize use of the cost-reimbursement contract.

B) Any reimbursement of travel expenses authorized in the solicitation and the terms of the contract may not exceed the applicable travel control board regulations.

2) Cost-Reimbursement Contracts. A cost-reimbursement contract provides that the vendor will be reimbursed for allowable costs incurred in performing the contract, but will not receive a fee.

3) Cost-Plus-Fixed-Fee Contract. This cost-reimbursement type contract provides for payment to the vendor of an agreed fixed fee in addition to reimbursement of allowable incurred costs. The fee is established at the time of contract award and does not vary if the actual cost of contract performance is greater or less than the initial estimated cost established for the work. Thus, the fee is fixed but not the contract amount because the final contract amount will depend on the allowable costs reimbursed. The fee is subject to adjustment only if the contract is modified to provide for an increase or decrease in the scope of work specified in the contract.

4) Cost Incentive Contracts

A) General. A cost-incentive type of contract provides for the reimbursement to the vendor of allowable costs incurred up to the ceiling amount and establishes a formula whereby the vendor is rewarded for performing at less than the maximum agreed upon cost (that is, the parties' agreed best estimate of the cost of performing the contract will vary inversely with the maximum costs of performance and consequently is dependent on how effectively the vendor controls cost in the performance of the contract).

B) Fixed-Price Cost-Incentive Contract. In a fixed-price cost-incentive contract, the parties establish at the outset a target cost, a target profit (that is, the profit that will be paid if the actual cost of performance equals the target cost), a formula that provides a percentage increase or decrease of the target profit depending on whether the actual cost of performance is less than or exceeds the target cost, and a ceiling price. After performance of the contract,

the actual cost of performance is arrived at based on the total incurred allowable costs as provided in the contract. The final contract price is then established in accordance with the formula using the actual cost of performance. The final contract price may not exceed the ceiling price. The vendor is obligated to complete performance of the contract and, if actual costs exceed the ceiling price, the vendor suffers a loss.

C) Cost-Reimbursement Contract with Cost-Incentive Fee. In a cost-reimbursement contract with cost-incentive fee, the parties establish at the outset a target cost; a target fee; a formula for increase or decrease of fee depending on whether actual cost of performance is less than or exceeds the target cost, with maximum and minimum fee limitations; and a cost ceiling that represents the maximum amount that the State is obligated to reimburse the vendor. The vendor continues performance until the work is complete or costs reach the ceiling specified in the contract, including any modification thereof, whichever first occurs. After performance is complete or costs reach the ceiling, the total incurred allowable costs reimbursed as provided in the contract are applied to the formula to establish the incentive fee payable to the vendor.

e) Performance Incentive Contracts. In a performance incentive contract, the parties establish at the outset a pricing basis for the contract, performance goals, and a formula that varies the profit or the fee if the specified performance goals are exceeded or not met. For example, early completion may entitle the vendor to a bonus, while late completion may entitle the State to a price decrease.

f) Time and Materials Contracts; Labor Hour Contracts. Time and materials contracts provide an agreed basis for payment for materials supplied and labor performed. Labor hour contracts provide only for the payment of labor performed. The contracts shall contain a stated ceiling or an estimate that shall not be exceeded without prior SPO approval.

g) Definite Quantity and Indefinite Quantity Contracts

1) Definite Quantity. A definite quantity contract is a fixed-price contract that provides for delivery of a specified quantity of supplies or services at specified times or when ordered, with deliveries or performance scheduled at designated locations upon order.

2) Indefinite Quantity. An indefinite quantity contract is a contract for an indefinite amount of supplies or services, within stated limits, to be furnished at specified times, or as ordered, that establishes unit prices of a fixed-price type. Generally, an estimated quantity is based on historical usage or the best information available as to quantity as stated in the solicitation. The contract may provide a minimum quantity the State is obligated to order and shall also provide for a maximum quantity provision that limits the State's ability to order. If the contract identifies an estimated quantity, the State agency may order in the aggregate up to 20% more than the estimate without approval of the CPO or SPO. For amounts that exceed 20% of the maximum quantity, a new procurement for the additional quantity is required.

h) Leases. A lease is a contract for the use of supplies or real property under which title will not pass to the State at any time, except pursuant to an option to purchase.

i) Option Provisions. A solicitation may contain options for renewal, extension or purchase, and, if it does, the solicitation shall also include the requirements for exercising a given option, establish the term, and either establish the price or include the formula for establishing the price. Contracts based on a solicitation may include only those options included in the solicitation, and other options shall be included as required terms in the contract. Exercise of options shall be performed in accordance with the contract, the Code and other provisions of this Part. Failure to include the options in the contract shall render the option provisions void.

j) State Produced Supplies and Services. Notwithstanding any provision in any contract, supplies or services available in-house or from State programs, such as the Illinois Correctional Industries, may be ordered without violating any contract.

k) Energy Conservation. State agency procurements of energy conservation measures, including guaranteed energy savings contracts, shall be made in

accordance with the Code and this Part, except as otherwise authorized by the Code.

Section 8.2060 Duration of Contracts − General

a) General. The duration of a construction or construction-related services contract, including potential renewals, may not exceed 10 years. unless a longer period is permitted by the Code

b) Subject to Appropriation. Each contract is contingent upon and subject to the availability of funds. The State, at its sole option, may terminate or suspend a contract, in whole or in part, without penalty or further payment being required, if the Illinois General Assembly or the federal funding source fails to make an appropriation sufficient to pay that obligation or if funds needed are insufficient for any reason. Each contract payable in whole or in part by any funds appropriated by the Illinois General Assembly shall recite that the contract is subject to termination and cancellation for lack of, or insufficiency in, funding. A vendor will be notified in writing by CDB of a failure to receive or a reduction or decrease in any appropriation affecting the contract. This provision applies to only those contracts that are funded in whole or in part by funds appropriated by the Illinois General Assembly or other governmental entity.

c) Conditions for Use of Multi-Year Contracts. A multi-year contract may be used when the period of performance exceeds a single year and when a multi-year contract will serve the best interest of the State by encouraging effective competition or otherwise promoting economies in State procurement.

d) Multi-Year Contract Procedure. The solicitation shall state:

1) the proposed term;

2) the amount of supplies or services required for the proposed contract period; and

3) how award will be determined.

e) Renewals

CHIEF PROCUREMENT OFFICER FOR
CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

1) The initial term of a contract plus available renewals may not exceed 10 years. When the original contract specifically called for an initial term plus renewals, the renewals may be exercised without further procurement activity, except for the publication of the renewal in the Bulletin as required by Section 15-25 of the Code and Section 8.1525 of this Part and subject to review by the PPB under Section 5-30 of the Code. The renewal terms and conditions shall not change except as provided in the contract (such as price escalations tied to an index). Renewal options may be exercised by the State or by mutual agreement, but shall not be exercised solely at the option of the vendor. Any renewal that requires modification to a material term or condition of the contract shall be treated as a new contract and shall be subject to competitive procurement procedures established by the Code and this Part.

2) When the original contract was silent as to renewals, the renewal must be procured using one of the methods of source selection authorized by the Code and this Part. The renewal shall start a new term not to exceed 10 years, except the term of a sole source contract renewal shall include previous sole source contracts and shall, in total, not exceed 10 years.

3) When a renewal will result in the total term, counting the initial term and any previous renewals, exceeding 10 years, the State agency's need must be procured using one of the methods of source selection authorized by the Code and this Part.

4) Renewals must be fully executed on or before expiration of the current contract term. If the renewal is not exercised prior to expiration of the current contract term, the renewal must be procured using one of the methods of source selection authorized by the Code and this Part.

5) Filing of Proposed Renewals and Extensions Exceeding $249,999. Prior to executing a renewal or extension with a cost estimated to exceed $249,999, the proposed renewal or extension must be submitted to PPB. PPB shall have up to 30 days to review and comment on the proposal. The Procurement Policy Board may object to the proposed extension or renewal within 30 calendar days and require a hearing before the PPB prior to entering into the extension or renewal. If the PPB does not object within 30 calendar days or takes affirmative action to recommend the

extension or renewal, the CPO may enter into the extension or renewal of a contract. The SPO assigned the agency may request a waiver of the review for reasons set forth in Section 20-60(c) of the Code.

Section 8.2065 Cancellation of Contracts

a) In any of the following cases, the SPO shall have the right to terminate or rescind any contract entered into under this Part without penalty:

1) The successful vendor inexcusably fails to furnish applicable insurance and bonds within the time specified.

2) The vendor inexcusably fails to make delivery at the place or within the time specified in the contract or as ordered by the purchasing agency.

3) Any supplies or services provided under the contract are rejected (for not meeting specification, not conforming to sample, or not being in good condition when delivered) and are not promptly replaced by the vendor. If there are repeated rejections of the vendor's supplies or services, this shall be grounds for termination or rescission, even though the vendor offers to replace the supplies or services promptly.

4) The vendor is guilty of misrepresentation in connection with another contract for the sale of supplies or services to the State such that the vendor cannot reasonably be depended upon to fulfill obligations as a responsible vendor under other contracts with the State.

5) The vendor should be adjudged bankrupt; enter into receivership or make a general assignment for the benefit of creditors due to insolvency; disregard laws, rules, or instructions of the SPO; or act in violation of any provision of the contract; or if the contract conflicts with any statutory or constitutional provision of the State of Illinois or of the United States.

6) Any other material breach of contract or other unlawful act by the vendor.

7) The contract was obtained by fraud, collusion, conspiracy or other unlawful means.

b) Damages. The damages for which the State may be compensated as provided in this Section or by a suit on the vendor's performance bond or by other legal remedy shall include, but are not limited to, the following:

1) the additional cost of supplies or services bought elsewhere;

2) cost of repeating the procurement procedure;

3) any expenses incurred because of delay in receipt of supplies or services; and

4) any other damages caused by the vendor's breach of contract or unlawful act.

c) Withholding Money to Compensate State for Damages. If a contract is terminated or rescinded under this Section, the State agency may deduct from whatever is owed the vendor on that or any other contract an amount sufficient to compensate the State agency for any damage resulting from termination or rescission.

SUBPART J: PROTESTS, DISPUTES AND CONTRACT CONTROVERSIES

Section 8.2075 Protests

a) Any person may submit a protest related to the notice of the procurement, the solicitation document, any pre-bid/proposal meeting or any decision to reject a late bid or proposal.

b) Any person who has submitted a bid or proposal may protest a decision to reject the party's bid or proposal or to award to another vendor.

c) The following procedures will govern the resolution of protests received by the CPO that are covered under this Subpart:

1) Protest Review Officer. The CPO may appoint one or more Protest Review Officers, who will not be CDB employees, to consider procurement related protests and make a recommendation to the CPO for

resolution of a protest. The CPO may adopt the recommendations or take other action.

2) Subject of the Protest. A protest may be filed during any phase of the solicitation and award process for a particular contract.

A) The subject of the protest shall concern violation of the Illinois Procurement Code or other law, any associated rules, or the terms of the solicitation itself, including the fairness of the evaluation or award process.

B) Protest procedures of this Section do not apply to issues of prequalification, suspension or debarment.

C) Information relevant to a protest shall be made available to the protesting party for use in its protest. The PRO or CPO shall determine relevancy of the information.

3) Filing a Protest. All protests shall be in writing and filed with the Chief Procurement Officer within 14 days after the protester knows or should have known of the facts giving rise to the protest.

A) Any solicitation or addendum posted to the Bulletin or otherwise issued establishes the “known or should have known” date for the subject matter of the solicitation or addendum. A protest is considered filed when physically received by the Protest Review or CPO office. Protests filed after the 14 day period will not be considered.

B) The protest shall be contained in an envelope clearly labeled "Protest". The written protest shall include, at a minimum, the following requirements:

i) The name, address, e-mail if available, telephone and facsimile numbers of the protester.

ii) The identification of the procurement or solicitation that is the subject of the protest.

iii) All information establishing that the protester is an interested party.

iv) A detailed statement of the factual and legal grounds of the protest, including all relevant documents and exhibits that establish the basis for the protest.

v) All information establishing the timeliness of the protest.

vi) The signature of the protester.

vii) Specific relief sought.

4) Stay of Award during a Protest. When a protest has been filed and before an award has been made, the SPO will make no award of the contract until the protest has been resolved, unless the award of the contract without delay is necessary to protect the interests of the State.

5) Receipt of Protests. All protests received by the CPO office will be distributed to CDB as soon as practical.

6) Requested Information. The protesting party must supply any additional information requested by the Protest Review Officer within the time periods set in the request. If the protesting party fails to comply with the request, the CPO shall consider the protest on the basis of available information or may deny the protest.

7) At the discretion of the CPO, a hearing may be scheduled in accordance with Subpart T.

8) Decision. A decision on a protest will be made as expeditiously as possible after receiving all relevant information.

A) The protest will be sustained only if it is determined by the CPO that the protest conclusively demonstrates, by the preponderance of the relevant information submitted, a violation of the Code or other

law, any associated rules or policies, or the solicitation itself, including the evaluation or award process.

B) If the protest is sustained, the remedies available are limited to cancellation or revision of the solicitation, advertisement of the solicitation or award to the protesting party if the protesting party was originally denied award.

C) The decision of the CPO is final and conclusive unless clearly erroneous, arbitrary, capricious or contrary to law. (See Section 20-75 of the Code.)

9) Effect of Judicial Proceedings. If an action concerning the protest has commenced in a court or administrative body, the CPO may defer resolution of the protest pending the judicial or administrative determination.

Section 8.2076 Disputes and Contract Controversies

a) In the event of a contract dispute or controversies, CDB and the vendor will exercise good faith efforts to resolve the matter fairly, amicably and in a timely manner. CDB shall commence an informal conference to investigate the merits of a contract dispute or controversy. CDB shall determine whether the dispute lacks merit, in consultation with the CPO, and that mediation will not be fruitful. If CDB, after consultation with the CPO, determines that mediation will not be fruitful, CDB will inform the other party or parties in writing of this determination, and the other parties may bring legal action without further pursuit of ADR. Otherwise, if the dispute is not settled within 90 days after the initial informal conference, a mediator will be appointed, unless the parties and the CPO agree to continue the informal discussions.

b) When efforts to resolve disputes and controversies that may result in an amendment to the contract in the form of a change order, modification or settlement are not successful, the parties to the dispute shall utilize alternative dispute resolution (ADR) methods required by the contract or bid documents. At the discretion of CDB, and under the authority of the CPO, an independent neutral party can be identified at the onset of a project to facilitate ADR requests. All related or associated disputes can be combined into a single Alternative Dispute

Resolution (ADR) process. At a minimum, ADR shall be a condition precedent to the filing of any court action valued in excess of $25,000. The contents of communications between the CDB staff and CPO staff regarding disputes will not be divulged to a third party except by mutual agreement of CDB and the CPO or in accordance with the order of a court of competent jurisdiction. Once the parties have agreed on a mediator, CPO staff will not discuss pending disputes with the vendor or the vendor's attorney without CDB legal staff present. When ADR is utilized, the Contractor, CDB and the CPO agree to have in attendance a person with actual authority to resolve the dispute. When it is apparent that approval of CDB's Board is required, CDB personnel shall notify all concerned at the earliest possible time when it is apparent that Board approval will be required for ultimate resolution.

1) Disputes less than $25,000 shall utilize an expedited process of ADR to attempt to conclude the dispute and that may result in an amendment to the contract in the form of a change order, modification or settlement in 60 days or less, when practical.

2) Disputes greater than $25,000 require the parties to use the best efforts to expeditiously resolve the matter.

3) Disputes based on claims that include requests for additional compensation for delays in project completion will commence within 90 days after substantial completion of a project.

4) This Section shall not apply to mechanics lien actions, unless the parties to the lien consent, nor to contract terminations, CDB's right to carry out the work, and non-project matters such as suspension of prequalification. CDB shall immediately notify the CPO of any dispute that may result in an amendment to the contract in the form of a change order, modification or settlement. The CPO's approval shall be required to resolve a dispute resulting in payment to a party to the dispute, other than the State of Illinois, or any other procurement action under a contract with CDB for a period of 10 months after substantial completion of a project. During the 10 month period, CDB shall provide status updates on open issues, including requests for Alternative Dispute Resolution, to the CPO and contractor at no more than 90 day intervals. Failure to provide status updates shall increase the CPO approval period for each day of delay.

5) "Dispute" means any contested claim or matter growing out of the project or CDB's project contracts regarding payment or time for performance, but not including personal injury cases (including worker injuries), vehicle accidents, contractor-subcontractor matters in the nature of lien actions, or employment matters.

c) Effect of Judicial Proceedings. This Section shall not apply in cases in which CDB requests and receives representation from the Illinois Attorney General.

SUBPART K: PROCUREMENT FILES

Section 8.2080 Public Procurement File

a) *A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids and proposals, all evaluation materials, score sheets and all other documentation related to or prepared in conjunction with evaluation, negotiation and the award process. The procurement file shall contain a written determination, signed by the CPO or SPO, setting forth the reasoning for the contract award decision. The* public *procurement file shall not include trade secrets or other competitively sensitive, confidential, or proprietary information. The procurement file shall be open to public inspection within 7 days following award of contract.* [30 ILCS 500/20-155(b)]

b) The procurement file shall be maintained by CDB or under the jurisdiction of the CPO.

c) Documentation of Procurement Actions. CDB, under the direction of the SPO, shall maintain an ongoing procurement file or associated contract file of all substantive documents and records of communications that pertain to the procurement and any resulting contract from the time of initiation of the procurement through the entire lifespan of the procurement. Unless otherwise indicated in this Section, all documents shall be included in the file within 3 days after finalization of the document. When applicable, this shall include, but is not limited to:

1) All determination memos showing approvals to proceed at all stages;

2) Procurement Bulletin Postings;

3) Solicitation document (e.g., IFB) and all amendments, clarifications and Best & Final Offer requests;

4) Vendors' responses, including clarifications and responses to Best & Final Offer requests;

5) Evaluation material (e.g., scoring guidelines and forms; completed score sheets for individual evaluators, including notes; evaluation committee's combined score sheets; evaluation committee's recommendation; and management's decision);

6) Protest and resolution;

7) Contract;

8) Change order, amendments, renewal or extension;

9) All communications and determinations made by PPB;

10) Contractor Performance reviews;

11) If a project labor agreement (PLA) is applicable to a project, a written determination of the benefits of the PLA pursuant to the Project Labor Agreements Act;

12) Any other documents, at the direction of the CPO;

13) All information from subsections (c)(1) through (c)(7), less information exempt from disclosure under the Freedom of Information Act [5 ILCS 140] or other law (for example the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535] that exempts contractor performance reviews), shall be prepared and available for inspection and copying, within 7 days after the award is posted to the Bulletin. All post-award procurement documents shall be added to the procurement file within 3 days after finalization.

d) In accordance with the Illinois Procurement Code and this Part, relevant documents shall be made available on request prior to inclusion in the procurement files for the purpose of evaluation and/or filing a protest, except those documents that are exempted by law from disclosure.

Section 8.2084 Record Retention

a) Retention of Bulletin Information. Information published in the Bulletin shall be retained for a period of 3 years. Posted information can be placed in an archive located on the Bulletin and publicly available after 90 days.

b) Books and records that relate to a CDB procurement and contract, including subcontracts, and that support amounts charged shall be maintained:

1) by a vendor, for 3 years from the date of final payment under the prime contract; and for such longer period of time as is necessary to complete ongoing or announced audits or to comply with federal requirements.

2) by CDB according to the approved Record Retention plan or from the date of final payment under the prime contract; and for such longer period of time as is necessary to complete ongoing or announced audits, whichever is longer.

Section 8.2086 Filing with the Comptroller

a) *Filing with Comptroller*
Whenever a grant, defined pursuant to accounting standards established by the State *Comptroller, or a contract liability, except for contracts paid for from personal services or contracts between the State and its employees to defer compensation in accordance with Article 24 of the Illinois Pension Code, exceeding $20,000 is incurred by any State agency, a copy of the contract, purchase order, grant or lease shall be filed with the Comptroller within 30 days thereafter.* That filing shall, to the extent required by Section 20-80 of the Code, be done electronically in accordance with requirements of the State Comptroller. *For each State contract for goods, supplies, or services awarded on or after July 1, 2010, the contracting agency shall provide the applicable rate and unit of measurement of the goods, supplies, or services on the contract obligation*

document as required by the Comptroller. Any cancellation or modification to any such contract liability shall be filed with the Comptroller within 30 days after *its execution.* [30 ILCS 500/20-80(b)]

b) *Late Filing Affidavits*
When a contract, purchase order, grant or lease required to be filed by this Section has not been filed within 30 days after execution, the Comptroller shall refuse to issue a warrant for payment thereunder until the agency files with the Comptroller the contract, purchase order, grant or lease and an affidavit, signed by the chief executive offer of the agency or his or her designee, setting forth an explanation of why the contract liability was not filed within 30 days after the execution. A copy of this affidavit shall be filed with the Auditor General and the CPO. [30 ILCS 500/20-80(c)]

c) *Timely Execution of Contracts*

1) *No voucher shall be submitted to the Comptroller for a warrant to be drawn for the payment of money from the State Treasury or from other funds held by the State Treasurer on account of any contract unless the contract is reduced to writing before the services are performed and filed with the Comptroller. Vendors shall not be paid for any goods that were received or services that were rendered before the contract was reduced to writing and signed by all necessary parties.* These prohibitions do not apply to an emergency purchase if notice of the emergency purchase is filed with the PPB and published in the Bulletin as required by the Code and this Part. [30 ILCS 500/20-80(d)]

2) The Comptroller and Treasurer may waive the requirement of this subsection (c) upon request of the CPO if the CPO submits to them a written statement setting forth the circumstances and reasons why the contract could not be reduced to writing before the supplies were received or services performed. The CPO will submit a waiver request only upon a request of the CDB that is supported by written justification that will fully apprise the CPO as well as the Comptroller and Treasurer of the circumstances and reasons the contract could not be reduced to writing in a timely manner. If the CPO agrees that the contract could not have been timely reduced to writing, the CPO will request the waiver from the Comptroller and Treasurer.

CHIEF PROCUREMENT OFFICER FOR
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NOTICE OF ADOPTED RULES

SUBPART L: WORKING CONDITIONS

Section 8.2560 Prevailing Wage

a) Vendors awarded contracts or subcontracts on public works projects shall comply with the requirements of the Prevailing Wage Act.

b) Prevailing wages, benefits and conditions will be determined by the Illinois Department of Labor.

c) This Section does not apply to services furnished under contracts for QBS, unless categories of work within that contract are identified as being covered by the prevailing wage rate established by the Illinois DOL; to professional or artistic services; to vocational programs of training for persons with physical or mental disabilities; or to qualified not-for-profit agencies for persons with severe disabilities.

SUBPART M: GENERAL PROVISIONS RELATED TO CONSTRUCTION

Section 8.3000 Notification of Procurement

As soon as practicable, but no later than 7 days after CDB has decided to move forward with a procurement, notice of a need for procurement will be provided to the CPO.

Section 8.3005 Construction and Construction Related Professional Services

Construction Contracts. Unless an exception authorized by the Code applies, CDB contracts for construction shall be procured by competitive sealed bidding in accordance with Section 8.2010 of this Part and this Section. Solicitations for bids shall be in conformance with the Illinois Procurement Code, the rules of the CPO, and in exigent circumstances, CPO Notices. Contracts shall be awarded in accordance with those authorities and with the provisions set forth in the SDC used by CDB unless otherwise specified in the advertisement for bids published in the Procurement Bulletin, or as authorized by law.

Section 8.3015 Method of Source Selection

a) Architect and Engineer Contracts. Solicitation for procurement of services of architects/engineers (A/Es), or related professionals, shall be in accordance with the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act, the Illinois Procurement Code and this Part.

b) Construction Management Services. Procurement of a construction manager for project services, which may include, but are not limited to, scheduling, contractor coordination, and administration of pay requests, but not including design services, shall be made in accordance with Article 33 of the Code.

c) Illinois Correctional Industries. Procurement from Illinois Correctional Industries constitutes contracting between State governmental bodies, which is exempt from Code requirements, and shall be done in accordance with this Part. These procurements may utilize an annual master contract with agreed-upon unit prices for construction services, against which sub-orders may be placed for specific CDB projects. Specifications that require a vendor to obtain materials or services from another source shall identify at least three sources for the material or services, unless CDB requests, and the SPO approves, a specification with only one or two sources.

d) Single-Prime. In accordance with Section 30-30 of the Code and subject to prior approval by PPB, CDB may, on certain projects, retain one contractor to provide all subdivisions of the work necessary to complete the construction contract.

e) Design-Build. In accordance with Section 5 of the Design-Build Procurement Act, CDB may use the design-build delivery method for certain projects, provided it first makes a written determination that it is in the best interest of the State to enter into a design-build contract. This written determination must include a description of particular advantages and must be filed with the Procurement Policy Board within 15 days after the initial determination.

Section 8.3025 Retention Trust

a) Contractors may elect to have retention deposited in a trust provided that:

1) The project is funded by direct appropriation to CDB;

2) the contract exceeds $300,000; and

3) the specified contract time is 360 calendar days or longer.

b) A retention trust agreement must be entered into before application by the contractor for the first payment. The agreement will include, but not be limited to, the following:

1) the amount to be deposited;

2) terms and conditions of payment in case of default by the contractor;

3) termination upon completion, default or other breach; and

4) the contractor's responsibility for obtaining the written consent of the bank trustee and for paying all costs and fees associated with the trust.

c) Only CDB's retention trust agreement form is acceptable. In the event the contractor fails to deliver the trust agreement duly executed by the contractor and the bank prior to, or at the time of, receipt of the first partial payment, CDB may not execute the trust agreement. CDB may cancel the retention trust agreement for reason of non-performance and demand return of any deposits by the bank.

Section 8.3030 Construction Project Specifications

When design-bid-build delivery is utilized, except in single prime delivery, and the value of the construction contracts exceed $250,000, separate bidding will be specified for at least the five subdivisions of work enumerated by the Code: plumbing, heating, ventilating, electric and general. If appropriate to the project and advantageous to the State, CDB may add additional subdivisions, including sprinkler work, fire protection, or asbestos abatement, as may be specified in the bid. If, prior to bidding, the work in a particular subdivision is less than the small purchase threshold established in Section 20-20 of the Code, the work may be added to another subdivision.

Section 8.3035 Expenditure in Excess of Contract Price

a) All change orders, proceed orders and modifications shall be in writing and contain the appropriate authorizations from the agency, user agency and CPO. Documentation shall include a thorough description of the work to be performed,

the reason for the change, and any allocation of liability for the increased/decreased cost.

b) Only work that is germane to the original contract shall be added by change order, proceed order or modification. Proposed change orders, proceed orders or modifications that are determined by CDB to not be germane to the original contract shall be procured in accordance with the Code and this Part.

c) Vendors shall not perform any changed work prior to written authorization. Written authorization for a change order, proceed order or modification shall be signed and executed by all parties, including the CPO or the SPO, as appropriate, prior to vendor performance of any changed work. Vendors and CDB shall be required to provide written explanations regarding why changed work was commenced prior to authorization.

d) Notice of approved change orders, proceed orders and modifications shall be published in the Bulletin.

e) Change orders, amendments, proceed orders and modifications are subject to Section 5-30 of the Code.

SUBPART N: SELECTION OF CONSTRUCTION-RELATED PROFESSIONAL SERVICES, CONSTRUCTION MANAGEMENT SERVICES AND DESIGN-BUILD ENTITIES

Section 8.3040 Purpose

CDB shall procure architectural, engineering and land surveying services in compliance with the QBS Act. CDB shall procure construction management services in compliance with Article 33 of the Code (Construction Management Services). CDB shall select DB services in compliance with the DB Act. Primary responsibility for the selection, grounded on qualifications, of construction-related services under the QBS and DB Acts and Section 30-45 of the Procurement Code, shall be the responsibility of CDB. Procurement functions related to the selection, and governed by the Procurement Code, shall be the responsibility of the CPO pursuant to Section 10-20(a)(1) and 50-1 of the Procurement Code. These procurement functions include determinations related to the fairness and transparency of the selection (pursuant to Sections 20-10(f) and (g), 20-15(f) and 20-35(e) of the Code), determinations of responsibility and responsiveness and compliance with all relevant provisions of the Procurement Code.

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NOTICE OF ADOPTED RULES

Section 8.3043 Other Acts

The SPO shall review procurements for compliance with Section 30-45 of the Code (Other Acts). This review is governed by other agencies' responsibility for administration of those other Acts (e.g., for the Prevailing Wage Act, the Department of Labor), and can include, but is not limited to, debarment, ineligibility status, or other sanctions as determined by a State agency under those Acts.

Section 8.3045 Written Determination

a) Before electing to use DB on a given project, CDB shall make a written determination, including a description as to the particular advantages of the DB procurement method for that project. The written determination shall be reviewed and approved by the CPO as to the adequacy of information in subsections (a)(1) through (5), but CDB shall determine whether the DB concept is to be pursued. Approval by the CPO will not be unreasonably withheld. The following factors shall be considered and addressed in that statement:

1) The probability that the DB procurement method will be in the best interest of the State by providing a material savings of time or cost over the design-bid-build or other delivery system. The best interest of the State justification will show the specific benefits of using the DB method, including documentation of the estimates or scheduling impacts.

2) The type and size of the project and its suitability to the DB procurement method.

3) The ability of CDB to define and provide comprehensive scope and performance criteria for the project.

4) The project will comply with the disadvantaged business and equal employment practices of the State, as established in the BEMFD, Section 45-57 of the Code and Section 2-105 of the Illinois Human Rights Act.

5) Within 15 days after the initial determination, CDB will provide an advisory copy of the written determination to PPB, and shall maintain the full record of determination for 5 years.

b) Before electing to use CM on a given project, CDB shall make a written determination, including a description as to the particular advantages of the CM procurement method for that project. The written determination shall be reviewed and approved by the CPO as to the adequacy of information in subsections (a)(1) through (5) and in the written determination. Approval by the CPO will not be unreasonably withheld.

Section 8.3050 Public Notice

a) With the exception of contracts with an estimated basic professional fee of less than $25,000, whenever CDB requires the services of an A/E or land surveyor, CDB shall submit to the CPO a notice of the need for services, also known as an RFP, for publication in the Bulletin. In addition, CDB may publish a list of projects whose contract values do not exceed $25,000. The CPO shall publish in the Bulletin any notice that meets the requirements of this Part.

b) When the services of a CM are required, CDB shall publish a request for proposals setting forth the nature of the projects.

c) The public notice shall include an abstract of the services required for each project, a description of each project, and the required expertise of the A/E or CM to be considered. The public notice shall also include the statement of qualifications form to be completed for each project, as well as the date and time by which submittal of the statement of qualifications will be accepted.

d) Notice shall be posted in CDB's Procurement Bulletin and may be published in the official State newspaper or otherwise made available in print. CDB may also publish the notice in related construction industry service publications.

e) In addition to the other requirements of this Section, a request for proposal for CM services will also be mailed to each vendor prequalified under Section 33-10 of the Code. When CDB establishes additional criteria for special projects under 44 Ill. Adm. Code 900.140 (Prequalification of Construction Managers), the notice shall be published at least 30 days before the date the special prequalification application or the statement of qualifications is due.

f) The public notice shall be published at least 14 days prior to the date for submittal of the statement of qualifications.

g) CM prequalification standards may be revised to be more closely related to the needs or environment of the special project, e.g., required vendor and/or personnel experience may be limited to a particular size of project or to experience in a particular environment, such as correctional facility work.

Section 8.3055 Design-Build Request for Proposal

a) Notice of intent to issue a design build RFP shall be provided 14 days prior to issuing the RFP.

b) CDB shall provide a copy of the request for proposal to any party requesting a copy.

c) An RFP shall be prepared by CDB for each project and will contain the following information:

1) The Capital Development Board as the issuing agency;

2) A preliminary schedule for the completion of the contract;

3) The proposed budget for the project, the source of funds, and the currently available funds at the time the RFP is submitted;

4) Prequalification criteria for DB entities wishing to submit proposals. The criteria shall include CDB's normal prequalification, licensing, registration, and other requirements and any additional criteria deemed necessary by CDB;

5) Material requirements of the contract, including the proposed terms and conditions, required performance and payment bonds, insurance, the entity's plan to comply with the utilization goals for business enterprises established in the BEMFD Act and with Section 2-105 of the Illinois Human Rights Act, and any other requirements deemed important by CDB;

6) The scope and performance criteria shall:

A) Be in sufficient detail and contain adequate information to reasonably apprise the qualified DB entities of CDB's overall programmatic needs and goals, including criteria and preliminary design plans, general budget parameters, schedule and delivery requirements;

B) Include a description of the level of design to be provided in the proposals, including the scope and type of renderings, drawings and specifications that will be required by CDB to be produced by the DB entities;

7) The evaluation criteria for each phase of the solicitation, including relative importance or weighting factor of each item (see Sections 1030.170 (Phase 1 Evaluation) and 1030.190 (Phase 2 Evaluation);

8) The number of entities (no fewer than 2 and no more than 6) that will be considered for the technical and cost evaluation phase (Phase 2);

9) The submittal schedule:

A) For projects estimated to cost less than $10 million, at least 21 days shall be allowed to prepare and submit Phase 1 proposals after the date of the issuance of the RFP;

B) For projects estimated to cost more than $10 million, at least 28 days shall be allowed to prepare and submit Phase 1 proposals after the date of the issuance of the RFP;

C) For all projects, at least 30 days shall be allowed to prepare and submit Phase 2 proposals after the selection of entities from the Phase 1 evaluation is completed;

10) Any other relevant information that CDB chooses to supply.

d) The DB entity shall be entitled to rely upon the accuracy of information included in the RFP in the development of its proposal.

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Section 8.3060 Preparation of Design-Build Scope and Performance Criteria

a) The scope and performance criteria shall be prepared by a design professional who is an employee of CDB, or CDB may contract with an independent design professional selected under the QBS Act to provide these services.

b) The design professional and/or officers of the design vendor that prepare the scope and performance criteria are prohibited from participating in any DB entity proposal for the project.

Section 8.3065 Submittal Requirements

a) A/E and CM

All A/Es submitting statements of qualifications for a specific project shall be prequalified with CDB prior to the date and time that the offers are due. All CMs submitting statements of qualifications for a specific project shall be prequalified with CDB as CMs prior to the date and time that the submittals are due. Failure to be prequalified will result in rejection of the submittals.

b) In order to be considered responsive, a submittal must include:

1) A letter of interest that contains a statement of qualifications (CDB Form 255);

2) The names of persons who will perform the services, including the designated staff of any listed consultant, and their project assignments or duties;

3) If a statement of qualifications is required:

A) the names of persons who will perform the services, including the designated staff of any listed consultant, and their project assignments or duties;

B) for each person listed, a resume describing the person's experience and expertise relevant to performance of the assignment;

4) A summary of the vendor's history and experience that would demonstrate its administrative ability to successfully carry out projects of the magnitude or complexity of the offered project.

c) If the offeror will use subcontractors to perform professional services, then the following shall be required:

1) Those subcontractors shall also be prequalified with CDB prior to the date and time that the submittals are due, or the offer shall be rejected; and

2) The offeror shall clearly indicate the anticipated percentage of the services that will be performed by each listed subcontractor and identify whether each consultant is certified as a MBE, FBE, VBE or SDVOB.

d) Failure to comply with the requirements of this Section regarding subcontractors shall result in rejection of the submittal.

e) If the offeror is a DB entity, the following shall be required:

1) Proposals must be properly identified and sealed.

2) Phase 1 proposals shall include a list of all design professionals and other entities, as defined in Section 30-30 of the Code, to which any work may be subcontracted during the performance of the contract.

3) Phase 1 proposals shall include a list of all entities that will perform any of the 5 subdivisions of work defined in Section 30-30 of the Code.

4) Phase 2 proposals shall include a bid bond and security in the format and amount designated in the RFPs.

5) Phase 2 proposals shall contain a separate sealed envelope with the cost information.

6) The drawings and specifications of the proposal shall remain the property of the DB entity.

7) Subject to approval by the CPO, proposals may be withdrawn prior to evaluation for any cause. After evaluation begins by CDB, proposals may only be withdrawn if there is clear and convincing evidence of material error.

Section 8.3070 Selection Procedures

a) CDB shall select three A/Es or CMs qualified to provide the professional services for a specific project. These A/Es or CMs shall be ranked in order of qualifications. Board approval of these A/Es or CMs shall be final and binding.

b) In the event that fewer than three A/Es or CMs submit statements of qualifications for a specific project, if CDB determines that one or both are qualified to perform the services, CDB may proceed with the selection process.

Section 8.3075 Evaluation Committee

a) A/E or CM Evaluation Committee. The CDB Executive Director shall appoint an agency employee to serve as chair of the evaluation committee. The evaluation committee chairman shall appoint a committee to recommend to the Executive Director and the Board a list of A/Es or CMs qualified to perform the required services. This committee may be established for each selection and may be composed of standing members and rotating members from CDB staff. In addition to the CDB staff members, a representative from the user agency may be requested to be a member of the committee. A member of the public can be included in the committee.

b) DB Selection Committee

1) CDB shall establish a committee to evaluate and select the DB Entity.

2) The committee shall consist of 5 or 7 members and include at least one licensed design professional and 2 members of the public. Public members may not be employed by or associated with any vendor holding a contract with CDB.

A) One public member shall be nominated by associations representing the general design or construction industry and one

member shall be nominated by associations that represent minority or female-owned design or construction industry businesses.

B) The licensed design professional may be an employee of CDB or a representative of the vendor that prepared the scope and performance criteria.

c) The selection committee may be designated for a set term or for the particular project, subject to the RFP.

d) The members of any selection committee must certify for each project that no conflict of interest exists between the members and any entities submitting proposals or statements of qualifications. If a conflict exists, the member must be replaced before any review of proposals or statements of qualifications.

Section 8.3080 Evaluation Procedures

a) In making its recommendations, the selection committee may consider, among other factors:

1) The A/E's or CM's qualifications.

2) The ability of professional personnel submitted by the A/E or CM.

3) The A/E's or CM's past record and experience.

4) The prior performance of the A/E or CM on CDB professional services agreements. For CMs, this shall be determined by review of the CM Performance Evaluations on previous CM projects, Performance Evaluations of the CM vendor on projects in which it participated as an A/E or contractor, and any other related material.

A) CDB *shall evaluate the performance of each firm upon completion of a contract. Evaluations shall be made available to the firm and the firm may submit a written response, with the evaluation and response retained solely by* CDB. *The evaluation and response shall not be made available to any other person or firm and is exempt from disclosure under the Freedom of Information Act* [5

ILCS 140]. *The evaluation shall be based on the terms identified in the construction manager's contract.* [30 ILCS 500/33-45]

B) In addition to subsection (a)(4)(A), CDB reserves the right to evaluate a firm during a project, when performance issues warrant that action.

C) Any firm receiving a negative evaluation at any time during a project shall be notified of such evaluation within seven days of its issuance.

5) The willingness of the vendor to meet time requirements.

6) The location of the project relative to the vendor's place of business.

7) The results of preliminary evaluations performed by CDB staff.

8) The current work load of the A/Es or CMs and their prior selections by CDB. This determination shall be in writing and be reviewed by the CPO.

9) Professional references for work performed on similar projects.

10) Interviews conducted with the A/Es or CMs.

11) Minority, female and veterans business goals of programs set out in 44 Ill. Adm. Code 1000.140 and 44 Ill. Adm. Code 20.

b) Before beginning review of a CM's statement of qualifications, the committee shall prepare a table of the factors on which the CMs will be rated and the weight to be assigned to each factor. The table of factors, and the scores of each reviewed submittal, will be kept on file for no less than 2 years from the date of the selection.

c) In no case shall the committee, prior to selecting an A/E or CM for negotiation, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation. Submission of pricing information in a separate envelope to be opened at a later time shall not be allowed.

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Section 8.3085 Preliminary Evaluations

CDB may appoint staff members to perform a preliminary evaluation (prescreening) to provide a preliminary ranking of the A/Es or CMs for the committee's consideration. This prescreening shall consider, among other factors, the relevant project experience of the prospective A/Es or CMs and the expertise and experience of the vendor and its consultant staff to be assigned to the project if the vendor is selected.

Section 8.3090 Interviews

a) The evaluation committee shall conduct interviews when the estimated value of the basic services fee exceeds $300,000. The CDB Executive Director may choose to conduct interviews for smaller projects under special circumstances. A minimum of three vendors will be interviewed unless fewer than three submittals are received. The CDB Executive Director, in consultation with the Board and with approval of the CPO, may exempt any contract from requiring interviews.

b) CDB may choose to conduct interviews on DB projects when project complexity or other special circumstances warrant doing so. In these cases, all vendors on the Phase 2 shortlist will be interviewed. These circumstances, if known, will be included in CDB's initial written determination (see 44 Ill. Adm. Code 1030.120) and the interview requirement will be part of the original RFP. If circumstances become known later, CDB will amend its written determination and notify the Phase 2 shortlist entities by written amendment of the RFP.

Section 8.3095 Phase 1 Design-Build Evaluation

a) In Phase 1, CDB will evaluate and shortlist the DB entities based on qualifications submitted in response to the RFP.

b) Evaluation shall be based on the prequalification requirements, evaluation criteria and relative importance or weighting of evaluation criteria as set forth in the RFP.

c) Proposals shall not be reviewed until after the deadline for submission has passed.

d) Proposals must meet all material requirements of the RFP or they may be rejected as non-responsive.

e) CDB shall have the right to reject any and all proposals subject to CPO approval.

f) CDB shall maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

g) Phase 1 evaluation criteria shall include:

1) experience of personnel;

2) successful experience with similar project types;

3) financial capability in relation to the size of the project;

4) timeliness of past performance;

5) experience with similarly sized projects;

6) successful reference checks of the firm;

7) commitment to assign personnel for the duration of the project;

8) qualifications of the entity's design consultants;

9) CDB prequalification in good standing of any subcontractor proposed to perform any of the 5 subdivisions of work defined in Section 30-30 of the Code;

10) Ability or past performance in meeting or exhausting good faith efforts to meet the utilization goals for business enterprises established in the BEMFD Act, Section 45-57 of the Code and with Section 2-105 of the Illinois Human Rights Act;

11) Other relevant criteria deemed necessary by CDB.

h) CDB will eliminate any DB entity from consideration for evaluation or award if the entity has any pecuniary interest in the project or has other relationships or circumstances, including, but not limited to, long-term leasehold, mutual

performance, or development contracts with CDB, that may give the DB entity a financial or tangible advantage over other DB entities in the preparation, evaluation or performance of the DB contract or that create the appearance of impropriety.

i) CDB will not consider any proposal that does not include the entity's plan to comply with the requirements established in the BEMFD Act and with Section 2-105 of the Illinois Human Rights Act, if applicable.

j) CDB will publish the names of all DB entities submitting Phase 1 proposals on CDB's volume of the Procurement Bulletin and in the next Professional Services Bulletin (within the CDB volume of the Procurement Bulletin) after the deadline for submission.

Section 8.3100 Design-Build Shortlist

a) Upon completion of the Phase 1 qualifications evaluation, CDB shall create a shortlist of no fewer than 2 and no more than 6 (or the maximum number noted in the RFP) of the most highly qualified DB entities and shall be reviewed by the CPO for conformance with the evaluation criteria in Section 8.3095.

b) CDB shall notify in writing the entities selected for the shortlist.

1) The notification shall commence the period for preparation of Phase 2 submittals as listed in the RFP.

2) CDB may extend the period beyond that listed in the RFP, at its discretion, by including the new deadline in the written notification.

c) All DB entities selected for Phase 2 evaluation shall be published on CDB's volume of the Procurement Bulletin after that determination.

Section 8.3105 Phase 2 Design-Build Evaluation

a) In Phase 2, CDB will evaluate and rank the selected DB entities based on their technical and cost proposals.

b) Evaluation shall be based on the technical and cost submission components and relative importance or weighting of the technical and cost submission components as set forth in the RFP.

c) Proposals shall not be reviewed until after the deadline for submission has passed.

d) Proposals must meet all material requirements of the RFP or they may be rejected as non-responsive.

e) CDB shall have the right to reject any and all proposals subject to approval by the CPO.

f) CDB shall maintain a record of the evaluation scoring to be disclosed in event of a protest.

g) CDB shall include the following criteria in the Phase 2 technical evaluation of DB entities:

1) compliance with objectives of the project;

2) compliance of proposed services to the RFP requirements;

3) quality of products or materials proposed;

4) quality of design parameters;

5) design concepts;

6) innovation in meeting the scope and performance criteria;

7) constructability of the proposed project;

8) other relevant criteria deemed necessary by CDB.

h) CDB shall include the following criteria in every Phase 2 cost evaluation:

1) total project cost;

2) construction costs;

3) time of completion;

4) other relevant criteria deemed necessary by CDB;

5) a total project cost criteria weighting factor of 25% in accordance with 30 ILCS 537/30(c).

i) CDB shall directly employ or retain a licensed design professional to evaluate the technical and cost submissions to determine if the technical submissions are in accordance with generally accepted industry standards.

Section 8.3110 Delegation of Architect/Engineer Evaluations

a) CDB may delegate the evaluation of prospective A/Es to the user agency (school district, college, university, Illinois Community College Board or unit of local government). The user agency shall be required to comply with this Part, the QBS Act or the Local Government Professional Services Selection Act (LGPSS Act), as may be applicable.

b) Recommendations pursuant to the QBS Act for basic service fees of $25,000 or more shall state the three selected vendors ranked in order of qualifications.

c) CDB shall be permitted to assign a member of its staff to be a voting member of the user agency's evaluation committee.

d) The user agency shall transmit its recommendations to CDB for review and approval of the Board.

e) CDB will provide a form for submitting the recommendations. Transmittal to CDB shall include a letter with a certification statement requiring an authorized signature verifying that the selections were made in accordance with the QBS Act or the LGPSS Act.

f) CDB may request the user agency make other recommendations if the vendors recommended are not acceptable to CDB.

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Section 8.3115 Award of Design-Build Contract

a) CDB may award the DB contract to the highest overall ranked entity based on the Phase 2 submissions.

b) Notice of award shall be made in writing. Unsuccessful entities shall also be notified in writing.

c) CDB may not request a best and final offer after the receipt of proposals.

d) CDB may negotiate with the selected DB entity after award, but prior to contract execution, for the purpose of securing better terms than originally proposed, provided that the salient features of the RFP are not diminished.

Section 8.3120 Small Projects

a) For contracts whose estimated value is less than $25,000, CDB may select any prequalified A/E in accordance with Section 45 of the QBS Act.

b) For contracts whose value is less than $25,000, CDB may select any prequalified CM in accordance with Section 33-35 of the Code.

c) In any case in which the total overall cost of the project is estimated to be less than $10 million, CDB may combine the two-phase procedure for Design-Build submittals into one combined step, provided that all the requirements of evaluation are performed in accordance with this Part.

Section 8.3125 Emergency Projects

a) CDB may immediately select an A/E when it is in the best interest of the State or in emergencies to protect public health or safety in accordance with Section 50 of the QBS Act.

b) CDB may immediately select a CM when it is in the best interest of the State or in emergencies to protect public health or safety in accordance with Section 33-40 of the Code.

Section 8.3130 Construction Manager Procurement Limitations

a) A CM cannot participate in a selection process if it or a substantially affiliated vendor is under contract or in the process of contracting with CDB for other goods or services required for the project and the CM's duties will involve or relate to those goods or services.

b) A CM selected to provide construction management services, or a substantially affiliated vendor, may not bid on or otherwise be awarded a construction contract for the project.

c) Notwithstanding the provisions of subsections (a) and (b), when it is determined in writing to be in the State's best interest, the CM may provide or perform, directly or through unrelated contractors, basic services for which reimbursement is provided in the general conditions of the CM contract, or any other goods or service that does not conflict with or give the appearance of conflicting with the CM's duties.

d) A vendor is considered to be "substantially affiliated" for the purpose of this Section if:

1) the affiliated firm shares more than 5% common ownership with the CM; or

2) the individuals with more than 5% ownership interest, any officer or director of the CM firm, or any individual authorized to sign bids, proposals or contracts for the CM firm has any of these same relationships with, or owns or controls more than 5% of, the affiliated firm or is an officer or director of, or is authorized to sign bids, proposal or contracts for, the affiliated firm.

Section 8.3135 Publication of Award

The names of the three recommended A/E, and CM firms and the respective projects shall be published in CDB's Procurement Bulletin within 3 days after the selection and prior to Board action on the selection. The contract award shall be posted no later than one day after the board selection. All other A/E and CM awards that do not require board action shall be posted no later than the next business day. The protest period shall not begin until such publication.

Section 8.3140 Design-Build Reports and Evaluations

a) CDB shall require each selected DB entity to submit a written report at the end of every 6 month period following the contract award, and again prior to final contract payout and closure, detailing its efforts and success in implementing the entity's plan to comply with the utilization goals for business enterprises established in the BEMFD Act and Section 2-105 of the Illinois Human Rights Act.

b) If the entity's performance in implementing the plan falls short of the performance measures and outcomes set forth in the plans submitted by the entity during the proposal process, CDB shall require a detailed written report informing the General Assembly and the Governor whether and to what degree the DB entity promoted the utilization goals for business enterprises established in the BEMFD Act and Section 2-105 of the Illinois Human Rights Act.

Section 8.3145 Federal Requirements

CDB will comply with federal law and regulations and take all necessary steps to adapt the rules, policies and procedures to remain eligible for federal aid.

Section 8.3150 Procurement Under the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act

Solicitation for procurement of services of architects/engineers (A/Es), or related professionals, shall be in accordance with this Subpart with the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act and CDB's rules (44 Ill. Adm. Code 1000).

Section 8.3155 Procurement Under the Design-Build Procurement Act

Solicitation for procurement of design-build services shall be in accordance with this Subpart and the Design-Build Procurement Act and CDB's rules (44 Ill. Adm. Code 1030).

SUBPART O: PREFERENCES

Section 8.4505 Procurement Preferences

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NOTICE OF ADOPTED RULES

The procurement preferences identified in Article 45 of the Code must be considered in developing procurement documents, conducting evaluations and drafting contracts. Any preferences applicable to an individual procurement will be stated in the solicitation for that procurement.

Section 8.4510 Resident Vendor Preference

a) "Illinois resident vendor", as used in this Section, means a person, including a foreign corporation or other entity, that is authorized to transact business in this State and having a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when a given competitive solicitation for a public contract was first advertised or announced.

b) In breaking a tie bid or proposal, as described in Section 8.2037, an Illinois resident vendor shall be given the award.

c) An Illinois resident vendor shall be allowed a preference over a non-resident vendor equal in amount to the preference, if any, given or required by the state of the non-resident vendor to its resident vendors.

d) If only non-resident bidders are bidding, the purchasing agency has the right to specify that Illinois labor and manufacturing locations be used as part of the manufacturing process. This specification may be negotiated as part of the solicitation process.

e) This Section does not apply to any contract for any project for which federal funds are available for expenditure when its provisions may be in conflict with federal law or federal regulation.

Section 8.4526 Environmentally Preferable Procurement

Construction shall be accomplished in accordance with the Green Buildings Act.

Section 8.4535 Qualified Not-for-Profit Agencies for Persons with Severe Disabilities

a) Use. The CPO shall distribute to each SPO and CDB a list of supplies and services available from qualified not-for-profit agencies for persons with severe disabilities (sheltered workshops). Purchases may be made from sheltered

workshops without prior notice or competition. Qualified Not-for-Profit Agencies who contract with the State must comply with all other provisions of the Illinois Procurement Code. Notice of purchases shall be posted on the Illinois Procurement Bulletin.

b) Pricing Approval. Prior to contracting with a sheltered workshop, the State Use Committee (see Section 45-35(c) of the Code) must determine that the price is not substantially more than a competitively solicited price.

Section 8.4545 Small Business

a) Set-Aside. The CPO may set-aside a certain portion of construction contracts for small businesses.

b) Small Business List. The CPO may develop a list, or may use a list maintained by another State agency or another CPO, of vendors that meet the criteria of small business. As part of the prequalification process, vendors desiring to submit bids or proposals or otherwise to contract for items set aside for small businesses shall submit information as specified verifying that the vendor qualifies as a small business under this Part. A business that fits the definition of small on the day of award or proposal opening will be considered small for the duration of the contract. The agency shall, through its prequalification program, identify contractors who meet the criteria for small businesses. When utilizing vendor lists for soliciting small business vendors, all vendors shall be solicited under the commodity code representing the goods or services being solicited.

c) Any procurement set aside for small businesses shall be so identified in the Bulletin notice and the solicitation documents. Bids or proposals received from large businesses will be rejected.

d) Withdrawal of Set-Aside. If the SPO determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the SPO may reject all bids or proposals and withdraw the designation of small business set-aside for the procurement in question. CDB may make a recommendation that the SPO consider rejection of a bid in such cases. When a small business set-aside is withdrawn, notification shall be published in the Bulletin with an explanation. After withdrawal of the small business set-aside, the procurement shall be conducted in accordance with this Part but without the small business designation.

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e) Criteria for Small Business

1) Unless the CPO provides a definition for a particular procurement that reflects industrial characteristics, a small business is a business that is independently owned and operated and is not dominant in its field of operation.

A) A wholesale business is a small business if its annual sales for its most recently completed fiscal year do not exceed $10,000,000.

B) A retail business or business selling services is a small business if its annual sales and receipts for its most recently completed fiscal year do not exceed $6,000,000.

C) A manufacturing business is a small business if it employs no more than 250 persons. A manufacturing business shall calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on a full-time, part-time, temporary or other basis, for its most recently ended fiscal year. If a manufacturing business has been in existence for less than a full fiscal year, its average employment shall be calculated for the period through one month prior to the bid or proposal due date.

D) A construction business is a small business if its annual sales and receipts for its most recently completed fiscal year do not exceed $10,000,000.

E) If a business is any combination of retailer, wholesaler or construction business, the annual sales for each component may not exceed the higher of $10,000,000 for a wholesaler, $6,000,000 for a retailer, $10,000,000 for a construction business or the amounts shown in Section 45-45 of the Code. For example, a business that is both a retailer and wholesaler may not have total sales exceeding $16,000,000 and the retail component may not exceed $6,000,000 and the wholesale component may not exceed $10,000,000. If the business is also a manufacturer, in addition to

meeting the annual sales requirement, the number of manufacturing employees may not exceed 250.

2) A small business in Illinois is defined as a company that is incorporated or organized as a domestic corporation under the Business Corporation Act of 1983 [805 ILCS 5/1.80].

3) A small business that is not dominant in its field of operations means the business does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining dominance, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and reflective of the industry.

4) Businesses artificially divided to qualify as a small business will be disallowed. When computing the size status of a vendor and whether the vendor qualifies as a small business, the number of employees and annual sales and receipts, as applicable, of the vendor and all affiliates, concerns and related entities shall be included. Concerns and related entities are affiliates of each other when one directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both. It does not matter whether control is exercised, so long as the power to control exists. In determining whether concerns and related entities are independently owned and operated and whether affiliation exists, consideration shall be given to all appropriate factors, including use of common facilities, common ownership and management, identity of interest (substantially identical business or economic interests such as family members, individuals or firms with common investments, or firms that are economically dependent through contractual or other relationships) and contractual arrangements. In determining whether affiliation exists, the CPO will consider the totality of the circumstances, and may find affiliation even though no single factor is sufficient to constitute affiliation. A franchise relationship shall not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure.

5) Vendors certified as minority, female, veteran-owned or any other business certification, that also meet the criteria for a small business, can be recognized as a small business for the purpose of set-asides.

f) Small Business Specialist. The CPO may designate a small business specialist who shall have the duties set forth in Section 45-45(e) of the Code and who shall also act as coordinator of small business. The designated small business specialist shall compile statistics provided by the State agency needed to make the small business annual report to the General Assembly required under Section 45-45(f) of the Code.

Section 8.4557 Veterans

It is the goal of the State to promote and encourage the continued economic development of small businesses owned and controlled by qualified veterans and that qualified service-disabled veteran-owned small businesses (SDVOSB) and veteran-owned small businesses (VOSB) participate in the State's procurement process as both prime contractors and subcontractors. Not less than 3% of the total dollar amount of State contracts, as defined by the Director of Central Management Services, shall be established as the goal to be awarded to SDVOSB and VOSB. [30 ILCS 500/45-57]. CDB shall award contracts in compliance with the goal to award contracts to SDVOSB and VOSB businesses (see 44 Ill. Adm. Code 20).

Section 8.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

a) Procurements made under the Code are subject to the requirements of the BEMFD Act.

b) Responsiveness of bidders or offeror determinations related to 30 ILCS 575 are subject to the review and approval of the CDB Good Faith Effort Committee for the purpose of ensuring that the provisions of the Act are consistently applied.

c) CDB shall develop Rules for compliance with 30 ILCS 575 to include:

1) Goal Setting;

2) Vendor Assistance;

3) Performance of Commercially Useful Functions.

Section 8.4590 Notice of Preferences

The Bulletin and solicitation document shall state whether a preference applies or may apply and the amount or type of preference.

Section 8.4599 Domestic Products

a) This Section applies to the procurement of "procured products" ("*assembled articles, materials or supplies"* [30 ILCS 517/5]) incorporated into construction projects unless:

1) the procurement is exempt from competitive solicitation requirements as in the case of a small, emergency or sole economically feasible source situation;

2) CDB determines that a specific project is too complex for the 5 major construction building trades to identify the numerous individually procured products required for the project;

3) CDB determines that procured products required for a specific project are too numerous or complex to be able to efficiently assess the sites where manufactured; or

4) One of the exemptions of Section 10 of the Procurement of Domestic Products Act applies.

b) This Section applies to supplies purchased by the State that have undergone some manufacturing process that changes the raw material or components into a different product. The following examples show how to interpret this Section:

1) If the State needs iron ore, this Section would not apply because the State would be asking for a raw material.

2) If the State needs a steel ingot, the purchase would be subject to this Section as the steel ingot was subject to a manufacturing process. The

iron ore used in manufacturing the ingot would not be subject to any domestic restriction.

3) If the State needs a steel I-Beam, the I-Beam would be subject to this Section. The iron ore and steel used in creating the I-Beam would not be subject to any domestic restriction.

4) If the State needs a structure made of steel I-Beams, the assembly would have to be done domestically. The iron ore, steel and I-Beams used in building the structure would not be subject to any domestic restriction.

c) Specifications for manufactured supplies shall include a reference to the preference established in this Section. The preference shall be as follows:

1) The low bid shall be identified without regard to whether the product is a domestic product.

2) In the event of a tie bid, the vendor that certifies it will provide domestic supplies shall be given preference.

3) If the low bid or most advantageous proposal does not contain a certification that the supply items are domestic, then any responsive and responsible vendor that is within 2% of the identified vendor's bid price that has made that certification shall be evaluated as though its price was 2% lower, subject to a maximum dollar value of $50,000. Determinations of price shall reflect consideration of life cycle costs, including maintenance and repair costs.

4) The winning vendor will be determined after application of the preference.

5) Notwithstanding the preference outlined in this subsection (c), if the appropriate SPO determines that the price differential calculated using the preference is not acceptable given the particular procurement and the economic circumstances, the award may be conditioned on receipt of an acceptable price reduction. If the price cannot be reduced to an acceptable level, the original low priced or most advantageous proposal may be selected for award.

d) CDB shall include in the procurement file documentation showing the application of any preference given and any determination that the supplies involved in the purchase were not subject to the Procurement of Domestic Products Act.

SUBPART P: ETHICS

Section 8.5002 Continuing Disclosure; False Certification

a) Multi-year contracts and subcontracts are subject to the annual recertification requirements of Section 50-2 of the Code. *Every person that has entered into a multi-year contract and every subcontractor with a multi-year subcontract shall certify, by July 1 of each fiscal year covered by the contract after the initial fiscal year, to the responsible* CPO *whether it continues to satisfy the requirements of* Article 50 of the Code *pertaining to eligibility for a contract award. If a contractor or subcontractor is not able to truthfully certify that it continues to meet all requirements, it shall provide with its certification a detailed explanation of the circumstances leading to the change in certification status. A contractor or subcontractor that makes a false statement material to any given certification required under* Article 50 of the Code *is, in addition to any other penalties or consequences prescribed by law, subject to liability under the Illinois False Claims Act* [740 ILCS 175] *for submission of a false claim.* [30 ILCS 500/50-2]

b) The CPO may prescribe a standard format and procedure for annual recertification and may include annual certifications as part of a registration or prequalification process.

c) Should a vendor be unable to certify that it continues to meet requirements of Section 50 of the Code, the relevant information detailing any changes shall be submitted by the vendor or the agency to the SPO for review and disposition.

Section 8.5005 Bribery

a) *Prohibition*
No person or business shall be awarded a contract or subcontract who:

1) *Has been convicted under the laws of Illinois or any other state of bribery or attempting to bribe an officer or employee of the State of Illinois or any*

other state or branch of the federal government *in that officer's or employee's official capacity; or*

2) Has made an admission of guilt of the conduct described in subsection (a)(1) as a matter of record, but has not been prosecuted for that conduct.

b) *Businesses*
No business shall be barred from contracting with any unit of State or local government, or subcontracting under such a contract, as a result of a conviction described in subsection (a)(1) *of any employee or agent of the business if the employee or agent is no longer employed by the business and:*

1) *The business has been finally adjudicated not guilty; or*

2) *The business demonstrates to the governmental entity with which it seeks to contract or which is a signatory to the contract to which the subcontract relates, and that entity finds that the commission of the offense was not authorized, requested, commanded or performed by a director, officer or high managerial agent on behalf of the business, as provided in Section 5-4(a)(2) of the Criminal Code of 2012* [720 ILCS 5-4(a)(2)].

c) *Conduct on Behalf of Business*
For purposes of this Section, when an official, agent or employee of a business commits the acts contained in subsection (a)(1) *on behalf of the business and in accordance with the direction or authorization of a responsible official of the* business, the business shall be chargeable, *for purposes of this Section,* with that conduct.

d) *Certification*
Every bid submitted to and contract executed by the State and every subcontract subject to Section 20-120 of this Code shall contain a certification by the contractor or the subcontractor, respectively, that the contractor or subcontractor is not barred from being awarded a contract or subcontract under this Section, and acknowledges that the CPO may declare the related contract void if any certifications required by this Section are false. If the false certification is made by a subcontractor, then the contractor's submitted bid and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontractor upon the State's request after a finding that the subcontractor's

certification was false. A contractor or subcontractor who makes a false statement, material to the certification, commits a Class 3 felony. [30 ILCS 500/50.5]

Section 8.5010 Felons

a) *Unless otherwise provided, no person or business convicted of a felony shall do business with the State of Illinois or any State agency, or enter into a subcontract subject to Section 120 of this code, from the date of conviction until 5 years after the date of completion of the sentence for that felony, unless no person held responsible by a prosecutorial office for the facts upon which the conviction was based continues to have any involvement with the business.*

b) *Every bid submitted to and contract executed by the State and every subcontract subject to this Part shall contain a certification by the bidder or contractor or subcontractor, respectively, that the bidder, contractor or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges the CPO may declare the related contract void if any of the certifications required by this Section are false. If the false certification is made by a subcontractor, then the contractor's submitted bid and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false*. [30 ILCS 500/50-10]

Section 8.5011 Debt Delinquency

a) *No person shall submit a bid for or enter into a contract or subcontract if that person knows or should know that he or she or any affiliate is delinquent in the payment of any debt to the State, unless the person or affiliate has entered into a deferred payment plan to pay off the debt.* [30 ILCS 500/50-11(a)]. For purposes of this Section, terms shall have the meanings ascribed in Section 50-11 of the Code.

b) *Every bid submitted to and contract executed by the State and every subcontract subject to Section 20-120 of* the *Code shall contain a certification by the bidder, contractor or subcontractor, respectively, that the contractor or the subcontractor and its affiliate is not barred from being awarded a contract or subcontract under this Section and acknowledges that the* CPO *may declare the*

related contract void if any of the certifications required by this Section *completed pursuant to this subsection (b) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontractor's certification was false.* [30 ILCS 500/50-11(b)]

Section 8.5012 Collection and Remittance of Illinois Use Tax

a) *No person shall enter into a contract with a State agency or enter into a subcontract unless the person and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act, regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act.* [30 ILCS 500/50-12] For purposes of this Section, terms shall have the meanings ascribed in Section 50-12 of the Code.

b) *Every bid submitted and contract executed by the State and every subcontract subject to Section 20-120 of* the *Code shall contain a certification by the bidder, contractor or subcontractor, respectively, that the bidder, contractor or subcontractor is not barred from bidding for or entering into a contract under subsection (a) and acknowledges that the* CPO *may declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontractor's certification was false.* [30 ILCS 500/50-12]

Section 8.5013 Conflicts of Interest Prohibited by the Code

These conflicts apply to the direct interest of specified State employee or officeholder.

a) Any bid, proposal, offer or proposed contract being recommended for award must be reviewed for conflicts of interest pursuant to Section 50-13 of the Code. No contract will be executed unless the CPO requests and is granted an exemption by the Executive Ethics Commission under Section 50-20 of the Code.

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NOTICE OF ADOPTED RULES

1) Office or Employment. *It is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government and who receives compensation for such employment in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person, to have or acquire any contract, or any direct pecuniary interest in the contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority.* [30 ILCS 500/50-13(a)]

2) Financial Interests. *It is unlawful for any firm, partnership, association, or corporation, in which any person* as described *in subsection (a)*(1) *is entitled to receive more than 7½% of the total distributable income or an amount in excess of the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.* [30 ILCS 500/50-13(b)]

3) Combined Financial Interests. *It is unlawful for any firm, partnership, association or corporation, in which any person listed in subsection (a)*(1) *together with his or her spouse or minor children is entitled to receive more than 15%, in the aggregate, of the total distributable income or an amount in excess of 2 times the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.* [30 ILCS 500/50-13(c)]

b) For the purpose of this Part, an individual has a direct pecuniary interest in a contract when the individual is owed a payment or otherwise received a direct financial benefit in conjunction with performance of a contract, including finders fees and commission payments.

c) For the purpose of this Part, "distributable income" means the income of a company after payment of all expenses, including employee salary and bonus, and retained earnings, which is distributed to those entitled to receive a share of the income. In the case of a for-profit corporation, distributable income means

"dividends". When calculating entitlement to distributable income the entitlement shall be determined at the end of the company's most recent fiscal year.

d) This Section applies to those elected or appointed to an office of Illinois State government. This Section does not apply to those elected to local government offices, including school districts, nor does it apply to those elected to Federal offices in this State.

e) Additional exemptions to the application of this Part are listed in Section 50-13(f) of the Code.

Section 8.5014 Environmental Protection Act Violations

a) *Unless otherwise provided, no person or business found by a court or the Pollution Control Board to have committed a willful or knowing violation of the Environmental Protection Act shall do business with the State of Illinois or any State agency or enter into a subcontract from the date of the order containing the finding of violation until 5 years after that date, unless the person or business can show that no person involved with the violation continues to have any involvement with the business.* [30 ILCS 500/50-14(a)]

b) *A person or business otherwise barred from doing business with the State of Illinois and any State agency or any subcontractors under the Code by subsection (a) may be allowed to do business with the State of Illinois or any State agency if it is shown that there is no practicable alternative to the State to contracting with that person or business.* [30 ILCS 500/50-14(b)]

c) Every bid submitted to and contract executed by the State and every subcontract subject to Section 20-120 of the Code shall contain a certification by the bidder, contractor and any subcontractor, respectively, that the bidder, contractor or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the CDB or CPO may declare the related contract void if any of the certifications completed pursuant to this subsection (c) are false. *If the false certification is made by a subcontractor, then the contractor's submitted bid and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontractor's certification was false.* [30 ILCS 500/50-14(c)]

CHIEF PROCUREMENT OFFICER FOR
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NOTICE OF ADOPTED RULES

Section 8.5015 Negotiations for Future Employment

a) *It is unlawful for any person employed in or on a continual contractual relationship with any of the offices or agencies of State government to participate in contract negotiations on behalf of that office or agency with any vendor, partnership, association or corporation with whom that person has a contract for future employment or is negotiating concerning possible future employment.* [30 ILCS 500/50-15(a)]

b) An individual who performs services pursuant to a contract and who meets the requirements of an "employee" as opposed to an "independent contractor" is in a "continual contractual relationship" from the effective date of the contract until such time as the contract is terminated.

c) An individual who performs services pursuant to a contract and who meets the requirements of an "independent contractor" as opposed to an "employee" is in a "continual contractual relationship" if the contract term is indefinite, is automatically renewed, is renewable at the individual's option, is renewable unless the State must act to terminate, or has a definite term of at least three months.

Section 8.5020 Exemptions

If an individual finds a conflict of interest under Section 50-13 of the Code with the vendor selected for award or contract negotiations, he or she shall forward to the CPO the name of the vendor and a description of the proposed contract and of the potential conflict, and shall state why an exemption should be granted. CDB shall determine and include documentation of the agency's position on the conflict. The CPO shall decide whether to disapprove the contract or request a exemption from the Executive Ethics Commission in accordance with Section 50-20 of the Code.

Section 8.5023 Other Conflicts of Interest

a) Except as otherwise specified in the Public Officer Prohibited Activities Act, no State officer shall be in any manner financially interested, directly or indirectly, in the name of any other person, association, trust or corporation in any contract or

work in the making or letting of which the officer may be called upon to act or vote.

b) No contract shall be awarded to a State officer or employee or to a firm, partnership, association or corporation, the owner or principal owners or major officers or primary employees of which are officers or employees of the State agency, or to members of the immediate family of an officer of the State agency, unless the contract is deemed essential to State agency operations and is approved by the CDB Executive Director and the CPO. These approvals shall be filed with the contract and shall be made part of the procurement file.

c) If CDB has its owns policies regarding procurement conflict of interest relative to its own employees, CDB must provide notice of any potential conflict of interest to the SPO along with CDB's policy. This information may be used by the SPO when considering whether to award a contract.

Section 8.5030 Revolving Door Prohibition

a) *CPOs, SPOs, Procurement Compliance Monitors, their designees whose principal duties are directly related to State procurement, and executive officers confirmed by the Senate are expressly prohibited for a period of 2 years after terminating an affected position from engaging in any procurement activity relating to* CDB *for which they had oversight, in an affected position for a period of at least 6 months. The prohibition includes but is not limited to: lobbying the procurement process; specifying, bidding, proposing bid, proposal, or contract documents; on their own behalf or on behalf of any firm, partnership, association, or corporation. This prohibition applies to all persons who terminate an affected position on or after January 1, 1999.* [30 ILCS 500/50-30]

b) The CPO, in conjunction with the CDB ethics officer, shall identify in writing those designees whose job, or whose position description, is at least 51% directly related to procurement. Activities directly related to procurement include, but are not limited to, drafting specifications, preparing solicitations, evaluating offers, negotiating contracts, administering contracts and supervising any of the foregoing. This determination shall be communicated to the affected employees and maintained for a period of at least 2 years following the end or revocation of the designation.

CHIEF PROCUREMENT OFFICER FOR
CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

Section 8.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

a) For purposes of Section 50-35(a) of the Code, an "offer from responsive bidders or offerors" means any bid or offer. Disclosures shall be obtained when the award value exceeds $25,000 and for any subcontracts valued at more than $50,000.

b) For purposes of Section 50-35(b) of the Code, "parent entity" means an entity that owns 100% of the bidding or offering entity.

c) Section 50-35(b)(1) of the Code, "contractual employment of services" means any contract to provide services to the State, whether as independent contractor or employee, that is by and between the State and the named individual.

d) "Distributive income" means the income of a company after payment of all expenses, including employee salaries and bonuses, and retained earnings that is distributed to those entitled to receive a share of that income. In the case of a for-profit corporation, distributable income means dividends. When calculating entitlement to distributable income, the entitlement shall be calculated at the end of the company's most recent fiscal year or when distributed.

e) "Personal services" shall be any contract for services subject to the Code, including, by way of example, professional and artistic services, repair services, cleaning and guard services, but excludes contracts with employees who are exempt from the Code under Section 1-10(b)(4).

f) "Subject to federal 10K reporting" means subject to the reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934. "10K disclosure" means a report required under section 13 or 15(d) of the Securities Exchange Act of 1934 (15 USC 78a et seq.).

g) 10K Disclosures

1) Any vendor subject to federal 10K reporting requirements may submit its 10K to the State in satisfaction of the disclosure requirement of Section 50-35(b) of the Code. The vendor may be required to identify the specific sections or parts in the 10K disclosure containing information, if any, pertaining to those who have an ownership interest or an interest in the distributive income of the vendor or its parent, or other information that

the vendor knows or reasonably should know identifies a potential conflict of interest with the State. If the financial interest or conflict of interest information requested by the State is not in the 10K, or in a document that may be submitted to the SEC in conjunction with, or in lieu of, the 10K, then that additional documentation shall be provided.

2) 10K disclosures are available for public review. Any potential conflict of interest identified by the public and brought to the attention of CDB, the CPO or the SPO shall be investigated.

3) In circumstances in which a vendor may submit a 10K disclosure in lieu of the specific disclosure requirements of the Code, the SPO or designee may consider information identified by the vendor in the 10K disclosure and any information disclosed pursuant to public review of the 10K disclosure in determining whether a potential conflict of interest exists.

h) Form of Disclosure

1) *The form of disclosure shall be prescribed by the CPO and shall include at least the names, addresses and dollar or proportionate share of ownership of each person identified in this Section,* his or her *instrument of ownership or beneficial relationship, and notice of any potential conflict of interest resulting from the current ownership or beneficial relationship of each person identified in this Section as having any of the following relationships:*

A) *State employment, currently or in the previous 3 years, including contractual employment of services;*

B) *State employment of spouse, father, mother, son or daughter, including contractual employment for services in the previous 2 years;*

C) *Elective status: the holding of elective office in the State of Illinois, the government of the United States, any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois currently or in the previous 3 years;*

D) *Relationship to anyone holding elective office currently or in the previous 2 years, including spouse, father, mother, son or daughter;*

E) *Appointive office: the holding of any appointive government office of the State of Illinois, the United States of America, or any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois that entitles the holder to compensation in excess of expenses incurred in the discharge of that office currently or in the previous 3 years;*

F) *Relationship to anyone holding appointive office currently or in the previous 2 years, including spouse, father, mother, son or daughter;*

G) *Employment, currently or in the previous 3 years, as, or by, any registered lobbyist of the State government;*

H) *Relationship to anyone who is or was a registered lobbyist in the previous 2 years, including spouse, father, mother, son or daughter;*

I) *Compensated employment, currently or in the previous 3 years, by any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections;*

J) *Relationship to anyone, including spouse, father, mother, son or daughter, who is or was a compensated employee in the last 2 years of any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board or Elections.* [30 ILCS 500/50-35(b)(1) through (10)]

2) *The disclosures required under this Section also include the name and address of each lobbyist required to register under the Lobbyist Registration Act* [25 ILCS 170] *and other agent of the bidder or offeror who is not identified under Section 50-35(a) of the Code and who has communicated, is communicating, or may communicate with any State officer or employee concerning the bid or offer. The disclosure under this subsection* (h)(2) *is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.* [30 ILCS 500/50-35(b-1)]

3) *The disclosure required under this Section must also include,* for each of the persons identified in subsection (h)(1) or (2), *each of the following that occurred within the previous 10 years: debarment from contracting with any governmental entity; professional licensure discipline; bankruptcies; adverse civil judgments and administrative findings; and criminal felony convictions. The disclosure under this* subsection (h)(3) *is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.* [30 ILCS 500/50-35(b-2)]

i) Intent of Disclosure
The disclosure required in subsection (h) *is not intended to prohibit or prevent any contract. The disclosure is meant to fully and publicly disclose any potential conflict to the* CPO*, SPOs, their designees and executive officers so they may adequately discharge their duty to protect the State*. [30 ILCS 500/50-35(c)] A potential conflict of interest occurs in procurement when a person who, by reason of official State position or personal or financial relationship to person with official State position, has or may have the ability to influence the award of a State contract to his or her personal benefit.

1) Determination by Procurement Officer. When an alleged conflict of interest, or violation of the Code is identified, it shall be reviewed by the CPO or his or her designee, who must determine whether the contract, subcontract, bid, offer or proposal should be awarded. Prior to making a final determination, the potential conflict shall be submitted to PPB for review in accordance with Section 50-35(d) of the Code. If PPB recommends to allow the contract or subcontract, the CPO or his or her

designee may award the contract. If the PPB recommends the contract, bid or offer be voided, then the CPO, may determine to award the contract, considering whether the best interest of the State of Illinois will be served. Upon such determination, the EEC shall hold a public hearing. After the public hearing, the CPO may award the contract. The CPO may, at any juncture, determine to void the contract or award if to do so is determined to be in the best interest of the State. All written determinations and any documents relied upon or made part of any public hearing shall become a publicly available part of the procurement file.

2) Requirements for Reasonable Care and Diligence. *The* statutory *thresholds for disclosure do not relieve the CPO, SPO or their designees from reasonable care and diligence for any contract, bid, offer or proposal. The CPO, SPOs or their designees shall be responsible for using any reasonably known and publicly available information to discover any undisclosed potential conflict of interest and act to protect the best interest of the State of Illinois.* [30 ILCS 500/50-35(e)]

3) Inadvertent or Accidental Failure to Fully Disclose. *Inadvertent or accidental failure to disclose shall render the contract, subcontract, bid, proposal or relationship voidable by the CPO if he or she deems it in the best interest of the State of Illinois and, at his or her discretion, may be cause for barring from future contracts, subcontracts, bids, proposals or relationships with the State for a period of up to 2 years.* [30 ILCS 500/50-35(f)]

4) Intentional, Willful or Material Failure to Disclose. *Intentional, willful or material failure to disclose shall render the contract, subcontract, bid, proposal or relationship voidable by the CPO if he or she deems it in the best interest of the State of Illinois and shall result in debarment from future contracts, subcontracts, bids, proposals or relationships with the State for a period of not less than 2 years and not more than 10 years. Reinstatement after 2 years and before 10 years must be reviewed and commented upon by the Governor or by an executive ethics board or commission he or she might designate. The comment must be returned to the* CPO, *who must rule in writing whether and when to reinstate.* [30 ILCS 500/50-35]

5) Other Procurements. *In addition, all disclosures shall note any other current or pending contracts, proposals, subcontracts, leases or other ongoing procurement relationships the bidding, proposing, offering or subcontracting entity has with any other unit of State government and shall clearly identify the unit and the contract, proposal, lease or other relationship.* [30 ILCS 500/50-35(h)] Absent any other requirements of the Code to the contrary (see Section 50-35(i) of the Code), new disclosures are not required for contract amendments.

6) Continuing Obligation. *The contractor or bidder has a continuing obligation to supplement the disclosure required by this Section throughout the bidding process or during the term of any contract.* [30 ILCS 500/50-35(i)]

j) Subcontractors
IFBs and RFPs shall include a provision to require each bidder or offeror to identify, either in its bid or proposal or within 20 days after notice of award of contract, the identity of known subcontractors that will be used in the performance of the contract, as well as the amounts expected to be paid to each subcontractor. The vendor may be requested to provide copies of subcontracts for those subcontracts valued over $50,000, as well as disclosure forms and standard certifications, in such form as is approved by the CPO office.

k) Hearing
Any hearing conducted by the CPO/SPO and required under Section 50-35 of the Code shall be conducted in accordance with Subpart T.

Section 8.5037 Vendor Registration, Certification and Prohibition on Political Contributions

a) Introduction
Illinois statutes [10 ILCS 5/9-35 and 30 ILCS 500/20-160 and 50-37] restrict political contributions by vendors that are business entities and their affiliated entities and persons; require registration with the State Board of Elections (SBEL); require the CPO to verify that the business entity is required to register with SBEL and is in compliance with registration requirements as of the date bids or proposals are due; and require solicitation and contract certifications of the vendor relative to the requirements of these statutes. This Section supplements

requirements found in those statutes and does not excuse compliance with any of those requirements.

b) General Registration Requirements

1) These requirements apply to contracts, bids and proposals that are subject to the Code:

A) Bids/proposals referenced in this Section are those submitted in response to a competitive solicitation that is posted to the Bulletin on or after January 1, 2009, regardless of the value assigned to the procurement.

B) Bids and proposals include pending bids and proposals.

C) These requirements generally apply to a vendor whose existing State contracts have an aggregate value in excess of $50,000, or whose aggregate value of bids/proposals for State contracts exceeds $50,000, or whose aggregate value of State contracts and bids/proposals exceeds $50,000.

D) This value is calculated on a calendar-year basis.

2) On a calendar-year basis, each vendor or potential vendor must keep track of the value of contracts and bids/proposals. Vendors must register with SBEL when the vendor determines that the value of the contracts and bids/proposals meets the threshold for registration.

3) An "executive employee" means:

A) the President, Chairman of the Board, Chief Executive Officer and any other individuals who fulfill equivalent duties as the President, Chairman of the Board, or Chief Executive Officer; and

B) any employee whose compensation is determined directly, in whole or in part, by the award or payment of contracts by a State agency to the entity employing the employee, irrespective of the employee's title or status in the business entity. For the purposes

of this subsection (b)(3)(B), compensation determined directly by award or payment of contracts means a payment over and above regular salary that would not be made if it were not for the award of the contract.

c) Bids and Proposals

1) In order to be considered for award, a vendor who meets the requirements for registration must be registered with SBEL as the date of the bid or offer is due and shall provide a copy of the Registration Certificate or be able to produce the Registration Certificate on that date.

2) If a vendor is not registered by the date the bid or offer is due, CDB shall reject the bid or offer as non-responsive.

3) Prior to award or execution of contract, the SPO, or a designee of the SPO, shall verify the vendor who meets the requirements for registration has registered with SBEL and shall obtain a copy of the Registration Certificate.

d) Contracts
A copy of the Registration Certificate must be in the procurement file in relation to any contract for which a vendor is required to register as set forth in this subsection (d), unless the vendor certifies it is not required to register.

1) For contract renewals and extensions, if the value of the renewal or extension by itself, or in combination with the contract being renewed/extended and other contracts and bids/proposals, exceeds $50,000, the vendor must provide the Registration Certificate upon request and make the appropriate contract certification, if it has not already done so. The Registration Certificate may be provided by reference to and incorporation of the vendor's prequalification by the CPO.

2) CDB shall identify in the solicitation whether the contract is estimated to exceed $50,000 annually. Vendors submitting bids or offers for master contracts estimated to exceed $50,000 annually regardless of consumption are required to register with SBEL.

3) For indefinite quantity/estimated value contracts that are not estimated to exceed $50,000 annually, a vendor who is otherwise not required to register shall register with SBEL when the maximum value of orders that may be placed pursuant to an indefinite/estimated value contract, plus all other contracts and bids/proposals, exceeds $50,000 annually. The vendor shall register with SBEL within 10 business days after orders exceed $50,000.

4) For contract amendments, if the value of the amendment, by itself or in combination with the contract being renewed plus other contracts and bids/proposals exceeds $50,000 annually, the vendor must provide the Registration Certificate upon request and make the appropriate contract certification, if it has not already done so.

5) Any contracts mistakenly executed in violation of this Section must be amended to include the contract certifications, and the vendor must supply the Registration Certificate upon request. If any violation by the vendor is not cured within 5 business days after receipt of notification of the violation, the contract is voidable by the State without penalty.

6) Certification of the requirement to register with the State Board of Elections, required by 30 ILCS 20-160(a), shall be included in or added to each contract that must be filed with the State Comptroller pursuant to Section 20-80 of the Code and those written two-party contracts that need not be filed with the Comptroller. Agencies may require written confirmation of the certification at any time.

e) Voidable contracts
Every solicitation issued and contract executed by the State on or after January 2, 2009, shall contain a statement that the contract is voidable under Section 50-60 if the bidder, offeror or contractor fails to comply with Section 20-160 of the Code.

Section 8.5038 Lobbying Restrictions

a) *A person or business that is let or awarded a contract is not entitled to receive any payment, compensation or other remuneration from the State to compensate the person or business for any expenses related to travel, lodging, or meals that are paid by the person or business to any officer, agent, employee, consultant,*

independent contractor, director, partner, manager or shareholder. [30 ILCS 500/50-38(a)]

b) Disclosure

1) *Any bidder or offeror on a State contract that hires a person required to register under the Lobbyist Registration Act to assist in obtaining a contract shall:*

A) *Disclose all costs, fees, compensation, reimbursement and other remunerations paid or to be paid to the lobbyist* and the purpose and nature of the lobbying on behalf of the vendor;

B) *Not bill or otherwise cause the State of Illinois to pay for any of the lobbyist's costs, fees, compensation, reimbursements or other remuneration;*

C) *Sign a verification certifying that none of the lobbyist's costs, fees, compensation, reimbursements or other remuneration were billed to the State.*

2) The information in subsection (b)(1)(A), *along with all supporting documents, shall be filed with the agency awarding the contract and with the Secretary of State. The* CPO *shall post this information, together with the contract award notice, on the Bulletin.* [30 ILCS 500/50-38(b)]

c) *No person or entity shall retain a person or entity required to register under the Lobbyist Registration Act to attempt to influence the outcome of a procurement decision for compensation contingent in whole or in part upon the decision or procurement. Any person who violates this subsection* (c) *is guilty of a business offense and shall be fined not more than $10,000.* [30 ILCS 500/50-38(c)]

Section 8.5039 Procurement Communication Reporting Requirement

a) Reporting Requirement
Any written or oral communication received by a State employee who, by nature of his or her duties, has the authority to participate personally and substantially in the decision to award a State contract and that imparts or requests material

information or makes a material argument regarding potential action concerning an active procurement matter, including, but not limited to, an application, a contract or a project, shall be reported to the Procurement Policy Board in accordance with rules of the Executive Ethics Commission (see 2 Ill. Adm. Code 1620). [30 ILCS 500/50-39(a)]

b) Excepted Communications

1) *These communications do not include the following*:

A) *statements made by a person publicly in a public forum* (however, communications made in a public forum, if made privately, must be reported);

B) *statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter;*

C) *statements made by a State employee and:*

i) *the State employee's agency head;*

ii) *other State employees of that agency;*

iii) *employees of the Executive Ethics Commission*; *or*

iv) *an employee of another State agency who, through the communication, is either exercising his or her experience or expertise in the subject matter of the particular procurement in the normal course of business, for official purposes, and at the initiation of the purchasing agency or the appropriate State Purchasing Officer, or exercising oversight, supervisory or management authority over the procurement in the normal course of business and as part of official responsibilities;*

D) *unsolicited communications providing general information about products, services or industry best practices before those products or services become involved in a procurement matter;*

E) *communications received in response to procurement solicitations, including, but not limited to, vendor responses to a:*

i) *RFI;*

ii) *RFP;*

iii) *request for qualifications;*

iv) *IFB;*

v) *small purchase, sole source or emergency solicitation; or*

vi) *questions and answers posted to the Illinois Procurement Bulletin to supplement the procurement action, provided that the communications are made in accordance with the instructions contained in the procurement solicitation, procedures or guidelines*;

F) *communications that are privileged, protected or confidential under law; and*

G) *communications that are part of a formal procurement process as set out by statute, rule or the solicitation, guidelines or procedures, including, but not limited to:*

i) *the posting of procurement opportunities;*

ii) *the process for approving a procurement business case or its equivalent;*

iii) *fiscal approval;*

iv) *submission of bids;*

v) *the finalization of contract terms and conditions with an awardee or apparent awardee; and*

vi) *any other similar formal procurement process.* [30 ILCS 500/50-39(a)]

2) *The provisions of this Section shall not apply to communications regarding the administration and implementation of an existing contract, except communications regarding change orders or the renewal or extension of a contract.* [30 ILCS 500/50-39(a)]

3) *No trade* secret *or other proprietary or confidential information shall be included in any communication reported to the Procurement Policy Board.* [30 ILCS 500/50-39(b)]

c) *When an oral communication made by a person required to register under the Lobbyist Registration Act is received by a State employee that is covered under this Section, all individuals who initiate or participate in the oral communication shall submit a written report to that State employee that memorializes the communication and includes, but is not limited to, the items listed in* Section 50-39 of the Code. [30 ILCS 500/50-39(c)] For purposes of this Section:

1) "Active Procurement Matter" − a procurement process beginning with requisition or determination of need by an agency and continuing through the publication of an award notice or other completion of a final procurement action, the notice or other completion of a final procurement action, the resolution of any protests, and the expiration of any protest or PPB review period, if applicable. "Active procurement matter" also includes communications relating to change orders, renewals or extensions.

2) "Material Information" − information that a reasonable person would deem important in determining his or her course of action and pertains to significant issues, including, but not limited to, price, quantity and terms of payment or performance.

3) "Material Argument" – a communication that a reasonable person would believe was made for the purpose of influencing a decision relating to a procurement matter. "Material argument" does not include general information about products, services or industry best practices or a response to a communication initiated by an employee of the State for the purposes of providing information to evaluate new products, trends, services or technologies.

Section 8.5060 Prohibited Bidders and Contractors

a) *Unless otherwise provided, no business shall bid or enter into a contract or subcontract if the business or any officer, director, partner, or other managerial agent of the business has been convicted of a felony under the Sarbanes-Oxley Act of 2002* (PL 107-204) *or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953 for a period of 5 years from the date of conviction.*

b) *Every bid submitted to and contract executed by the State and every subcontract subject to Section 20-120 of* the *Code shall contain a certification by the bidder, contractor, or subcontractor, respectively, that the bidder, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer shall declare the related contract void if any of the certifications pursuant to this subsection (b) are false.* [30 ILCS 500/50-10.5]

c) A person or business that contracts with a State agency to write specifications for a particular procurement may not submit a bid or proposal or receive a contract or subcontract for that procurement.

d) Bids determined to be non-responsive in accordance with this Section are subject to the review and approval of the CPO.

SUBPART Q: COOPERATIVE PURCHASING

Section 8.5400 General

All cooperative/joint procurement activities and contracts must be approved by the CPO.

Section 8.5420 Governmental Joint Purchasing Act Contracts

State and other governmental units (including not-for-profit entities authorized by law to participate in joint purchasing) may agree to use each others' procurement contracts. This authority is governed by this Subpart and the Governmental Joint Purchasing Act.

Section 8.5440 Non-Governmental Joint Purchasing

a) The CPO may authorize one or more State agencies to enter into joint procurement agreements with non-governmental entities, including, without limitation, consortiums of government entities, not-for-profit entities and commercial entities.

b) If the authorized State agency acts as the lead agency, the procurement shall be conducted in accordance with the Code and this Part.

c) If the authorized State agency acts as a participant in an agreement in which a non-governmental entity acts as lead agency, the State agency shall provide supplementary advertising in the Bulletin, as required by the Code, and shall include in the solicitation by the lead agency Code requirements or, if not possible, these requirements shall be included in the resulting contract.

Section 8.5460 No Agency Relationship

In any cooperative/joint purchasing situation, each participant must issue its own purchase order, accept its own deliveries and make its own payments. No State agency shall have any obligation to the vendor for payment of orders placed by other participants.

SUBPART R: SUSPENSION AND DEBARMENT

Section 8.5560 Suspension and Debarment

a) This Part applies to all debarments or suspensions of vendors from consideration for award of contracts under the Code. For the purposes of this Part, all references to "vendors" includes subcontractors. This Part provides for general provisions for suspension and debarment recommendation by CDB and approval by the CPO as authorized by Sections 20-75 and 50-65 of the Code and under the jurisdiction of the CPO. A vendor may be suspended or debarred by the CPO due to acts or omissions that indicate that the vendor lacks integrity and honesty in the

conduct of business or the performance of contracts. Acts or omissions that indicate the lack of business integrity and honesty include, but are not limited to:

1) fraud, bribery, embezzlement, theft, collusion, conspiracy, anti-competitive activity or other misconduct and offenses prohibited by law, whether or not the misconduct or offense is in connection with a CDB contract or subcontract;

2) making a material false statement in any procurement documents, including the application for prequalification or any forms or affidavits required as part of the procurement or prequalification process;

3) materially violating any rule or procurement procedure or making a material false statement in connection with any rules or procurement procedures of CDB;

4) making a material false statement, representation, claim or report respecting the character, quality, quantity or cost of any work performed or materials furnished in connection with a contract or subcontract administered or supervised by CDB;

5) doing business with a suspended contractor or subcontractor in connection with a contract or subcontract of CDB;

6) being debarred or suspended by another agency of this State or the United States; or

7) violation of the Code or this Part or failure to conform to specifications or terms of delivery;

b) CDB may recommend suspension or debarment of a vendor from doing business with CDB, or with respect to certain types of supplies or services. A suspension may be approved by the CPO upon a showing that adequate evidence supports a finding that the vendor has engaged in conduct proscribed by subsection (a).

c) When the CPO agrees cause exists for the suspension or debarment, a notice of suspension or debarment, including a copy of that determination, shall be sent to the vendor by CDB. Notice shall be furnished in writing by personal service or

by certified or registered mail. Bids or proposals will not be accepted from the vendor and, if received, will not be considered during the period of suspension or debarment.

d) Upon receipt of notice of suspension or debarment, the vendor may submit a written request for a hearing. The hearing will be conducted by a Hearing Officer who will hear the evidence presented and make a written recommendation to the CPO.

e) The CPO shall issue the final written determination that results from any hearing regarding a suspension or debarment.

f) The CPO may suspend a vendor for a period of time commensurate with the seriousness of the offense, but for no more than 10 years. The suspension will be effective 7 calendar days after delivery of notice to the vendor of intent to suspend or debar, unless a request for hearing is filed. If a request for hearing is filed, suspension shall not become effective until the CPO issues a final written determination. In cases of emergency, suspension shall be effective immediately, subject to scheduling a hearing within 30 days.

g) The CPO may debar a vendor. Debarment is the permanent suspension of a vendor from doing business with the State. A debarment may only take place in those instances involving bribery or attempted bribery of a State of Illinois officer or employee, or as otherwise allowed or required by law. Bids or proposals received from the debarred vendor or proposing the use of a debarred subcontractor will not be considered. The debarment will be effective 7 calendar days after receipt of notice, unless a request for hearing is filed. If a request for hearing is filed, the debarment shall not become effective until the CPO makes a final written determination.

h) In the event of a suspension or debarment, the vendor's prequalification shall be rescinded.

i) The CPO shall determine, after consultation with CDB, whether to void any existing or pending contracts as a result of a suspension or debarment.

j) The CPO shall post the record of suspensions and debarments on his or her web page and on the Bulletin.

k) Suspension or debarment hearings shall be conducted in accordance with Subpart T.

l) CPO shall maintain all records related to this Part, including a master list of all suspensions and debarments. The master list shall retain information concerning suspensions and debarments as public records. These records will be maintained for a period of at least 3 years following the end of the suspension or debarment. This public information may be considered in determining responsibility.

SUBPART S: VIOLATION OF STATUTE OR RULE

Section 8.5620 Violation of Statute or Rule

a) Determination that Solicitation or Award Violates Statute or Rule
If CDB determines or suspects that the solicitation or proposed award is in violation of statute or rule, it shall report the circumstances to the CPO or SPO. If the CPO or the SPO finds that the solicitation or proposed award is in violation of statute or rule, he or she shall report the circumstances to CDB and the CPO or SPO may cancel the solicitation or proposed award, or make modifications to correct the violation, if the correction may be legally accomplished.

b) Determination that Contract Violates the Code or this Part

1) If any contract or amendment to a contract is entered into, or purchase or expenditure of funds is made, at any time in violation of this Part or any other law, the contract or amendment may be declared void by the CPO or may be ratified or affirmed, provided the CPO determines that ratification is in the best interest of the State. If the contract is ratified and affirmed, it shall be without prejudice to the State's right to any appropriate damages.

2) If, during the term of a contract, the SPO determines that the contractor is delinquent in the payment of debt as set forth in Section 50-11 of the Code, the CPO may declare the contract void if it determines that voiding the contract is in the best interest of the State.

3) If, during the term of a contract, the CPO learns from an annual certification or otherwise determines that the contractor or subcontractor

no longer qualifies to enter into State contracts, the CPO may declare the contract void if it determines that voiding the contract is in the best interest of the State. If the voiding is the result of an action taken by a subcontractor, the contract shall not be void as long as the contractor terminates the subcontract.

c) Effect of Declaring a Contract Null and Void
In all cases in which a contract is voided, the State agency shall endeavor to return those supplies delivered under the contract that have not been used or distributed. No further work shall be performed under the contract. Resolution of any outstanding invoices related to the contract are subject to approval by the CPO.

SUBPART T: HEARING PROCEDURES

Section 8.5700 General

Any hearing conducted by the CPO office, as required by the Code or offered in this Part, shall be conducted in accordance with the procedures within this Subpart.

Section 8.5710 Informal Process

The hearing is for the purpose of receiving information from interested persons in a reasonable manner. Formal rules of evidence will not apply, nor will the hearing be conducted in the manner of a trial. The Hearing Officer may record the hearing to aid in producing minutes or may use the recording as the minutes.

Section 8.5720 Hearing Officers

a) The CPO may appoint one or more Hearing Officers to conduct the hearing. If more than one Hearing Officer is assigned to conduct a hearing, one shall be designated as the Chief Hearing Officer.

b) The Hearing Officer may require that the SPO or authorized representative of CDB attend a hearing or be part of the hearing.

c) The Hearing Officer will hear and consider information presented by interested persons and make a recommendation to the CPO regarding the validity of the determination that is the subject matter of the hearing.

d) The Hearing Officer shall be responsible for the orderly conduct of the hearing by exercising discretion in:

1) Scheduling, starting and ending the hearing;

2) Setting the order of activities;

3) Setting reasonable time limits for oral statements;

4) Resolving any conflicts that may arise during the hearing.

e) The Hearing Officer may cancel a hearing at any time prior to commencing a hearing, including making an announcement at the scheduled hearing date, time and location, but shall give as much advance notice as possible under the circumstances. A notice confirming the cancellation and any reschedule information will be published in the Bulletin.

f) The Hearing Officer may change a scheduled hearing date, time or location prior to commencing a hearing by posting a notice outside the hearing room and by posting a notice to the Bulletin. The hearing should be continued to the next practicable date. In setting the next practicable hearing date, the Hearing Officer may take into consideration the schedules of the parties, the impact of delay upon the State and other parties, the hardship to witnesses or the general public, travel and logistical considerations and any other matters that would affect public participation in the hearing.

g) After commencing a hearing, the Hearing Officer may reconvene a hearing by announcing the new date and time at the hearing and posting the new date and time outside the hearing room. The hearing shall be continued to the next practicable date.

Section 8.5730 Notice of Hearing

a) Notice that a hearing will be held as necessary to receive testimony or written comments regarding the subject matter identified in the notice will be published in the Bulletin. The hearing notice shall be published in the Bulletin as soon as practicable and in accordance with any statutory requirements.

b) The hearing may be held as soon as the end of the notice period. The notice shall contain the following information and may describe more than one matter to be considered at the same hearing:

1) The name of the affected parties (e.g., State agency and vendor);

2) A description of the subject matter;

3) A justification for the action under review;

4) Requirements for testifying or submitting written comments;

5) Hearing contact information;

6) The date, time and location of the hearing;

7) A statement that all written comments and oral testimony shall be considered public record and open to review by the public;

8) A statement of, or reference to, this hearing procedure.

Section 8.5740 Written Comments and Oral Testimony

Interested parties wishing to comment may do so in writing alone, may testify in person and may submit written comments reflecting the oral testimony.

a) Written Comments

1) Submission of Written Comments
Written comments are requested by the hearing registration deadline, shown in the Bulletin notice. All written comments received by the hearing date will be considered.

2) Incorporation of Written Comments
If the Hearing Officer has received any written comment, the name and affiliation of the person submitting the comment shall be stated for the record and the written comments shall be incorporated into the record. In

addition, the Hearing Officer may read excerpts from or summarize the basic points of the written comments for the record.

b) Oral Testimony

1) Advance Registration
Any person who wishes to testify may register with the Hearing Officer by the hearing registration deadline shown in the Bulletin notice to ensure an opportunity to testify. The registration period begins on the date the notice is posted to the Bulletin. Registration information will be stated in the notice. Those who do not register by the hearing registration deadline shown in the Bulletin notice will be heard as time permits and may submit written comments. The Hearing Officer has discretion to limit testimony for the efficiency of the hearing.

2) Written Summary of Testimony Requested
When extensive or complex oral testimony is reasonably expected, a written summary reflecting proposed oral testimony can be requested by the hearing registration deadline shown in the Bulletin notice to allow the Hearing Officer time to prepare for the hearing. Failure to provide the written summary may result in precluding the testimony from being presented or considered. The Hearing Officer may request a written copy of the oral testimony.

3) Witness Slip Required
Each person providing oral testimony must complete a witness slip and provide it to the Hearing Officer as instructed.

4) Duration of Testimony
Each interested party shall have a reasonable period of time to present his or her position based on the complexity of the issue and the press of other business.

c) Sole Source and Emergency Contract Extensions − Supplemental Provisions

1) The notice, including attachments, as shown in the Bulletin represents the position of CDB and the initial position of the CPO. The Hearing Officer

shall have the notice placed into the record. A copy of the notice will be posted outside the hearing room.

2) The SPO and a representative of CDB shall attend the hearing if any person registers in advance to testify to the sole source or emergency contract extension determination. Attendance may be by video or audio. The SPO and a representative of CDB or the user agency representative shall respond to questions of the Hearing Officer and shall be available for consultation after adjournment of the hearing.

3) The Hearing Officer may ask questions or request further written information in response to written comments or testimony or at the Hearing Officer's initiative. The Hearing Officer is not required to respond to substantive questions at the hearing nor make commitments regarding the content of his or her recommendation.

d) Suspension and Debarment – Supplemental Provisions

1) A party who receives notice of suspension or debarment may request a hearing to protest the suspension or debarment action. The hearing will be conducted in accordance with this Section and the following additional provisions shall apply.

A) The Hearing Officer may ask questions or request further written information in response to written comments or testimony or at the Hearing Officer's initiative. The Hearing Officer is not required to respond to substantive questions at the hearing or make commitments regarding the content of his or her recommendation.

B) Both the affected State agency and the vendor affected by a suspension of debarment may, at the discretion of the Hearing Officer, bring in witnesses to present testimony or other evidence regarding the facts or circumstances that led to the determination to suspend or debar.

C) In addition to responding to questions of the Hearing Officer, the witnesses shall respond to questions by the affected vendor if, at the discretion of the Hearing Officer, the questions are allowed.

i) The Hearing Officer may allow questions when the subject matter of the question is relevant and the questioning will not unnecessarily delay the proceedings.

ii) The Hearing Officer may deny questions when the subject matter seeks only to unnecessarily embarrass the witness or delay the proceedings.

e) Recommendation
After conclusion of a hearing, the Hearing Officer shall review CDB's position, any information obtained from public comment (written or oral), the applicable Sections of the Procurement Code, other laws and associated rules and written policies and other information deemed relevant.

f) Decision of the CPO

1) The CPO shall, after considering the Hearing Officer's recommendation, make a decision in writing (which may be electronic) to uphold or overturn, in whole or in part, the original determination.

2) The CPO may request additional information from the Hearing Officer, or any other party, including supplemental comments or testimony from the interested parties, prior to making a decision.

3) The CPO may adopt the recommendation, in whole or in part, or may reject the recommendation, or may write a separate decision.

g) Notice of Decision
The decision of the CPO shall be posted to the Bulletin and issued in writing to the interested parties.

h) Maintenance of Records
A copy of the public notices, any documents presented, any written comments, the recommendation of the Hearing Officer, and any decision of the CPO shall be maintained in the procurement file. Any transcript or recording of a public hearing shall be available, pursuant to the Freedom of Information Act, upon request.

CHIEF PROCUREMENT OFFICER FOR
CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section 8.7000 Severability

If any provision of this Part or any application of it to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Part that can be given effect without the invalid provision or application and, to this end, the provisions of this Part are declared to be severable.

Section 8.7010 Government Furnished Property

If the State provides any property to the vendor in furtherance of the contract, the property shall remain the property of the State, but may be consumed by the vendor if necessary to complete the contract. Vendor will issue a receipt for the property and will be responsible for its safekeeping and for return of unconsumed property to the State.

Section 8.7015 Inspections

a) Inspection of Plant or Site
The CPO or a designee may enter a vendor's or subcontractor's plant or place of business, subject to any implementing contract provisions, to:

1) inspect supplies or services for acceptance by the State agency;

2) audit the books and records of the vendor or subcontractor;

3) investigate an action to debar or suspend a person from consideration for award of contracts pursuant to the Code;

4) determine whether the standards of responsibility have been met or are capable of being met;

5) determine if the contract is being performed in accordance with its terms; and

6) accomplish any other purpose permitted by law.

b) The presence or absence of an inspector shall not relieve the vendor or subcontractor from any requirements of the contract.

c) When an inspection is made in the plant or place of business of a vendor or subcontractor, the vendor or subcontractor shall provide without charge all reasonable facilities and assistance for the safety and convenience of the person performing the inspection or testing.

d) Inspection or testing of supplies and services performed at the plant or place of business of any vendor or subcontractor shall be performed so as to not unreasonably delay the work of the vendor or subcontractor.

e) Inspection of Construction Projects
On-site inspection of construction shall be performed in accordance with this Section and the terms of the contract.

f) Any confidential information gathered during an inspection can be identified as such in writing and protected from disclosure as allowed.

SUBPART V: PREQUALIFICATION

Section 8.8001 Purpose

CDB contracts and agreements shall be awarded only to responsible A/E, contractors, construction managers and design-build entities comprised of vendors and are subject to the authority of the CPO. Prospective A/Es, contractors, construction managers and individual vendors that constitute design-build entities must affirmatively demonstrate responsibility, including, when necessary, the responsibility of proposed subcontractors and suppliers. In the absence of information clearly indicating that prospective A/Es, and contractors are responsible, CDB shall make a determination of non-responsibility. Only responsible A/Es, contractors, construction managers and individual vendors that constitute design-build entities shall be prequalified, and only those prequalified shall be permitted to bid on CDB projects. A determination of non-responsibility may be made at any time prior to or after award of a contract.

Section 8.8005 Policy

a) As a general proposition, except in instances of statutory exceptions, CDB shall

award contracts in conformance with the Code. Construction contracts will be awarded to the lowest responsible and responsive bidder. However, award of a contract based on the lowest price alone can be false economy if there is subsequent default, late deliveries or other unsatisfactory performance resulting in additional contractual or administrative costs. While it is important that Government purchases be made at the lowest price, the best interest of the State do not always require an award solely based on price.

b) Construction management services contracts will be awarded in compliance with Article 33 of the Code. A/E contracts will be awarded based on the requirements of the QBS Act. Design-build contracts will be awarded based on the Design-Build Procurement Act.

Section 8.8015 Prequalification Required

Vendors shall be prequalified. For design-build entities consisting of more than one vendor, each vendor shall be prequalified by CDB. Vendors must be prequalified at least one day prior to any submittal of bids or offers for a specific project and prior to entering a contractual relationship with CDB. Prequalification shall be based upon a determination of responsibility from, but not limited to, the information supplied on a properly completed prequalification application. In special circumstances, including but not limited to small purchases, sole source and emergency procurements, CDB can award a contract to a non-prequalified vendor with approval of the SPO.

Section 8.8017 Special Projects

a) When CDB determines a construction project is so large or specialized that a special prequalification and responsibility determination is appropriate, CDB may set appropriate standards of acceptability different from those set out in this Part. Other provisions of this Part shall remain applicable.

b) Special Prequalification Provisions

1) A public notice will be posted on the CDB Procurement Bulletin and may be published in the CPO-GS Procurement Bulletin and/or in the official State newspaper or may otherwise be made available in print describing the project and any special prequalification requirements.

2) The notice will be published at least 30 days before the date the special prequalification application or the statement of qualifications is due.

3) Prequalification standards may be revised to be more closely related to the needs or environment of the special project (e.g., required vendor and or personnel experience may be limited to a particular size of project, or to experience in a particular environment such as correctional facility work).

Section 8.8020 Confidentiality

Documents relating to responsibility determinations shall be maintained by CDB in a separate file and shall remain confidential as records pertaining to occupational registration, except that they shall be subject to complete disclosure to the vendor or design-build entity to which they relate and to units of federal, State or local government, including but not limited to, law enforcement agencies. Nothing in this Section shall be construed to mean that the name of any person or organization filing a complaint or providing information shall be disclosed when the complaint or information is used as the basis for further inquiry into the facts alleged. CDB or the CPO may release to anyone the vendor's prequalification status with CDB. Notwithstanding the foregoing, neither the Performance Evaluations nor the vendor's written responses to them shall be made available to any other person or vendor, except as authorized by Section 7(1)(b)(iii) of the Freedom of Information Act.

Section 8.8025 Sources for Determining Responsibility

As part of the prequalification process, CDB will make a responsibility determination in accordance with the standards of responsibility specified in Section 8.2046. CDB may utilize information obtained from one or more of the sources listed in this Section. In evaluating the information, greater consideration shall be given to the most recent projects and projects with CDB.

a) Prequalification and Renewal Application Forms

1) New applications shall, at a minimum, require:

A) Completed application form.

B) The name of each key person and that person's respective ownership.

D) Relevant work experience.

E) Evidence of any required bonding capacity meeting CDB criteria.

F) Adherence to all appropriate statutory and regulatory requirements, including, but not limited to, those of DFPR, SOS and DHR.

G) Satisfactory work history and references. References obtained may be verified and documented by the following methods:

i) Telephone reference checks.

ii) Reference questionnaire.

H) The applicant's e-mail address and phone and fax numbers.

2) Renewal applications shall, at a minimum, require:

A) The information set out in subsection (a)(1).

B) Adherence to all applicable rules and resolutions.

C) Satisfactory CDB work and performance history, which may be documented through evaluations prepared on both current and past CDB projects by the following:

i) CDB staff.

ii) Architects/engineers and consultants.

iii) Using agencies.

iv) Other contractors, subcontractors and suppliers.

3) Application Updates
Vendors shall have an affirmative duty to update significant changes to information within 10 days after occurrence. Failure to disclose as

required may lead to action on prequalification. (See Section 8.8055(c).) Significant changes include, but are not limited to:

A) Changes in federal employee identification number, busines ownership, or corporate structure, such as sole owners and partnerships;

B) Change of name;

C) Change of address;

D) Change or loss of approved project personnel;

E) Change or initiation of hearing in licensure or registration status with the Department of Financial and Professional Regulation;

F) Change in minority/female owned vendor status;

G) Loss of SOS "goodstanding" status;

H) Suspension or debarment by another governmental agency;

I) Decrease by more than 25% in bonding capacity or filing of bankruptcy;

J) Filing of formal criminal charges against a vendor or its officers, owners or employees;

K) Contract terminations.

b) Other Government Entities
CDB may conduct history reference checks by contacting federal, State or local governmental entities.

c) Other Sources
CDB may conduct reference checks or gather relevant information from any other source in order to determine responsibility. Acceptable sources may include, but are not limited to:

1) Surety/bonding companies;

2) Financial institutions;

3) Periodicals;

4) Newspapers;

5) Court records;

6) Dun and Bradstreet reports;

7) Audited financial statements;

8) Any type of public record.

d) Previous Employment History
For any newly organized vendor or a vendor with a limited work history, CDB may conduct individual performance reference checks on any or all personnel.

e) Satisfactory CDB Performance History

1) CDB may review documentation of current and past work and performance history, including adherence to CDB's rules, resolutions and procedures. This documentation includes, but is not limited to, performance evaluations prepared by CDB, user agencies or contractors.

2) CDB shall evaluate the performance of each vendor and design-build entity upon completion of a contract. Evaluations shall be made available to the vendor and the vendor may submit a written response, with the evaluation and response retained solely by CDB. The evaluation and response shall not be made available to any other person or vendor and is exempt from disclosure under the Freedom of Information Act. The evaluation shall be based on the terms identified in the construction manager's contract.

f) Additional Information

CDB may request additional information at any time.

Section 8.8030 Licensing and Registration Actions

a) Prequalified vendors and design-build entities shall notify CDB in writing within 10 working days when the Department of Financial and Professional Regulation or any other State entity initiates proceedings to refuse to renew or to suspend or revoke a registration, license, certification or prequalification status of any individual or vendor, or to impose any other disciplinary sanction.

b) Upon notification, prequalification will be reviewed and appropriate action taken under Subpart R. In addition, if it is found that notice was not provided as required, CDB may take action under Subpart R.

Section 8.8035 Trade Codes and Profile Codes

a) Vendors shall indicate on the application form the specific trade or profile codes within the area of practice in which the vendor has specific areas of knowledge, expertise or experience. The applicant may indicate only those codes consistent with any licensing requirements.

b) This information may be used by CDB in the selection of vendors for projects. It does not relieve the vendor from providing the same or additional information in the statement of qualifications submitted for a specific project. CDB may request additional information during the prequalification process to verify that the vendor possesses the required knowledge, expertise or experience to be considered for work in any code. CDB may deny prequalification in a particular code during the prequalification process if the vendor fails to demonstrate its knowledge, expertise or experience to CDB's satisfaction.

c) Demonstration of knowledge, expertise or experience in a code may be required to be supported by licenses or certification issued by governmental agencies such as the Department of Public Health, Illinois Historic Preservation Agency, etc.

d) CDB's decisions regarding the types of codes granted shall not be subject to hearing procedures.

Section 8.8040 Prequalification by Office Locations

a) Vendors and design-build entities shall list all office locations on the prequalification application for which it seeks prequalification. These office locations may be business subsidiaries, divisions, branches, etc. CDB reserves the right to evaluate each office based on the criteria set forth in this Part. Any offices not listed on applications shall not be deemed prequalified.

b) Prequalification shall not apply to any other business location or entity solely because of an ownership relationship.

Section 8.8045 Processing of Prequalification and Responsibility and Renewal Applications

a) New bidders and offerors and bidder and offerors nearing the prequalification expiration date must complete a prequalification and responsibility application, including the Financial Disclosure and Potential Conflicts of Interest forms required under Section 50-35 of the Code.

b) Processing of prequalification and responsibility applications and renewals by CDB may require up to 45 days when the application information is complete and satisfactory and references are responsive.

c) Applications for renewal will be sent approximately 60 days before the expiration of current prequalification and are available electronically on CDB's internet site at www.cdb.state.il.us. Vendors who do not receive an application are responsible for obtaining one at least 45 days prior to expiration. Vendors will be notified when information is incomplete or unsatisfactory.

d) Unless otherwise specified in writing by CDB, the term of prequalification shall be three years for contractors and 2 years for A/Es and construction managers. A shorter term of prequalification can be granted. When prequalification is granted, the vendor will be notified in writing of the expiration date, which will also be entered on CDB's electronic program. CDB may grant a shorter term of prequalification by agreement with the vendor when a determination is made that a shorter period is justified. CDB may, in its discretion, grant a longer period of prequalification when deemed appropriate in light of recent and relevant satisfactory project performance. Updated or new information, including the term of prequalification, will be entered on CDB's electronic program weekly. The electronic program will be capable of, among other things, sorting contractors by

trade to produce lists of vendors in various trades. At the beginning of each month, a list of vendors whose prequalification expires in approximately 60 days will be generated.

e) Applications may be sent to CDB electronically.

f) CDB shall review and evaluate each application received, which may include one or more of the following actions:

1) Reviewing to determine whether the application is filled out in accordance with the instructions provided and is accurate and complete.

2) Contacting references or any other possible sources of pertinent information.

3) Requesting additional information from the applicant.

4) Reviewing CDB contractor performance evaluations.

5) Reviewing Financial Disclosures and Potential Conflicts of Interest and State Board of Elections Registration.

6) Meeting with the applicant at the request of CDB or the applicant.

g) CDB shall deny prequalification to any vendor that has not affirmatively demonstrated its responsibility. CDB's determination of responsibility for prequalification shall be final.

SUBPART W: SUSPENSION, DEBARMENT, MODIFICATION OF ABILITY TO BID, AND CONDITIONAL PREQUALIFICATION

Section 8.8050 Actions Affecting Prequalification

At any time, the CPO may consider whether action should be taken concerning prequalification. Actions that may be taken include one or more of the following:

a) Interim or Emergency Suspension or Modification
The CPO may summarily suspend or modify a vendor's prequalification, [20

ILCS 3105/16]. A hearing, if requested by the vendor, shall be held within 30 days.

b) Debarment
The CPO may debar a vendor to exclude it from bidding for CDB contracts as authorized in this Part or by statute. The period of debarment shall be not less than 5 years and may be permanent when warranted or as authorized by law. The debarment will be effective 7 calendar days after receipt of notice unless a request for hearing is filed. If a request for hearing is filed, suspension shall not become effective until the CPO makes a final written determination.

c) Modification of Ability to Submit a Bid or Offer
The CPO may modify or limit a prequalification as appropriate, including, but not limited to, one or more of the following:

1) Limiting the dollar amount or project size for which a bid or offer can be submitted for a specified period of time, or until a current contract is substantially or fully complete.

2) Limiting the number of CDB contracts a vendor may enter into for a specified period of time, or until a current contract is substantially or fully complete.

3) Limiting the aggregate dollar amount of contracts the vendor may enter into, considering both public and private contracts.

4) Imposing limits set forth in this subsection (c) pending performance on the vendor's next CDB contracts, in instances in which the vendor has no current CDB contracts.

d) Conditional Prequalification
The CPO may condition prequalification (which may be otherwise limited) on the vendor's successful utilization of a management plan, evaluations, conferences or other methods designed to achieve satisfactory performance or compliance with contract requirements.

e) Suspension
The CPO may suspend or disqualify a vendor temporarily from contracting with

CDB, for a period of time up to 5 years. The contractor vendor's failure to timely pursue administrative action, as provided by this Part, shall constitute consent of the vendor to the CPO's action. The suspension will be effective 7 calendar days after receipt of notice unless a request for hearing is filed. If a request for hearing is filed, suspension shall not become effective until the CPO makes a final written determination.

Section 8.8055 Causes for Suspension, Debarment, Modification of Ability to Bid or Offer, or Conditional Prequalification

The CPO may determine a vendor is not responsible and suspend, debar or otherwise modify or issue a conditional prequalification based upon one or more of the following:

a) Failure to satisfactorily perform work on CDB contracts, private contracts, or other governmental contracts.

b) Breach of the terms of a CDB contracts, private contract, or other governmental contract.

c) Making false or misleading statements, or failing to disclose or update significant information in connection with CDB procedures or documents, including but not limited to the prequalification application.

d) Violation of civil or criminal federal or State statutes or administrative rules and regulations. In the case of criminal violations, indictment or filing of formal charges by information (complaint) shall constitute adequate evidence for a determination of non-responsibility.

e) Financial instability, which may be evidenced by bankruptcy, failure to timely pay subcontractors, difficulty in obtaining acceptable bonding, attempts to assign contract proceeds, or other indications of serious business management deficiencies.

f) Failure to understand, accept or utilize CDB procedures and standards, or abuse of CDB procedures and standards.

g) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, or conduct

indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a vendor, construction manager or design-build entity.

h) Suspension, debarment, or limits on bidding or offering on contracts by any other CPO or other governmental body.

i) Failure to be properly licensed or registered with the Department of Financial and Professional Regulation (DFPR) or any other State licensing, certification or registration entity, being the subject of disciplinary sanctions by such an entity, or the subject of initiation of proceedings by such an entity in order to refuse to renew, suspend or revoke the registration or license, or to impose any other disciplinary sanction.

j) Excessive requests for bid withdrawals on CDB projects.

k) Any other cause of so serious or compelling a nature that it affects the responsibility of a contractor.

l) For Design-Build Entities
Any action the CPO or CDB takes with regard to suspension, debarment, modification of prequalification, or conditional prequalification of a vendor in regard to its actions as a design-build entity or as a design consultant or subcontractor to a design-build entity may also apply to its prequalification to do other (non-design-build) work with CDB, unless CDB specifically restricts its action to apply to the entity's prequalification to participate in design-build projects, in accordance with Section 8.8070.

Section 8.8057 Failure to Satisfactorily Perform Work on, or Breach of the Terms of, CDB Contracts, Private Contracts or Other Governmental Contracts

CDB may request the CPO take action upon prequalification for the vendor's failure to satisfactorily perform work on, or breach of the terms of, CDB contracts, private contracts or other governmental contracts, such as, but not limited to, one or more of the following:

a) For Contractors:

1) Failure to timely submit proper post-award documents, such as, but not

limited to, bonds, certificates of insurance and MBE/FBE subcontractor/supplier certifications.

2) Failure to attend or to be properly prepared for pre-construction meetings, pay/progress meetings, or other required meetings set by the project A/E, CDB or the coordinating contractor.

3) Failure to timely provide schedule submittals or shop drawings.

4) Failure to meet the project schedule for any reason reasonably within the control of the contractor.

5) Failure to provide an acceptable quality of supervision.

6) Failure to provide a supervisor authorized to make timely field decisions on behalf of the vendor.

7) Failure to provide sufficient manpower.

8) Failure to timely provide acceptable quality equipment, labor, materials, installation, subcontractors or suppliers, including the failure to provide licensed personnel when necessary.

9) Failure to keep updated as-builts in the field.

10) Failure to follow directives provided by the project A/E or CDB within the scope of the contract documents.

11) Failure to cooperate with other parties to the project to timely resolve project problems that arise.

12) Failure to understand, accept or utilize CDB procedures and standards, or abuse of CDB procedures and standards.

13) Failure to provide timely and appropriate pay request documents, including, but not limited to, the Contractor's Schedule of Values form (Development), Contractor's Affidavit and Sworn Statement form (CASS), and lien waivers.

14) Failure to timely submit Requests for Proposals and Change Order documents (RFP/CO), including, but not limited to, adequate documentation of actual direct costs and pricing within conventional industry parameters for public contracts.

15) Failure to timely complete punch list items or contract close-out documents.

16) Failure to demonstrate good faith efforts to meet Fair Employment Practices (FEP) requirements and MBE/FBE goals.

b) For A/Es, Construction Management Companies and Design-Build Entities:

1) Failure to timely submit post-award documents, such as, but not limited to, bonds, certificates of insurance and MBE/FBE certifications.

2) Failure to timely submit required documents and drawings, including record drawings, according to the project schedule, causing a delay in the commencement, completion or close out of a project.

3) Failure to adequately or timely respond to technical review comments and directions.

4) Failure to adhere to contractual document requirements.

5) Failure to adequately or timely notify CDB of project problems or failure to cooperate with other parties to the project to timely resolve problems.

6) Failure to timely or adequately resolve design issues.

7) Failure to timely or adequately submit budget and estimating documents.

8) Failure to meet quality standards of the applicable profession or required codes and standards for a particular type of construction.

9) Failure to provide proper field administration and observer services.

10) Failure to provide proper personnel or proper and timely responses to requests for information in the field.

11) Failure to provide timely and adequate record drawings.

12) Failure to meet contractual design schedule dates.

13) Failure to timely process change orders and contractor pay requests.

14) Failure to follow directives from CDB within the scope of the contract documents.

15) Failure to cooperate with other parties to the project to timely resolve project problems.

16) Failure to meet the project schedule for any reason reasonably within its control.

17) Failure to attend or to be properly prepared for project meetings.

18) Failure to understand, accept or utilize CDB procedures and standards, or abuse of CDB procedures and standards that results in paper delays, project delays, or the extraordinary expenditure of CDB resources.

19) Failure to submit proper pay or modification requests, in accordance with the contractual provisions, with adequate documentation of costs and pricing within conventional industry parameters for public contracts.

20) Violation of the Illinois Procurement Code.

21) Failure to conform with the requirements of a design-build agreement.

22) Any other cause of so serious or compelling a nature that it affects the vendor's responsibility.

Section 8.8060 Interim or Emergency Suspension or Modification Pursuant to Section 16 of the Capital Development Board Act

CHIEF PROCUREMENT OFFICER FOR
CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

a) CDB may suspend or modify a vendor's prequalification without a prior hearing, or administrative procedure, for one or more of the following causes:

1) The public interest, safety or welfare requires the suspension or modification.

2) An event or series of events, including, but not limited to:

A) The filing of an indictment or of formal charges by information (complaint) charging the vendor or a key person with the vendor with a crime.

B) Suspension or modification of a license or prequalification by another State agency, federal agency or other branch of government after hearing or by agreement.

C) Failure to comply with applicable laws, including, but not limited to, the BEMFD Act, the Prevailing Wage Act, the Steel Products Procurement Act, and requirements relating to occupational licensing.

D) Material breach of a contract, including, but not limited to, one or more of the causes set forth in Section 8.8057.

E) Failure to satisfactorily perform work on, or breach of, a CDB contract, including, but not limited to, one or more of the causes set forth in Section 8.8057, when:

i) The issue has been brought to the attention of vendor management in writing;

ii) CDB construction administration has met with vendor representatives and discussed the issue;

iii) CDB conveys to the vendor what action or nonaction is necessary and in accordance with the contract documents;

iv) CDB has initiated contractual remedies as may be

appropriate, such as, but not limited to, stopping the work, rejecting the work, carrying out the work, or ordering acceleration of the work; and

v) The vendor willfully and unreasonably refuses to comply or to obtain subcontractors, personnel or other resources that would enable it to comply.

b) When prequalification is suspended or modified pursuant to this Section, the CPO and the vendor will be notified in writing and, within 30 days after the notice, CDB will commence administrative procedures under Subpart T.

c) When prequalification is suspended or modified pursuant to subsection (a)(2)(E), if the vendor cures the situation within 30 days after the notice, the suspension or modification may be rescinded by written notice.

Section 8.8065 Denial of Prequalification

a) This Section is applicable to vendors who are one of the following:

1) First-time applicants for CDB prequalification.

2) Vendors who sent a renewal application that arrived at CDB after the prequalification expiration date or could not reasonably be processed before the expiration date.

3) Vendors who sent a renewal application that was incomplete or insufficient, so that CDB could not reasonably process the application before the expiration date.

b) Vendors categorized in subsection (a) will be considered to be new applicants to CDB. In the event that CDB denies prequalification or grants a conditional or modified prequalification, the vendor may request administrative procedures under Subpart T, but the vendor shall not be entitled to an administrative hearing.

SUBPART X: APPLICATION OF CDB ACTION

Section 8.8070 General

a) Suspension, debarment, nullification of prequalification, modification of prequalification, issuance of conditional prequalification, or denial of prequalification by CDB or the CPO is applicable to a vendor's direct contracts with CDB and to subcontracts on CDB projects, unless otherwise determined under Section 8.8090.

b) Suspension, debarment, nullification of prequalification, modification of prequalification, issuance of conditional prequalification, or denial of prequalification by CDB or the CPO is also applicable to a design-build entity's separate prequalification as an A/E or contractor with CDB, unless the circumstances are directly related to the design-build process and not to the type of performance provided as an A/E or contractor. In these instances, CDB will issue a written determination supporting the action.

Section 8.8072 Violation of CDB Order

When a vendor works as a subcontractor on a CDB project in violation of any provisions of this Part and, continues to submit bids or offers on CDB projects when prohibited, or otherwise violates terms or conditions imposed by CDB, the CPO may extend the term of suspension, debarment, nullification, modification, or conditional prequalification, or otherwise suspend, limit or condition the ability to submit bids or offers on contracts with CDB. If a vendor subject to a CPO order suspending or debarring the vendor, or nullifying or modifying prequalification, or making prequalification conditional, or denying prequalification and the vendor violates the order in any manner, including, but not limited to, continuing to make submittals on CDB projects, the CPO may extend the term of suspension, debarment, nullification, modification or conditional prequalification or otherwise limit or condition the ability to make submittals on contracts with CDB.

Section 8.8075 Nullification of Prequalification

When CDB determines that a contractor has knowingly made a material misrepresentation in its application for prequalification, the contractor may not re-apply to CDB for a period of 3 years.

a) When the contractor has not previously applied to CDB, or failed to reapply, the 3 year period shall begin on the date of the submittal of the application.

b) When the contractor has been determined to be responsible in error, the 3 year

period shall begin on the date the current responsibility determination was made.

c) The CPO will notify the contractor of the nullity. The contractor may, within 30 days after notification, submit a written explanation with supporting documentation for the CPO's review.

d) The CPO may cancel awards or terminate any contracts awarded that were based upon the application with misrepresentations.

e) A material misrepresentation is made by knowingly submitting any untrue, misleading or deceptive information, or document containing such information, or by the concealment, suppression or omission of any information, in or from an application, that causes CDB to act differently than it would have if it had known the undisclosed or true information.

Section 8.8080 Denial of Award of Contract

Notwithstanding any other provisions of this Part, if the CPO finds a vendor non-responsible due to one or more causes set out in Section 8.8055, the CPO may deny the vendor the award of a contract.

Section 8.8082 Debarment

The CPO may debar a vendor to exclude it from bidding on CDB projects as provided in this Part or provided by statute. The CPO will consider debarment in cases so serious and egregious in nature that a loss in excess of 5 years up to a permanent loss of bidding privileges may be warranted. In addition to the causes listed in Section 8.8055, causes for debarment may include, but are not limited to, multiple or repetitive criminal convictions or multiple non-responsibility determinations. Actions to debar a vendor shall not prevent CDB or the CPO from taking any other action under this Part. Following a period of debarment, when a vendor submits a prequalification application to CDB, the application shall be deemed to be a first-time application rather than one for renewal.

Section 8.8085 Reapplication for Prequalification

When a vendor submits a prequalification application to CDB following a denial, or during or following a period of debarment, suspension, nullification, modification of ability to bid, or conditional prequalification, the vendor must affirmatively demonstrate its responsibility,

including demonstrating that the reason for the denial, or imposition of suspension, debarment, nullification, modification or condition, has been remedied.

Section 8.8090 Extension of CPO Action

The effect of action imposed by the CPO will extend to all affiliates, branches, subsidiaries, divisions or parent vendors of the vendor, and to any vendor in which the contractor or its key persons have a legal or beneficial interest, unless the CPO determines otherwise in writing.

Section 8.8092 Effect on Current Contracts

Current CDB contracts may be terminated when a contractor is determined to be non-responsible and it is in the public interest to do so, whether or not the non-responsibility has a direct connection with the current contract. Contracts may be terminated with or without further action on the vendor's prequalification.

Section 8.8095 Basis of Decisions

The CPO shall make determinations, as appropriate, concerning the substance of a vendor's business as opposed to its form, and base its decisions on the substance. When a vendor attempts to evade the effects of a possible or actual finding of non-responsibility by changes of address, multiple addresses, changes in personnel or their titles, formation of new companies, or other devices, the CPO may take action pursuant to Section 8.8050 and Subpart R.

Section 8.8098 Settlement

Notwithstanding any provision of this Part, the parties to any contested matter concerning contractor prequalification may, at any time, enter into an agreement to resolve prequalification issues by settlement.

ILLINOIS HEALTH INFORMATION EXCHANGE AUTHORITY

NOTICE OF ADOPTED RULES

1) Heading of the Part: Protection of Privacy of Public Aid Applicants and Recipients

2) Code Citation: 77 Ill. Adm. Code 4000

3) Section Number: 4000.100 — Adopted Action: New Section

4) Statutory Authority: Implementing Section 11-10 of the Illinois Public Aid Code [305 ILCS 5/11-10] and authorized by Section 20 of the Illinois Health Information Exchange and Technology Act [20 ILCS 3860/20.2, 20.3]

5) Effective Date of Rule: May 6, 2014

6) Does this rule contain an automatic repeal date? No

7) Does this rule contain incorporation by reference? No

8) A statement that a copy of the adopted rule including any material incorporated is on file in the Agency's principal office and is available for public inspection:

9) Notice of Proposed published in the *Illinois Register*: May 24, 2013; 37 Ill. Reg. 7107

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

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rule: Under the Intergovernmental Agreement between the Office of Health Information Technology (OHIT) and the Department and Healthcare and Family Services (HFS), providing OHIT with receipt of HFS data in connection with the implementation of Illinois Health Information Exchange (ILHIE), the ILHIE Authority is obligated under the Illinois Public Act Code 305 ILCS 11-9 through 11-12 to

adopt regulations to protect against prohibited disclosure of public aid applicant and receipt information.

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

Elizabeth LaRocca
General Counsel
Governor's Office of Health Innovation and Transformation
100 W. Randolph, Suite 2-201
Chicago IL 60601

312/793-0054
Elizabeth.LaRocca@illinois.gov

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

ILLINOIS HEALTH INFORMATION EXCHANGE AUTHORITY

NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER XVII: HEALTH INFORMATION EXCHANGE AUTHORITY

PART 4000
PROTECTION OF PRIVACY OF PUBLIC AID APPLICANTS AND RECIPIENTS

Section
4000.100 Protection of Privacy of Public Aid Applicants and Recipients

AUTHORITY: Implementing Section 11-10 of the Illinois Public Aid Code [305 ILCS 5/11-10] and authorized by Section 20 of the Illinois Health Information Exchange and Technology Act [20 ILCS 3860/20.2 and 20.3].

SOURCE: Adopted at 38 Ill. Reg. 11082, effective May 6, 2014.

Section 4000.100 Protection of Privacy of Public Aid Applicants and Recipients

Under the Intergovernmental Agreement between the Office of Health Information Technology (OHIT) and the Department of Health and Family Services (HFS), providing OHIT with receipt of HFS data in connection with the implementation of the Illinois Health Information Exchange (ILHIE), the Illinois Health Information Exchange Authority (Authority) is obligated under the Illinois Public Aid Code [305 ILCS 5/11-9 through 11-12] to adopt regulations to protect against prohibited disclosures of public aid applicant and recipient information.

a) The release of information regarding public aid applicants and recipients shall be governed by Sections 11-9, 11-10 and 11-12 of the Illinois Public Aid Code. For the protection of applicants and recipients, the following classes of individuals and entities are prohibited from disclosing any information about a recipient or public aid record, except for purposes directly related to the administration of the assistance programs:

1) OHIT's employees;

2) OHIT's corporate affiliates and their employees; and

3) OHIT's subcontractors and their employees.

b) The following shall be considered as included in the administration of the programs:

1) The establishment of an individual's initial or continuing eligibility for public assistance;

2) The establishment or the extent of an individual's need for financial assistance, medical assistance or other services; and

3) The establishment of procedures assuring the health and safety of the applicant or recipient consistent with and in furtherance of the duties and powers of the Authority under Section 30 of the Illinois Health Information Exchange and Technology Act [20 ILCS 3860/30] (Participation in health information systems maintained by State agencies).

c) Use of information for commercial, personal or political purposes is specifically prohibited.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Early Intervention Program

2) Code Citation: 89 Ill. Adm. Code 500

3)

Section Numbers:	Adopted Action:
500.10	Amendment
500.20	Amendment
500.25	Amendment
500.30	Amendment
500.45	Amendment
500.50	Amendment
500.55	Amendment
500.60	Amendment
500.65	Amendment
500.70	Amendment
500.75	Amendment
500.80	Amendment
500.85	Amendment
500.90	Amendment
500.100	Amendment
500.105	Amendment
500.115	Amendment
500.125	Amendment
500.130	Amendment
500.135	Amendment
500.140	Amendment
500.145	Amendment
500.150	Amendment
500.155	Amendment
500.160	Amendment
500.165	Amendment
500.170	Amendment
500.APPENDIX C	Amendment

4) Statutory Authority: Implementing and authorized by the Early Intervention Services System Act [325 ILCS 20] and Part C of the Individuals with Disabilities Education Act (IDEA) (20 USC 1400 et seq., as amended in 1997)

5) Effective date of Rule: May 12, 2014

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notices of Proposal Published in the *Illinois Register*: May 17, 2013; 37 Ill. Reg. 6417

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

11) Differences between Proposal and Final Version:

In Section 500.20, "Complaining Party" definition, "purposes of" was added after "for".

In Section 500.20, "Eligible children" definition in the paragraph that begins with "a parent" the comma at the end of the paragraph was deleted.

In Section 500.20, add ""HFS" means the Illinois Department of Healthcare and Family Services.".

In Section 500.20, "Lead Agency" definition, "(DHS)" was added after "Services".

In Section 500.20, "Local Education Agency" definition, "a state" was replaced with "Illinois" in the second line and "a state" was replaced with "this State" in lines 5 and 6.

In Section 500.20, "Parties" definition, "purposes of" was added after "For".

In Section 500.20, "Responding Party" definition, "purposes of" was added after "for".

In Section 500.25(b)(4), a comma was added after "programs".

In Section 500.30(a), a comma was deleted after "disabilities".

In Section 500.60(o), added "HFS" and strike "Department of Healthcare and Family Services".

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

In Section 500.80(b)(3), struck "Illinois Department of Healthcare and Family Service's" and added "HFS" before "All Kids Unit".

In Section 500.80(h), changed "Section" to lower case.

In Section 500.85 (e), "or guardian's" was deleted.

In Section 500.85 (f), "or guardian" was deleted.

In Section 500.l15 (j), "or guardians" was deleted.

In Section 500.130 (e), replaced "The State's" with "DHS'".

In Section 500.130 (h), replaced "The State" with "DHS".

In Section 500.130 (h)(1), replaced "such a program" with "Medicaid".

In Section 500.130 (h)(3), replaced "the State" with "DHS".

In Section 500.130 (h)(3)(A), after "to the" added "HFS;" and "State's agency responsible for the administration of the State's public benefits program for billing purposes;" was deleted.

In Section 500.130 (h)(3)(B), "service or services" replaced "service(s)".

In Section 500.130 (h)(3)(C), deleted "State's".

In Section 500.130 (h)(4), changed all instances of "State" or State's" to "DHS".

In Section 500.130 (i), replaced "The State" with "DHS" after "consent" "pursuant to subsection (i)(l)" was added.

In Section 500.130 (i)(1)(A), "a" replaced "the" and "plan not covered by the Illinois Insurance Code [215 ILCS 5]" replaced "benefits".

In Section 500.130 (i)(2), in all instances, replaced "State" with "DHS" but deleted "State's" before "system of payments"

In Section 500.130 (i)(3), replaced "State's" with "DHS'".

In Section 500.130 (i), subsections "(4)" and "(5)" were deleted from the text and "(6)" became "(4)". In the new subsection "(4)" "The State" was replaced with "DHS".

In Section 500.130 (j), "DHS'" replaced "The State's".

In Section 500.130 (j)(1)(B), "so that" was deleted.

In Section 500.130 (j)(3), "governing how DHS will pay" replaced "of paying".

In Section 500.130 (m)(2), "DHS'" replaced "State's".

In Section 500.140 (d), deleted "of" after "15 days" and reinstated "after" after "days" and struck "or not" after "notice as to whether".

In Section 500.145 (g), "after" replaced "of" after "10 days".

In Section 500.145 (p), "Mediation" replaced "Medication".

In Section 500.150 (h)(2)(C), "DHS Bureau of Early Intervention (Bureau of EI)" replaced "EI Central Office".

In Section 500.155 (c), "the Illinois Early Intervention Services System Act [325 ILCS 20] replaced "State law".

In Section 500.160 (d), "34 CFR 303.422 (2013)" replaced "State law".

In Appendix C, under "Developmental Therapy" in the 2nd column, 3rd paragraph, 3rd line after "Specialist", the semicolon was deleted.

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any proposed rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking is necessary to comply with the provisions of 34 CFR 303. Changes have also been made to clean-up the rule and to

establish designated continuing professional educational requirements for credentialed providers and more flexible degree requirements for developmental therapists.

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

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

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER e: EARLY CHILDHOOD SERVICES

PART 500
EARLY INTERVENTION PROGRAM

SUBPART A: GENERAL PROVISIONS

Section
500.10 Purpose
500.15 Incorporation by Reference
500.20 Definitions

SUBPART B: COMPONENTS OF THE STATEWIDE SYSTEM

Section
500.25 Public Awareness and Child Find
500.30 Central Directory
500.35 Local Interagency Councils
500.40 Illinois Interagency Council on Early Intervention
500.45 Regional Intake Entities
500.50 Eligibility
500.55 Early Intervention Services/Devices
500.60 Provider Qualifications/Credentialing and Enrollment
500.65 Monitoring

SUBPART C: SERVICE DELIVERY REQUIREMENTS

Section
500.70 Intake
500.75 Eligibility Determination
500.80 Individualized Family Service Plan Development
500.85 Individualized Family Service Plan Implementation
500.90 Individualized Family Service Plan Updating
500.95 Case Transfer
500.100 Transition to Part B or Other Appropriate Services at Age Three
500.105 Case Closure
500.110 Recordkeeping
500.115 Service Provider Requirements

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: FINANCIAL MATTERS

Section
500.120 Billing Procedures
500.125 Payor of Last Resort
500.130 Family Fee/Insurance

SUBPART E: PROCEDURAL SAFEGUARDS/CLIENT RIGHTS

Section
500.135 Minimum Procedural Safeguards
500.140 Request for a Due Process Hearing~~Administrative Resolution of Complaints By Parents~~
500.145 Mediation
500.150 Confidentiality/Privacy
500.155 Right to Consent
500.160 Surrogate Parents
500.165 Written Prior Notice
500.170 State Complaint Procedure

500.APPENDIX A Sliding Fee Schedule
500.APPENDIX B Assessment Instruments (Repealed)
500.APPENDIX C Requirements for Professional and Associate Level Early Intervention (EI) Credentialing and Enrollment to Bill
500.APPENDIX D Use of Associate Level Providers
500.APPENDIX E Medical Conditions Resulting in High Probability of Developmental Delay (not an exclusive list)

AUTHORITY: Implementing and authorized by the Early Intervention Services System Act [325 ILCS 20] and Part C of the Individuals with Disabilities Education Act (IDEA) (20 USC 1400 et seq., as amended in 1997).

SOURCE: Adopted at 25 Ill. Reg. 8190, effective July 1, 2001; amended at 27 Ill. Reg. 2611, effective February 7, 2003; amended at 27 Ill. Reg. 13438, effective July 24, 2003; amended at 28 Ill. Reg. 8727, effective June 1, 2004; amended at 29 Ill. Reg. 2254, effective January 31, 2005; amended at 32 Ill. Reg. 2161, effective January 23, 2008; amended at 33 Ill. Reg. 8206, effective June 8, 2009; amended at 38 Ill. Reg. 11086, effective May 12, 2014.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART A: GENERAL PROVISIONS

Section 500.10 Purpose

The requirements contained in this Part are to define implementation of the Early Intervention Services System Act [325 ILCS 20] (hereafter "Act"), and Part C of the Individuals with Disabilities Education Act (IDEA) (20 USC 1400 et seq., as amended in 2004~~1997~~). The requirements describe the statewide early intervention (EI) service program for children, birth to 36 months old, who have disabilities due to developmental delay, have an eligible mental or physical condition that typically results in developmental delay, or are~~have been determined through informed clinical judgment to be~~ at risk of substantial developmental delay according to informed clinical opinion~~as set forth in this Part~~.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.20 Definitions

"Act" means the Early Intervention Services System Act [325 ILCS 20].

"Assessment" means the ongoing procedures used by qualified personnel to identify the child's unique strengths and needs and the early intervention services appropriate to meet those needs throughout the period of the child's eligibility and includes the assessment of the child and the child's family. An initial assessment refers to the assessment of the child and family conducted prior to the child's first Individualized Family Service Plan (IFSP) meeting.

"Child" means children under 36 months of age.

"Child find" means an activity that identifies potentially eligible infants and toddlers.

"Complaining Party" means, for purposes of Section 500.140, the persons or entities filing a request for a Due Process Hearing.

"Council" or "IICEI" means the Illinois Interagency Council on Early Intervention established under Section 4 of the Early Intervention Services System Act.

"Credential" means an official documentation from the Department's credentialing office that an individual has met pertinent licensing, degree, and certification

requirements as set forth in Appendix C, as well as the applicable education, experience, continuing professional education, and ongoing professional development requirements as set forth in Section 500.60.

"Day", for purposes of this Part, means calendar day.

"Department" or "DHS" means the Illinois Department of Human Services.

"Destruction" means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

"EI" means early intervention.

"Early intervention services" or "EI services" means services that:

are designed to meet the developmental needs of an infant or toddler with a disability and the needs of the family to assist appropriately in the infant's or toddler's development, based on scientifically-based research to the extent practicable and as identified by the IFSP team, in the areas of development listed in this definition~~each child eligible under the Act and the needs of his or her family~~;

are related to enhancing the child's development;

are selected in collaboration with the child's family;

are provided under public supervision;

are provided at no cost except where a schedule of sliding scale fees or other system of payments by families has been adopted in accordance with State and federal law;

are designed to meet an infant's or toddler's developmental needs in any of the following areas:

cognitive development;

physical development, including vision and hearing;

~~language, speech and~~ communication development;

social or ~~-~~emotional development; or

adaptive ~~self-help skills~~ development;

meet the standards of this Part, including the requirements of the Act;

include one or more of the services set forth in Section 500.55;

are provided by qualified personnel, as set forth in Section 500.60;

are provided in conformity with an IFSP~~Individualized Family Service Plan~~;

are provided throughout the year; and

are provided to the maximum extent appropriate in natural environments, including settings that are natural or typical for a same-age infant or toddler without a disability and may include home or community settings.~~the home and community settings that are natural or normal for the child's age peers who have no disability.~~

"Early Intervention Services System" or "System" means the system of service delivery described in this Part that implements Part C of IDEA in Illinois and the Illinois Early Intervention Services System Act.

"Eligible children" or "eligible child" means infants and toddlers under 36 months of age with any of the following conditions:

Developmental delay;

A physical or mental condition that has a high probability of resulting~~typically results~~ in a developmental delay; or

At risk of having substantial developmental delays, according to informed clinical opinion~~judgment~~.

"Developmental delay" means a Department determined eligible level of delay (30% and above) in one or more of the following areas of childhood development: cognitive; physical; communication~~, including vision and hearing; language, speech and communication~~; social or ~~-~~emotional; or adaptive~~ self-help skills~~, as measured by Department approved diagnostic instruments and standard procedures or as confirmed through informed clinical opinion~~judgment~~ of qualified staff based upon multidisciplinary evaluation and assessment if the child is unable to be appropriately and accurately tested by the standardized measures available.

"Physical or mental condition that has a high probability of resulting~~typically results~~ in a developmental delay" means a medical diagnosis (see Appendix E) approved by the Department as an eligible condition or confirmed by a qualified family physician, pediatrician or pediatric sub-specialist as being a condition with a relatively well known expectancy for developmental outcomes within varying ranges of developmental disabilities. Pediatric subspecialists included are those such as pediatric neurologists, geneticists, pediatric orthopedic surgeons and pediatricians with special interest in disabilities.

"At risk of substantial developmental delay, according to informed clinical opinion,~~judgment~~" means that there is consensus of qualified staff based upon multidisciplinary evaluation and assessment that development of a Department determined eligible level of delay is probable if early intervention services are not provided, because a child is experiencing either:

a parent who has been medically diagnosed as having a mental illness or serious emotional~~severe~~ disorder defined in ~~as set forth under axis I and axis II of~~ the Diagnostic and Statistical Manual V~~IV~~ (DSM V~~IV~~) (~~1994;~~ American Psychiatric Association, 1000 Wilson Boulevard, Suite 1825, Arlington, VA 22209-3901~~1400 K Street, NW, Washington, D.C. 20005~~) that has resulted in a significant impairment in the client's level of functioning in at least one major life functional area or a developmental disability; or

three or more of the following risk factors:

current alcohol or substance abuse by the primary caregiver;

primary caregiver who is currently less than 15 years of age;

current homelessness of the child;

chronic illness of the primary caregiver;

alcohol or substance abuse by the mother during pregnancy with the child;

primary caregiver with a level of education equal to or less than the 10th grade, unless that level is appropriate to the primary caregiver's age;

an indicated case of abuse or neglect regarding the child and the child has not been removed from the abuse or neglect circumstances.

Services for children determined to be "at risk" shall not be funded under Federal Part C funding, nor subject to its requirements~~, unless Part C funding for "at risk" services is requested by the lead agency~~.

"Enroll" means to enter into a Service Provider Agreement that establishes duties, expectations and relationships between the Department and the individual or agency provider that provides early intervention services to eligible children and their families. A provider must be enrolled to bill and receive payment for services from the Early Intervention Program.

~~"Evaluation/Assessment" or "Evaluation" means the initial and ongoing procedures used by appropriate qualified staff to determine:~~

~~a child's eligibility under this Part in accordance with the definition of "eligible infants and toddlers";~~

~~the child's status in each of the developmental areas set forth in "early intervention services";~~

~~the child's unique strengths and needs;~~

~~the services appropriate to meet those needs;~~

~~the resources, priorities, and concerns of the family; and~~

~~the supports and services necessary to enhance the family's capacity to meet the developmental needs of its infant or toddler with a disability.~~

"Evaluation" means the procedures used by qualified personnel to determine a child's initial and continuing eligibility under this Part consistent with the definition of "eligible children" or "eligible child". Initial evaluation refers to the child's evaluation to determine his or her initial eligibility under this Part.

"FERPA" means Family Educational Rights and Privacy Act (20 USC 1232(g)) and the regulations promulgated under that Act (34 CFR 99).

"HFS" means the Illinois Department of Healthcare and Family Services.

"HIPAA" means the Health Insurance Portability and Accountability Act (42 USC 1320(d) et seq.) and the regulations promulgated thereunder at 45 CFR 160, 162 and 164 (Transaction, Privacy and Security).

"IDEA" means the Individuals with Disabilities Education Act (20 USC 1400 et seq., as amended in 2004).

"Individualized Family Service Plan" or "Plan" or "IFSP" means a written plan for providing early intervention services to an eligible child and the child's family, as set forth in Subpart C.

"Individualized Family Service Plan Team", sometimes referred to as the "multidisciplinary team" or "IFSP Team", means a group of people concerned with the developmental needs of the child, including the child's parent/guardian or parents; other family members, as requested by the parent, if feasible to do so; an advocate or person outside of the family, if the parent requests that person to participate; the Service Coordinator; a person or persons directly involved in conducting the child's evaluations and assessments; and, as appropriate, persons who will be providing EI services to the child or family. The multidisciplinary team/IFSP team determines appropriate EI services by consensus as set forth in this Part.

"Infant" or "Toddler" means any child under 36 months of age.

"Informed clinical opinion" means the way in which qualified personnel utilize their cumulative knowledge and experience in evaluating and assessing a child and in interpreting the results of evaluation and assessment instruments.

"Lead agency" means the State agency, as designated by the Governor and the Act, responsible for administering the Act and this Part in accordance with federal laws and rules. The Illinois Department of Human Services (DHS) has been so designated.

"Local Education Agency" or "LEA" means a public board of education or other public authority legally constituted within Illinois for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district or other political subdivision of this State, or for a combination of school districts or counties as are recognized in this State as an administrative agency for its public elementary or secondary schools.

"Local interagency agreement" means an agreement entered into by local community and State and regional agencies receiving early intervention funds directly from the State and made in accordance with State interagency agreements providing for the delivery of early intervention services within a local community area.

"Local interagency council" or "LIC" means a local advisory body established for each designated geographic intake region as set forth in Section 6 of the Early Intervention Services System Act.

"Local service area" means a local interagency council region.

"Multidisciplinary team", sometimes referred to as the "IFSP team", means a group of people concerned with the developmental needs of the child, including the child's parent/guardian or parents; other family members, as requested by the parent, if feasible to do so; an advocate or person outside of the family, if the parent requests that person to participate; the Service Coordinator;~~and service coordinator~~ a person or persons directly involved in conducting the child's evaluations and assessments; and, as appropriate, persons who will be providing EI services to the child or family. The multidisciplinary team/IFSP team determines~~and members from pertinent disciplines involved in the provision of~~

~~integrated and coordinated services, including evaluation and assessment activities, who determine~~ appropriate EI services by consensus as set forth in this Part.

"Native language", when used with respect to an individual who is limited English proficient, means the language normally used by that individual, or in the case of a child, the language normally used by the parents of the child. For evaluations and assessments of a child, native language means the language normally used by the child, if determined developmentally appropriate for the child by qualified personnel conducting the evaluation or assessment. Unless clearly not feasible to do so, family assessments must be conducted in the native language of the family members being assessed. Native language, when used with respect to an individual who is deaf or hard of hearing, blind or visually impaired, or for an individual with no written language, means the mode of communication that is normally used by the individual (such as sign language, Braille, or oral communication).

"Natural environment" means settings that are natural or typical for a same-aged infant or toddler without a disability and may include home or community settings.~~home and community settings that are natural or normal for the child's age peers who have no disability.~~

"Parent liaison" means an individual who holds an EI Parent Liaison credential and draws from his/her knowledge and personal experience to bring support to families as they learn about the EI Program.

"Parents" means, except as provided in 34 CFR 303.27(b)(1) and (2), a biological or adoptive parent of a child; a foster parent; a guardian generally authorized to act as the parent, or authorized to make early intervention, educational, health or developmental decisions for the child (but not the State if the child is a ward of the State); an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; and a surrogate parent who has been appointed in accordance with Section 500.160. ~~a parent, a guardian, a person acting as a parent of a child or a surrogate parent appointed as set forth in this Part.~~

"Part B" means Part B of the Individuals with Disabilities Education Act ~~(20 USC 1400 et seq.)~~ (IDEA) governing "Assistance for Education of All Children with

Disabilities".

"Part C" means Part C of IDEA ~~(20 USC 1400 et seq.)~~ governing "Infants and Toddlers with Disabilities".

"Participating agency" means any individual, agency, entity or institution that collects, maintains or uses Personally Identifiable Information (PII) to implement the requirements of this Part.

"Parties" means the persons or entities filing an allegation and the persons or entities against whom the allegations are made. For purposes of Section 500.140, Parties include both the Complaining Party and the Responding Party.

"Personally Identifiable Information" or "PII" means the information governed by FERPA regulations at 34 CFR 99.3.

"Plan" means a written plan for providing EI services to an eligible child and the child's family, as set forth in Subpart C.

"Protected health information" means the health information governed by the HIPAA Privacy and Security regulations at 45 CFR 164.501.

"Qualified personnel" means personnel who have met State approved or recognized certification, licensing, registration or other comparable requirements that apply to the areas in which the individuals are conducing evaluations or assessments or providing EI services.

"Records" means all records regarding a child that are required to be collected, maintained or used under Part C of the Individuals with Disabilities Education Act (20 USC 1400 et seq.) and 34 CFR 303.

"Regional intake entity" means the Department's designated entity responsible for implementation of the Early Intervention Services System within its designated geographic area as set forth in Section 500.45.

"Responding Party" means, for purposes of Section 500.140, the persons or entities against whom a Part C allegation is made.

"Service Coordinator" means an individual who holds an EI Service Coordination

credential and assists and enables eligible infants and toddlers and their families to receive the services and rights, including procedural safeguards, provided through the EI Program.

"Service Provider Agreement" means the binding written agreement that establishes the duties, expectations and relationship between the Department and the provider of service pursuant to the Illinois Early Intervention Services System Act [325 ILCS 20], Part C of the Individuals with Disabilities Education Act (IDEA) (20 USC 1431 et seq.), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Family Educational Rights and Privacy Act Regulations (FERPA) (20 USC 1232(g)), and this Part~~EI administrative rules~~.

"Transition" is the process of transferring eligible children receiving early intervention services under this Part out of such services to Part B services or to other appropriate developmental or educational services.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

SUBPART B: COMPONENTS OF THE STATEWIDE SYSTEM

Section 500.25 Public Awareness and Child Find

a) The Department shall provide ongoing and continuous public awareness efforts focused on the early identification of eligible children throughout the State.

1) The Department shall prepare information on the availability of EI services under this Part.

2) With the assistance of the regional intake entities and local interagency councils, the Department will disseminate to all primary referral sources (especially hospitals and physicians) the information to be given to parents of infants and toddlers, especially parents with premature infants or infants with other physical risk factors associated with learning or developmental complication. The information to be provided shall include:~~Public awareness information will include:~~

A)~~1)~~ description of the availability of EI services under this Part;~~the purpose and scope of the System;~~

B)~~2)~~ description of the child find system and how to refer a child under the age of three for an evaluation or EI services; and~~how to make referrals;~~

~~3) how to gain access to a comprehensive multidisciplinary evaluation and other early intervention services; and~~

C)~~4)~~ information about the Central Directory (see Section 500.30).

3) The Department may make direct mailings to primary referral sources as defined in this Part, distribute pamphlets and posters at pertinent locations and use media releases and campaigns to the public and professional organizations as necessary to create awareness, in addition to the activities set forth in this Part.

4) Primary referral sources are required ~~by 34 CFR 303.321(d)(2)(ii)~~ to make referrals to the EI System as soon as possible, but in no case more than five business days~~two working days~~ after a potentially eligible child is identified. Primary referral sources, as listed in subsection (b), with assistance of the regional intake entities and local interagency councils, will disseminate information on the availability of EI services under this Part to parents of infants and toddlers, especially parents with premature infants or infants with other physical risk factors associated with learning or developmental complication.

b) The regional intake entity as set forth in Section 500.45 serves as the central intake for each eligible child within its geographical area. By use of the Central Directory~~central directory as~~ set forth in Section 500.30, primary referral sources can identify and contact the appropriate regional entity. Primary referral sources include:

1) hospitals, including prenatal~~perinatal~~ and post-natal care facilities;

2) physicians;

3) parents, including parents of infants and toddlers;

4) child care programs and early learning programs, including, Early Head Start Programs;

5) local educational agencies and schools;

6) public health facilities;

7) other public health and social services agencies; ~~and~~

8) other clinics and health care providers;~~.~~

9) Public agencies and staff in the child welfare system, including child protective service and foster care;

10) Homeless family shelters; and

11) Domestic violence shelters and agencies.

c) The local interagency council shall be responsible for coordination, design and implementation of child find and public awareness activities for their geographic region. Such efforts shall take into consideration the region's cultural, communication, geographical and socio-economic make-up.

d) The regional intake entity and the local interagency council shall assure that activities are coordinated with comprehensive local and statewide efforts and shall provide information to the Department as requested and required in order for the Department to monitor the effectiveness of the efforts and determine possible gaps in public awareness and child find. If gaps are determined, the regional intake entity and the local interagency council shall increase efforts as required.

e) Local interagency councils shall assist in:

1) Development of collaborative agreements between local service providers, diagnostic and other agencies providing additional services to the child and family and agreements related to transition and integration of eligible children and families into the community;

2) Local needs assessment, planning and evaluation efforts;

3) Identification and resolution of local access issues;

4) Provider recruitment; and

5) Development of an annual report to the Council regarding child find and public awareness.

f) The Department has entered into interagency agreement with the Illinois State Board of Education (ISBE) regarding coordinating ISBE's responsibility under Part B of IDEA to conduct child find of 0-21 year olds with the Department responsibility under Part C. Local education agencies (LEAs) are responsible to ISBE for carrying out specific obligations regarding child find.

1) LEAs shall:

A) conduct public awareness activities targeting families and other primary referral sources;

B) conduct screenings (by developmental checklists) to actively seek out infants and toddlers with disabilities or delays, report to the Department on these screenings and maintain procedures to assure compliance with the five-day~~two-day~~ referral time frame (schedules of screening dates and locations will be provided to the regional intake entity, other providers and the local advisory body);

C) work closely with their regional intake entity to assure evaluations of identified children; and

D) participate actively in their local advisory body (and as a member participate in coordination of public awareness and child find).

2) ISBE will:

A) provide technical assistance to LEAs to carry out screening and identification;

B) monitor to assure that services are available in each LEA jurisdiction; and

C) if notified by the Department that an LEA is not providing appropriate public awareness and child find, contact the LEA to

assure the establishment of appropriate awareness, screening and identification (and report effort and screening dates back to the Department).

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.30 Central Directory

a) The State is required by Section 632(7) of IDEA ~~(20 USC 1432(7))~~ and 34 CFR 303.117~~and rules promulgated under that Section~~ to maintain a Central Directory that is accessible to the general public, including persons with disabilities (i.e., through the lead agency's website and other appropriate means) and includes accurate, up-to-date information about:~~(e.g., location of regional intake entities and/or toll free numbers) on the Early Intervention Services System.~~

1) Public and private EI services, resources and experts available in the State;

2) Professional and other groups (including parent support, and training and information centers) that provide assistance to infants and toddlers with disabilities eligible under Part C of IDEA and their families;

3) Research and demonstration projects being conducted in the State relating to infants and toddlers with disabilities; and

4) Access to the information needed to identify and contact the appropriate regional intake entity.

~~b) The data shall be made available in each geographic region of the State in a manner so as to ensure accessibility by persons with disabilities. Families may obtain information from a toll-free Department help line (1-800-843-6154 voice and 1-800-447-6404 TTY).~~

b)~~c)~~ Public and private EI~~early intervention~~ service providers, resources, experts, professionals and other groups providing assistance to eligible children and their families shall provide information as required (e.g., location of regional intake entities and/or toll free numbers) to the Department in order to maintain the Central Directory.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.45 Regional Intake Entities

The Department will assure the designation of regional intake points as necessary to accomplish consistent System intake and service coordination throughout the State. The regional entity shall be the contracted entity responsible for implementation of the EI~~Early Intervention~~ Services System within its designated geographic area. The regional entity shall:

a) Participate in public awareness and child find activities by disseminating information to primary referral sources and working with local interagency councils.

b) Provide adequate accessible and secure space/facilities to store permanent EI ~~early intervention~~ records and to house staff.

c) Select, train~~,~~ and supervise qualified staff to carry out the following tasks within the System specified time frames:

1) Receive referrals.

2) Provide service coordination as defined in Section 500.55(l).

3) Develop, maintain and process the permanent EI~~early intervention~~ case record in accordance with policies set forth by the Department.

4)~~3)~~ Provide information about the EI~~Early Intervention~~ Services System, including rights and procedural safeguards and available advocacy services, to families and initiate intake with parental consent.

~~4) Coordinate EI and non-EI services for enrolled families.~~

~~5) Ensure that eligibility is determined according to the Department's early intervention eligibility criteria.~~

5)~~6)~~ Comply with family fee and public and private insurance policies and procedures as set by the Department.

~~7) Develop the initial IFSP with the family, within 45 days after referral, consistent with requirements in this Part and federal regulations.~~

~~8) Monitor that the integrity of the IFSP process is maintained and completed through accurate, timely and complete implementation of the services as mutually determined and agreed to by the IFSP Team, and consented to in writing by the child's parent/guardian.~~

6)~~9)~~ Monitor that the Part C funds are the "payor of last resort" to the extent allowed by law. This includes assistance in accessing resource supports, including but not limited to the Division of Specialized Care for Children (Title V) and, with the parent's or guardian's informed consent, Medicaid (Title XIX), the State Child Health Insurance Program (Title XXI), ~~the Division of Specialized Care for Children (Title V)~~ and private insurance.

~~10) Assist the family in monitoring IFSP implementation and obtain updated documentation from service providers listed on the IFSP in accordance with this Part, communicating regularly with the family using a variety of face-to-face, telephone, written correspondence, and other methods, including team meetings, to ensure that the family is well informed and an active participant in the implementation of the IFSP.~~

~~11) Assure that IFSPs are reviewed at least every six months and updated annually.~~

~~12) Assure that transition planning, case transfer and case closure occur consistent with the requirements of this Part.~~

7)~~13)~~ Be knowledgeable of and comply with all applicable federal and State laws, guidelines, procedures, rules, regulations, and executive orders applicable to its activities, including, but not limited to:

A) The Individuals with Disabilities Education Act ~~(20 USC 1400 et seq.)~~. The United States Department of Education regulations for the EI~~early intervention~~ program for Infants and Toddlers with Disabilities (34 CFR 303) and the Illinois EI~~Early Intervention~~ Services System Act [325 ILCS 20].

B) The federal Family Education Rights and Privacy Act (FERPA) (20 USC 1232g, 1232h) and the United States Department of Education implementing regulations (34 CFR 99) and~~;~~ the Illinois

School Student Records Act [105 ILCS 10].

C) The Americans With~~with~~ Disabilities Act (42 USC 12131-12134).

D) The Health Insurance Portability and Accountability Act ~~(42 USC 1320 et seq.,~~ and the regulations promulgated under that Act~~thereunder at~~ (45 CFR 160, 162 and 164) regarding transactions, privacy and security~~)~~.

d) Maintain a directory of non-EI financial resources and support services for use with families.

e) Assist families in accessing non-EI financial resources and support services by making appropriate referrals while the child is enrolled with the EI~~Early Intervention~~ Services System and at transition. Children found ineligible should be offered referrals for non-EI community resources prior to case closure.

f) Maintain administrative and programmatic contact with all EI service providers in the service area.

g) Participate in routine monitoring and technical assistance activities as required by the Department, including on-site monitoring, data collection and reporting obligations, record reviews, financial audits, complaint investigations, and consumer satisfaction surveys.

h) Enroll as an "All Kids agent" in order to complete the All Kids application as authorized under Section 22 of the Children's Health Insurance Program Act.

i) Facilitate IFSP team discussions for every child to determine his/her status relative to each of the federal Office of Special Education Program's (OSEP) identified child outcomes and document the rating in the statewide data system. ~~Distribute materials to families as part of a process to measure family outcomes.~~

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.50 Eligibility

a) An Illinois child under the age of 36 months of age and his or her family are eligible for services set forth in this Part if the child:

1) is experiencing a Department determined eligible level of developmental delay; or

2) is experiencing a medically diagnosed physical or mental condition that typically results in developmental delay; or

3) is, according to informed clinical opinion~~judgment~~ of qualified staff based upon a multidisciplinary evaluation and assessment, at risk of substantial developmental delay.

b) Eligibility must be determined, with parental consent, ~~by consensus of qualified staff based upon multidisciplinary evaluation and assessment,~~ using one or more of the following criteria:

1) The child is experiencing a Department determined eligible level of developmental delay by consensus of qualified staff based upon a timely, comprehensive, multidisciplinary evaluation of the child using one ~~One~~ or more standardized evaluations or criterion referenced measures approved by the Department. A provider may request Department approval of a developmental test by submitting, in writing, documentation that the test meets the following criteria: is listed in the Mental Measurement Yearbook Series (Burros Center for Testing, University of Nebraska-Lincoln, 21 Teachers College Hall, Lincoln NE 68588-0348 (2005, no later editions or amendments included)); is nationally distributed; is formally validated; is age appropriate; and is individually administered. The Mental Measurement Yearbook Series can be found at the Early Childhood Intervention Clearinghouse, many local libraries and via the Internet. ~~If a child is unable to be appropriately and accurately tested by the standardized measures available, informed clinical judgment of the qualified staff based upon multidisciplinary evaluation and assessment may be used to document the level of delay. Activities to determine clinical judgment shall include observation and parent report and shall be described in the written report documenting the informed clinical judgment of qualified staff that the child is experiencing delay at a level determined by the Department to be eligible;~~

A) Qualified personnel must use informed clinical opinion when conducting an evaluation and assessment of the child. Informed

clinical opinion may be used as an independent basis to establish a child's eligibility under this Part even when other instruments do not establish eligibility; however, in no event may informed clinical opinion be used to negate the results of evaluation instruments used to establish eligibility. Activities to determine clinical opinion shall include observation and parent report and shall be described in the written report documenting the informed clinical opinion of qualified staff that the child is experiencing delay at a level determined by the Department to be eligible.

B) In conducting an evaluation, procedures must include administering an evaluation instrument; taking the child's history (including interviewing the parent); identifying the child's level of functioning in each of the areas of development; gathering information from other sources such as family members, other caregivers, medical providers, social workers and educators, if necessary, to understand the full scope of the child's unique strengths and needs; and reviewing medical, educational and other records.

2) The child is experiencing a medically diagnosed physical or mental condition that typically results in a developmental delay,~~Specific medical diagnosis~~ as determined by the Department and listed in Appendix E. If a child exhibits a medical condition not approved by the Department as being an eligible condition, written verification by a qualified pediatrician or pediatric sub-specialist (pediatric neurologist, geneticist, pediatric orthopedic surgeon, pediatrician with special interest in disabilities) that the child's medical condition typically results in substantial developmental delay within the varying ranges of developmental disabilities may be used; or

3) The child is at risk of substantial developmental delay~~Written verification of the consensus that~~, based on informed clinical opinion~~judgment~~. Development~~, development~~ of substantial developmental delay is probable if EI~~early intervention~~ services are not provided to the child who is experiencing risk factors as defined in Section 500.20. Risk factors that the child is experiencing must be identified.~~This report must also identify which risk factors the child is experiencing.~~

c) A child's medical and other records may be used to establish eligibility (without conducting an evaluation of the child) if those records indicate that the child's level of functioning in one or more of the developmental areas constitutes a delay at a level determined by the Department to be eligible or that the child otherwise meets the criteria for an infant or toddler with a disability under subsection (a). If the child's Part C eligibility is established under this Section, the evaluators must conduct assessments of the child and family in accordance with subsection (d).

d) If the child is determined eligible, with parental consent, a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet those needs must occur. This assessment must include a review of the results of the evaluation, personal observations of the child, and identification of the child's needs in each of the developmental areas. Unless the child's eligibility is established as defined in subsection (c), this assessment is conducted with the evaluation.

e) With parental consent, a family-directed assessment of the resources, priorities and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of that infant or toddler must be conducted by the Service Coordinator.

f) Qualified personnel must use informed clinical opinion when conducting an evaluation and assessment of the child. All evaluations and assessment of the child and family must be conducted by qualified personnel, in a nondiscriminatory manner, and selected and administered so as not to be racially or culturally discriminatory. Unless clearly not feasible to do so, all evaluations and assessments of a child must be conducted in the native language of the child.

g) Eligibility shall be determined annually. Children will continue to be eligible if they:

1) have entered the program under any of the eligibility criteria in subsection (a) but no longer meet the current eligibility criteria under this Section; and

2) either:

A) continue to have any measurable delay; or

B) have not attained a level of development in each area, including cognitive, physical (including vision and hearing), language, speech and communication, psycho-social, or self-help skills, that is at least at the mean of the child's age equivalent peers; and

3) have been determined by the multidisciplinary team to require the continuation of EI~~early intervention~~ services in order to support continuing developmental progress, pursuant to the child's needs, and provided in an appropriate developmental manner. The type, frequency, and intensity of services will differ from the initial individualized family service plan (IFSP) because of the child's developmental progress, and may consist of only service coordination, evaluation and assessments.

h)~~d)~~ If a family removes a child from services prior to reaching age three years and the child is later referred again, the child must meet eligibility criteria in effect at the time of the subsequent referral in order to be re-enrolled.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.55 Early Intervention Services/Devices

EI~~Early intervention~~ services ~~as defined in Section 500.20~~ may include the following as deemed necessary under the IFSP:

a) Assistive technology, including:

1) Assistive technology devices, meaning any item, piece of equipment or product system, whether acquired commercially off the shelf, modified or customized, that is used to increase, maintain~~,~~ or improve the functional capabilities of children with disabilities. The term does not include a medical device that is surgically implanted, including cochlear implant, or the optimization (e.g., mapping), maintenance or replacement of that device. Devices must be approved prior to purchase by the Department. Prior approval will not exclude assistive technology devices as defined in this Part that are required in order to meet the child's EI needs. Devices that meet the medical, life sustaining or routine daily needs of the child do not fall within the definition of assistive technology device.

2) Assistive technology services, meaning services that directly assist an

infant or toddler~~a child~~ with a disability in selection, acquisition~~,~~ or use of an assistive technology device. Assistive technology services include:

A) Evaluating the needs of an infant or toddler with a disability, including a functional evaluation of the infant or toddler with a disability in the child's customary environment;

B) Selecting, designing, fitting, customizing, adapting, maintaining or repairing assistive technology devices;

C) Coordinating and using other therapies, interventions or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs; and

D) Training or technical assistance for an infant or toddler with a disability or, if appropriate, that child's family.

b) Audiology, aural rehabilitation/other related services for the purposes of:

1) Identification of children with auditory impairment, using at risk~~appropriate~~ criteria and appropriate audiologic screening techniques;

2) Determination of the range, nature, and degree of hearing loss and communication functions by use of audiological evaluation procedures;

3) Referral for medical ~~testing~~ and other services necessary for the habilitation or rehabilitation of an infant or toddler with a disability who has an~~children with~~ auditory impairment;

4) Provision of auditory training, aural rehabilitation, speech reading and listening device orientation and training, and other related services;

5) Determination of the child's ~~need for~~ individual amplification, including selecting, fitting, and dispensing appropriate listening and vibrotactile devices, and evaluating the effectiveness of those devices;

6) Provision of services for prevention of hearing loss; and

7) Family training, education and support provided to assist the child's family

in understanding the child's special needs as related to audiology, aural rehabilitation and other related services and to enhancing the child's development.

~~c) Clinical assessment, counseling and other therapeutic services for the purposes of:~~

~~1) Evaluation to determine a child's developmental status and need for early intervention services;~~

~~2) Administering psychological or developmental tests and assessment procedures to determine the need for psychological or other counseling services;~~

~~3) Interpreting evaluation results;~~

~~4) Obtaining, integrating and interpreting information about child behavior and child and family conditions related to learning, mental health, and development;~~

~~5) Planning and managing a program of psychological or other counseling services, including psychological or other counseling for children and parents, family counseling, consultation on child development, parent training, and education programs;~~

~~6) Family training, education and support provided to assist the child's family in understanding the child's needs as related to psychological or other counseling services and to enhancing the child's development; and~~

~~7) Identifying, mobilizing, and coordinating community resources and services to enable the child and family to receive maximum benefit from early intervention services.~~

c)~~d)~~ Developmental therapy services for the purposes of:

1) Evaluation to determine a child's developmental status and need for EI services;~~Evaluation/assessment, IFSP development, provider to provider consultation and treatment planning that leads to achieving IFSP outcomes, special instruction activities defined in the IFSP that promote acquisition of skills in various developmental areas, including cognitive~~

~~processes and social interaction, provision of information and support related to enhancing the child's skill development.~~

2) The design of learning environments and activities that promote the infant's or toddler's acquisition of skills in a variety of developmental areas, including cognitive processes and social interaction;

3) Curriculum planning, including the planned interaction of personnel, materials, and time and space, that leads to achieving the outcomes in the IFSP for the infant or toddler with a disability;

4) Providing families with information, skills and support related to enhancing the skill development of the child;

5) Working with the infant or toddler with a disability to enhance the child's development; and

6) Family training, education and support provided to assist the child's family in understanding the child's special needs as related to developmental therapy services and to enhance~~enhancing~~ the child's development.

d)~~e)~~ Family training and support that can include education provided to assist the family of an eligible child in understanding the needs of the child as related to the provider's specific discipline and to enhance~~enhancing~~ the child's development.

e)~~f)~~ Health consultation by a licensed physician who has provided recent and/or ongoing medical treatment for the child with service providers who are identified on a child's IFSP as members of the child's multidisciplinary team concerning the ~~child's~~ health care needs of infants and toddlers with disabilities that will need to be addressed in the course of providing other EI~~impact the provision of early intervention~~ services.

f)~~g)~~ Medical services for diagnostic or evaluation purposes provided by a licensed physician to determine a child's developmental status and need for EI~~early intervention~~ services.

g)~~h)~~ Nursing services for the purposes of:

1) Evaluation to determine a child's developmental status and need for

EI~~early intervention~~ services;

2) Assessment to determine a child's health status for the purpose of providing nursing care, including the identification of patterns of human response to actual or potential health problems;~~and identify the need for medical referrals;~~

3) Provision of required nursing care to prevent health problems, restore or improve functioning, and promote optimal health and development during the time the child is receiving other EI~~early intervention~~ services, such as:

A) administration of medications, treatments, and regimens prescribed by a licensed physician; and

B) clean intermittent catheterization, tracheostomy care, tube feeding, the changing of dressings or colostomy collection bags, and other health services as required to allow the child to participate in other EI services;

4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to nursing services and to enhancing the child's development. Nursing services do not include hospital or home health nursing care required due to surgical or medical intervention or medical health services such as immunizations and regular "well child" care that are routinely recommended for all children.

h)~~i)~~ Nutrition services for the purposes of:

1) Conducting individual assessments in nutritional history and dietary intake, anthropometric, biochemical, and clinical variables, feeding skills and feeding problems, and food habits and food preferences;

2) Developing and monitoring appropriate plans to address the nutritional needs of the eligible child based upon individual assessment;

3) Making referrals to appropriate community resources to carry out nutrition goals;~~achieve plans;~~ and

4) Family training, education and support provided to assist the child's family

in understanding the child's needs as related to nutrition services and to enhancing the child's development.

i)~~j)~~ Occupational therapy services to address the functional needs of an infant or toddler with a disability~~a child~~ related to adaptive development; adaptive behavior and play; and sensory, motor, and postural development. These services are designed to improve the child's functional ability to perform tasks in home, school, and community settings and include:

1) Identification, evaluation, ~~Evaluation/~~assessment and intervention;

2) Adaptation of the environment and selection, design and fabrication of assistive and orthotic devices to facilitate development and promote the acquisition of functional skills;

3) Prevention or minimization of the impact of initial or future impairment, delay in development, or loss of functional ability; and

4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to occupational therapy services and to enhancing the child's development.

j)~~k)~~ Physical therapy services to address the promotion of sensorimotor function through enhancement of musculoskeletal status, neurobehavioral organization, perceptual and motor development, cardiopulmonary status, and effective environmental adaptation. These services include:

1) Evaluation, ~~/~~screening and ~~/~~assessment of infants and toddlers to identify movement dysfunction;

2) Obtaining, interpreting, and integrating information appropriate to program planning to prevent, alleviate, or compensate for movement dysfunction and related functional problems;

3) Providing individual and group services or treatment to prevent, alleviate, or compensate for movement dysfunction and related functional problems; and

4) Family training, education and support provided to assist the child's family

in understanding the child's needs as related to physical therapy services and to enhancing the child's development.

k) Psychological services for the purposes of:

1) Evaluation to determine a child's developmental status and need for EI services;

2) Administering psychological and developmental tests and assessment procedures to determine the need for psychological or other counseling services;

3) Interpreting assessment results;

4) Obtaining, integrating and interpreting information about child behavior and child and family conditions related to learning, mental health and development;

5) Planning and managing a program of psychological or other counseling services, including psychological or other counseling for children and parents, family counseling, consultation on child development, parent training and education programs;

6) Family training, education and support provided to assist the child's family in understanding the child's needs as related to psychological or other counseling services and to enhancing the child's development; and

7) Identifying, mobilizing and coordinating community resources and services to enable the child and family to receive maximum benefit from EI services.

l) Service coordination carried out by a Service Coordinator~~service coordinator~~ to assist and enable an infant or toddler with a disability~~ a child eligible under Part C~~ and the child's family to receive the services and rights, including procedural safeguards, and services that are authorized to be provided through the State's EI Program~~early intervention program~~, including:

1) Assisting parents of infants and toddlers with disabilities in obtaining access to needed EI services and other services identified in the IFSP,

including making referrals to providers for needed services and scheduling appointments for infants and toddlers with disabilities and their families; ~~Providing comprehensive case management to coordinate EI and non-EI services provided for the child and family;~~

2) Coordinating the provision of EI services and other services (such as educational, social and medical services that are not provided for diagnostic or evaluative purposes) that the child needs or is being provided; ~~Contacting the child/family at a minimum of one time per month to coordinate and monitor the provision of needed evaluation/assessments and services;~~

3) Coordinating evaluations and assessment;~~Facilitating and participating in the development, review and updating of Individualized Family Service Plans;~~

4) Facilitating and participating in the development, review and evaluation of IFSPs; ~~of a transition plan to preschool services;~~

5) Conducting referral and other activities to assist families in identifying available EI services providers;~~Facilitating referrals for appropriate EI and non-EI services and supports;~~

6) Coordinating, facilitating and monitoring the delivery of EI services to ensure that the services are provided in a timely manner;~~Developing and maintaining the child's permanent and electronic EI record at the regional intake entity; and~~

7) Conducting follow-up activities to determine that appropriate Part C services are being provided;~~Informing families of the availability of advocacy services.~~

8) Informing families of their rights and procedural safeguards and related resources;

9) Coordinating the funding sources for services required under this Part;

10) Facilitating the development of a transition plan to preschool, school or, if appropriate, other services;

11) Contacting the child/family at a minimum of one time per month to coordinate and monitor the provision of needed evaluation/assessments and services;

12) Developing and maintaining the child's permanent and electronic EI record at the regional intake entity; and

13) Informing families of the availability of advocacy services.

m) Sign language and cued language services, including teaching sign language, cued language, and auditory/oral language, providing oral transliteration services (such as amplification), and providing sign and cued language interpretation. These services shall be covered under the existing EI services.

n) Social work services for the purposes of:

1) Evaluation to determine a child's developmental status and need for EI~~early intervention~~ services;

2) Making home visits to evaluate~~assess~~ a child's living conditions and patterns of parent-child interaction to determine the need for social work or other counseling services;

3) Preparing a social or emotional developmental assessment~~evaluation~~ of the infant or toddler~~child~~ within the family context;

4) Providing individual and family group counseling with parents and other family members, and appropriate social skill building activities with the infant or toddler~~child~~ and parents;

5) Working with those problems in the ~~child's and family's~~ living situation (home, community, and any center where EI~~early intervention~~ services are provided) of an infant or toddler with a disability and the family of that child that affect the child's maximum utilization of EI~~early intervention~~ services;

6) Identifying, mobilizing, and coordinating community resources and services to enable the infant or toddler with a disability~~child~~ and family to

receive maximum benefit from EI~~early intervention~~ services; and

7) Family training, education and support provided to assist the child's family in understanding the child's needs as related to social work or other counseling services and to enhancing the child's development.

o)~~n)~~ Speech-language pathology~~therapy~~ services for the purposes of:

1) Evaluation/assessment activities to identify children with communicative or language~~oropharyngeal~~ disorders and delays in development of communication skills, including the diagnosis and appraisal of specific disorders, and delays in those skills;

2) Referral for medical or other professional services necessary for the habilitation or rehabilitation of children with communicative or language~~oropharyngeal~~ disorders and delays in development of communication skills;

3) Provision of services for the habilitation, rehabilitation, or prevention of communication~~communicative~~ or language~~oropharyngeal~~ disorders and delays in development of communication skills; and

4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to speech therapy services and to enhancing the child's development.

p)~~o)~~ Transportation services and related costs include the cost of travel (e.g., loaded mileage for travel by taxi, service car or private auto) provided in accordance with the Department's EI transportation policies that are necessary to enable an infant or toddler with a disability~~eligible child~~ and the child's family to travel to and from the location where the child receives another EI~~early intervention~~ service.

q)~~p)~~ Vision services for the purposes of:

1) Evaluation/assessment of visual functioning, including the diagnosis and appraisal of specific visual disorders, delays and abilities that affect early childhood development;

2) Referral for medical or other professional services necessary for the

habilitation and/or rehabilitation of visual functioning disorders;

3) Communication skills training, orientation and mobility training for all environments, visual training, ~~independent living skills training,~~ and additional training necessary to activate visual motor abilities; and

~~4) Orientation/mobility and other vision services related to improvement of visual functioning, including orientation and mobility training for all environments, communication skills training, visual training, independent living skills training and additional training necessary to activate visual motor activities; and~~

4)~~5)~~ Family training, education and support provided to assist the child's family in understanding the child's needs as related to vision services and to enhancing the child's development.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.60 Provider Qualifications/Credentialing and Enrollment

a) Credentialing and enrollment, as set forth in this Part, is only for the purpose of providing and being reimbursed for EI services as set forth in this Part. It is not a license.

b) An individual shall meet the pertinent licensing, degree, education and/or certification requirements for the service to be provided, as set forth in Appendix C, as well as the requirements set forth in this Section, in order to qualify for and maintain a credential to provide EI services. Credentialed providers must also enroll in order to be reimbursed for services.

c) To be credentialed and maintain the credential the individual shall also:

1) not be delinquent in paying a child support order as specified in Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65];

2) not be in default of an educational loan in accordance with Section 3 of the Education Loan Default Act [5 ILCS 385/3];

3) not have served or completed a sentence for a conviction of any of the

felonies set forth in Section 25(a) and (b) of the Health Care Worker Background Check Act [225 ILCS 46]~~/25(a) and (b)~~ within the preceding five years (see Section 50-10 of the Illinois Procurement Code [30 ILCS 500]~~/50-10~~);

4) not have been determined to be a perpetrator of an indicated incident of child abuse or neglect in an investigation by Illinois under the Abused and Neglected Child Reporting Act [325 ILCS 5] or by another state under that state's laws for at least the previous five years;

5) be in compliance with pertinent laws, rules, and government directives regarding the delivery of services for which they seek credentialing.

d) Applicants for a credential shall consent to a background check as set forth in 89 Ill. Adm. Code 385.30(c) through the Illinois Department of Children and Family Services, consisting of review of CANTS/SACWIS, Illinois Sex Offender Registry and criminal history.

e) Temporary Credential
An individual who is not currently credentialed and has submitted an application to the Department's credentialing office, including an acceptable plan for ongoing professional development as required in subsection (k)(2), and has met the pertinent requirements provided in Appendix C, as well as documentation of completion of EI~~early intervention~~ systems training as defined in subsection (f) and other requirements in this Part, will be issued a temporary credential and may provide EI services.

f) EI~~Early Intervention~~ Systems Training

1) In order to qualify for a credential, an individual must document the completion of EI~~early intervention~~ systems training as required and provided by the Department. Parent Liaisons and Service Coordinators must complete this training within 90 days after the receipt of the temporary credential for such service. This training shall include at least:

A) Practice and procedures of private insurance;

B) The role of the regional intake entities, service coordination, program eligibility determinations, family fees, All Kids, and the

Division of Specialized Care for Children (DSCC) applications, referrals~~,~~ and coordination with EI~~Early Intervention~~, and procedural safeguards;

C) Introduction to the EI~~Early Intervention~~ Program, including provider enrollment and credentialing, overview of EI~~Early Intervention~~ Program policies and regulations, and billing requirements; and

D) Evaluation and assessment of birth-to-three children, individualized family service plan development, monitoring and review, EI~~early intervention~~ philosophy and best practices, and quality assurance.

2) A temporary credential may be issued to a Parent Liaison or Service Coordinator, who shall document completion of training as required and approved by the Department, within 90 days after the receipt of the temporary credential for such service. This training shall include at least the EI~~early intervention~~ systems training, set forth in subsections (f)(1)(A) through (D), as well as:

A) Use of the management information system;

B) Regional intake entity operating philosophies and procedures; and

C) Transition.
Extensions of up to 90 days may be granted upon written request setting forth facts concerning noncompliance with this requirement. The Department's credentialing office will consider extreme hardship and other extenuating circumstances and determine if an extension should be granted on an individual basis.

g) Education

1) Individuals who hold a credential on July 1, 2007, other than individuals who hold a professional license in the State of Illinois, as set forth in Appendix C, as part of the first subsequent credential renewal application process, must provide documentation of the completion of educational experiences, as approved by the Department, that include at least two

semester college hours or the equivalent (30 clock hours or continuing education unit (CEU) credit hours) in each of the following EI~~early intervention~~ core knowledge content areas. Parent Liaisons are not required to provide this documentation.

A) The Development of Young Children: Typical and Atypical;

B) Working with Families of Young Children with Disabilities;

C) Intervention Strategies for Young Children with Special Needs; and

D) Assessment of Young Children with Special Needs.

2) To qualify for a temporary credential, developmental therapists must document completion of educational experiences, as approved by the Department, that include at least two semester college hours or the equivalent (30 clock hours or CEU credit hours) in each of the EI~~early intervention~~ core knowledge content areas listed in subsection (g)(1). As of July 1, 2007, all other applicants for a temporary credential, other than individuals that hold a professional license in the State of Illinois, as set forth in Appendix C, shall document completion of these educational experiences within 18 months after issuance of a temporary credential. Extensions of up to six months may be allowed upon request in writing, received at least 30 days before the expiration of the credential, setting forth the facts concerning noncompliance with this requirement. The Department's credentialing office will consider hardship and other extenuating circumstances and determine if an extension should be granted on an individual basis.

h) Consultation Requirement Either Prior to or During Temporary Credential

1) In order to qualify for full credential, an individual must complete and document consultation while providing 240 hours of direct services, for which they are being credentialed, to children ages birth to three with special needs and their families, except that Developmental Therapists/Vision, Orientation and Mobility Developmental Therapists, ~~and~~ Developmental Therapists/Hearing, and providers credentialed under the EI service categories of Clinical Assessment, Counseling and other

Therapeutic Services, Nursing, Nutrition and Social Services, as defined in Appendix C, need only document 120 hours. Documentation must show that the individual participated in consultation with an appropriately experienced individual of the same discipline/EI~~Early Intervention~~ service group who has experience working with children ages birth to three with special needs and their families. The consultation shall be in compliance with the professional standards of the individual seeking the credential, as determined and documented by the consultant.

2) Individuals who do not meet the consultation requirement in subsection (h)(1) shall complete and document such experience within 18 months after issuance of their temporary credential. Extensions of up to six months may be granted upon written request, received at least 30 days before the expiration of the credential, setting forth the facts concerning noncompliance with this requirement. The Department's credentialing office will consider extreme hardship and other extenuating circumstances and determine if an extension should be granted on an individual basis.

i) Full Credential
Once an individual with a temporary credential has documented satisfactory completion of the requirements in subsections (g) and (h), as well as the ongoing professional development requirement in subsection (k)(2), he/she is eligible to be fully credentialed.

j) Evaluation and ~~/~~Assessment Services
Evaluation and ~~/~~assessment services for the purpose of determining initial eligibility, participating in the development of an initial comprehensive IFSP, and adding new types of services to existing IFSPs must be provided by a provider with a credential for Evaluation/Assessment as set forth in Appendix C in addition to an EI~~Early Intervention~~ Specialist credential in the discipline required by the service being evaluated.

k) Renewal of Credential
Full credentials are valid for three years. 60 to 90 days before his/her credential expires, a provider shall submit a renewal application to the Department in a form required by the Department. To qualify for renewal, the provider must have met and provide documentation of the following continuing professional education and development activities, as well as documentation of maintenance of pertinent licensure/certification requirements and compliance with this Part. Failure to

receive a renewal notice from the Department shall not excuse the submission of a renewal application for one's credential.

1) Continuing Professional Education
During the three years that the full credential is valid, a credentialed provider shall receive a total of 30 hours of continuing professional education as approved by the Department. Up to 20 of those hours shall be provided by the Department, or its training designee. The provider credential notification and renewal letters will define the number of hours that shall be provided by the Department or its training designee. The remaining training hours shall include one ~~This training shall include two~~ or more of the EI~~early intervention~~ core knowledge content areas set forth in subsections (g)(1)(A) through (D). Extensions of up to three months may be granted upon written request, received at least 30 days before the expiration of the credential, setting forth the facts concerning noncompliance with this subsection (k)(1). The Department's credentialing office will consider extreme hardship and other extenuating circumstances and determine if an extension should be granted on an individual basis. The extension shall not extend the time within which the subsequent year's training requirements must be received.

2) Ongoing Professional Development

A) A credentialed provider (including temporary) shall participate in a system of ongoing professional development that includes a once a month non-billable meeting held either face-to-face or over the telephone with either an individual specialist-level credentialed provider or a group, of which at least one member is a specialist-level credentialed provider in order to facilitate best practices through case review. Each provider shall submit an ongoing professional development plan with his/her initial and renewal credential application in a format provided by the Department, and shall also report ongoing professional development activities when moving from temporary to a full credential status and upon credential renewal to the Department's credentialing office or upon request of the Department or its designee in a format provided by the Department. Documentation of ongoing professional development must demonstrate that a credentialed provider participated in ongoing professional development meetings in at

least 75 percent of the months in his/her temporary or full credential period.

B) Service Coordinators and Parent Liaisons employed by regional intake entities shall participate in ongoing professional development experience as defined and implemented through a contractual agreement between the Department and the regional intake entity, instead of the requirement of this subsection (k)(2).

l) Restoration of Lapsed Credential
A credential that has lapsed for one year or less may be restored upon application proving the receipt of 30 hours of continuing professional education, as continuing professional education is defined in subsection (k)(1), and documentation of ongoing professional development as defined in subsection (k)(2).

m) Enrollment
Credentialed providers (including temporary) must enroll with the Department in order to bill and receive payment for EI~~early intervention~~ services. Enrollment requires the payee entity to enter into a Service Provider Agreement with the Department that establishes the duties, expectations, and relationships between the Department and the Individual Provider or the Provider Agency. Providers shall submit an enrollment application packet at the same time they submit an application for a credential. Providers credentialed as an "associate", as defined in Appendix C, are not required to enroll, but shall be supervised by a specialist who is credentialed and enrolled in the same discipline, as set forth in Appendix D. The payee entity will bill for the services provided by the associate level provider under the name of the associate's supervisor. The payee entity, supervisor and associate will comply with all directives and policy and procedural changes. Failure to receive Department payments, directives and policy and procedural changes, due to failure to comply with this subsection, shall not excuse compliance with those directives and changes.

n) Change of Name or Address
Credentialed providers shall notify the Department's credentialing office of any change of name or address within 30 days prior to billing under the new name and/or address, or 30 days after such change, whichever comes first. Correct information is required for a provider to receive payment for services.

o) Providers shall also enroll with HFS~~the Department of Healthcare and Family Services~~ to become an All Kids provider, simultaneously with EI enrollment.

p) An individual applying for or renewing enrollment shall state whether he or she is also enrolled as a DSCC provider.

q) Termination of Credential/Enrollment

1) Credentialing/enrollment, as set forth in this Section, is not a license. Rights of credential and enrollment are set forth in the Service Provider Agreement. In addition to the provisions of this subsection (q), the Department may exercise any rights it has under the Service Provider Agreement to terminate the agreement.

2) The following shall result in immediate automatic termination of a provider's credential and enrollment:

A) Failure to comply with the requirements of subsection (g) and/or (h) within the time period or within a Department-granted extension not exceeding the maximum extension time allowed.

B) Failure to successfully enroll in, exclusion from or termination from participation in All Kids and/or other programs of federal or State agencies.

C) Lapse of credential/enrollment for over 1 year without complying with subsection (l) or failure to bill for services for more than 12 consecutive months.

D) Suspension or termination of the license and/or certification required for the service for which one is credentialed.

E) Failure to meet or maintain other credential and enrollment requirements set forth in this Section.

3) The following shall also result in termination of a provider's credential and enrollment:

A) Failure to comply with provisions of this Part, or with EI~~Early~~

~~Intervention~~ Service Provider Agreements, or with other laws and regulations relevant to the services for which there is a credential.

B) Unprofessional conduct.

C) Complaints the Department has determined are founded and significant.

D) Professional performance not consonant with recognized standard of care or adverse action of a professional society or other professional organization.

E) Lack of timely cooperation regarding the submission of and adequacy of reports, the development of appropriate goals and objectives and the development of multidisciplinary treatment plans.

F) Inappropriate billing practices.

4) The provider shall be notified of the date of termination and the reason, and shall help to transition clients to new providers. The provider may request an informal hearing, but the request shall not affect the termination date, which may proceed prior to the informal hearing. The request must be made within 30 days after the notice of the termination.

5) The provider may present relevant information, witnesses and evidence to the Secretary or his/her designee, in person or in writing. The Secretary or the designee will review the information presented and any supplemental investigation performed by the Department and issue a decision within 30 days after the hearing.

6) The decision of the Secretary or the designee shall be final.

r) The Department may deny an application for credential and enrollment or a Service Provider Agreement if the applicant's past conduct resulted in the termination of his or her credential and enrollment or Service Provider Agreement. An applicant may appeal a denial for a credential and enrollment or Service Provider Agreement based on a prior termination pursuant to subsection (q).

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.65 Monitoring

a) The Department, or its designee, will conduct comprehensive on-site monitoring visits at the regional intake entities. Other visits may occur at any time. Desk reviews may also be performed and families may be interviewed. The regional intake entities shall help the Department or its designee in obtaining representative family interviews.

b) The Department or its designee will prepare a- written report of its findings that shall be sent to the regional intake entity. The report shall identify issues of non-compliance and may make recommendations about other areas of concern.

c) The regional intake entity shall send a corrective action plan to the Department or its designee within 30 days after receipt of the report, proposing timelines for addressing each compliance issue.

d) The Department or its designee will approve, within 14 days, an acceptable corrective action plan and timelines and may make follow-up visits as necessary to determine progress and compliance as soon as possible and in no case later than one year after the lead agency's identification of noncompliance.

e) If the corrective action plan is not acceptable to the Department, it may within 14 days provide a reasonable plan and timelines, and make follow-up visits as necessary to determine progress and compliance as soon as possible and in no case later than one year after the lead agency's identification of noncompliance.

f) In addition to any other rights the Department may have under contract with the regional intake entity the Department may suspend the contract, or withhold or suspend payments to the regional intake entity due to noncompliance with this Part and with Part C. Suspensions and holds may be lifted upon completion of, or demonstration of satisfactory progress towards, satisfactory corrective action. If an acceptable corrective action plan is not submitted in the required timeframe or the terms of the corrective action plan are not met by the provider, the Department may terminate the contract. This Section does not preclude the Department from exercising any rights it may have under its contract with the regional intake entity.

g) The Department or its designee may also visit and review records of individual providers within the area to assure compliance with applicable laws, regulations and Service Provider Agreements. Visits may occur at any time. The Department may withhold or suspend payments to the provider for noncompliance with this Part or with Part C, as set forth in the Service Provider Agreement.

h) The Department or its designee~~monitoring team~~ may also submit written reports to individual providers regarding provider non-compliance and issues of concern. Technical assistance will be provided as necessary.

i) Providers receiving such reports shall submit a corrective action plan within 30 days proposing timelines for addressing issues of compliance. The Department or its designee shall follow subsections (d) and (e) if necessary regarding the provider.

j) In addition to other rights the Department may have, it may terminate its Service Provider Agreement with a provider due to non-compliance with this Part, and arrange for the provision of services to eligible children by other providers. This Section does not preclude the Department from exercising any rights it may have under the Service Provider Agreement.

k) The time frames set forth in this Section shall not preclude the Department from taking action immediately, if necessary, to protect the public interest, safety and welfare or to prevent ongoing violation of federal and State laws or threat of such violation. Nothing contained in this Section shall preclude the Department from taking action even if the provider is taking or has taken corrective action.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

SUBPART C: SERVICE DELIVERY REQUIREMENTS

Section 500.70 Intake

a) Upon receiving a referral, regional intake entities shall ensure that evaluation, eligibility determination, assessments in all five developmental domains as set forth in Section 500.75(a)(3), and development of the initial IFSP~~Individualized Family Service Plan~~ are completed with the family within 45 calendar days. The 45-day timeline does not apply for any ~~intake~~ period when the child or parent is unavailable to complete the initial evaluation, the initial assessments of the child

and family, or the initial IFSP meeting due to the exceptional family circumstances that are documented in the child's EI records, or the parent has not provided consent for the initial evaluation or the initial assessment of the child despite documented, repeated attempts to obtain parental consent. The initial evaluation, the initial assessments (of the child and family), and the initial IFSP meeting should be completed as soon as possible, but not more than 45 days, after the documented exceptional family circumstances no longer exist or parental consent is obtained for the initial evaluation and the initial assessment of the child. An interim IFSP should be developed, to the extent appropriate pursuant to Section 500.80(h).~~can be extended by documented family request.~~

b) Service coordination, evaluation, ~~/~~assessment, eligibility determination, IFSP ~~and Individualized Family Service Plan~~ development, IFSP review, and IFSP updating, and procedural safeguards shall be provided at no cost to families.

~~b) Regional intake entities shall provide service coordination for each family.~~

c) The Service Coordinator~~service coordinator~~ shall request appointment of a surrogate parent upon referral and prior to evaluation of a child who would not otherwise have parental representation, as set forth in Section 500.160.

d) The Service Coordinator~~service coordinator~~ shall provide the family with orientation to the Illinois EI~~Early Intervention~~ Services System, shall inform the child's parents of their rights and shall give 10 days written prior notice whenever the Department or service providers propose or refuse to initiate or change the identification, evaluation, or placement of the child or the provision of EI~~early intervention~~ services.

e) Upon receipt of informed consent from the child's parent, the Service Coordinator~~service coordinator~~ shall proceed with initial intake activities that shall include:

1) Establishment of the child's permanent and electronic record with the regional intake entity;

2) Completion of Department required intake forms;

3) Completion of a family-directed assessment of the resources, priorities and concerns of the family and the identification of the supports and services

necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler. The family-directed assessment must be voluntary on the part of each family member participating in the assessment, be based on information obtained through an assessment tool and also through an interview with those family members who elect to participate in the assessment, and include the family's description of its resources, priorities and concerns related to enhancing the child's development. Unless clearly not feasible to do so, family assessment must be conducted in the native language of the family members being assessed. The initial family assessment must be conducted within the 45-day timeline if the parent concurs and even if other family members are unavailable.

4) Request for~~of~~ existing records regarding the child's need for services; and

5)~~4)~~ Review of existing records to identify whether additional information is needed to determine if the child meets federal and State established eligibility criteria.

f) The parent shall also be provided with notice regarding the uses and disclosures of personally identifiable information~~HIPAA protected health information~~ that will be collected and maintained for service delivery, and the rights provided by FERPA~~HIPAA~~ with respect to that information~~, as set forth in 45 CFR 164.520~~.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.75 Eligibility Determination

a) The Service Coordinator~~service coordinator~~ shall, with informed parental consent:

1) Assist the family in developing an evaluation plan that lists testing activities needed to collect the information and the appropriate available enrolled providers chosen by the family to conduct the tests;

2) Arrange for the evaluation plan to be implemented; and

3) Obtain evaluation reports, including statements of evaluator findings related to the child's eligibility status and the child's functioning level, unique strengths and needs in the developmental areas tested and the

services appropriate to meet those needs in all of the following five developmental domains:

A) cognitive development;

B) physical development~~, including vision and hearing~~;

C) ~~language, speech and~~ communication development;

D) social or ~~-~~emotional development; and

E) adaptive ~~self-help skills~~ development.

b) A provider must hold an Evaluation/Assessment credential to conduct evaluations and assessments to determine initial eligibility or the need to add a new service to the IFSP. Providers shall conduct authorized evaluations and provide reports to the Service Coordinator~~service coordinator~~ within 14 calendar days after the receipt of the request to perform an evaluation.

c) After sufficient information has been collected to determine eligibility status, the Service Coordinator~~service coordinator~~ shall ensure that eligibility is determined as set forth in Section 500.50. Existing records and evaluation reports may be used to assist with the evaluation and ~~/~~assessment process. Evaluations and ~~/~~assessments used in the eligibility determination and/or IFSP development process must have been completed no more than six months prior to the child's eligibility determination and/or IFSP development.

d) If the child is determined eligible, the Service Coordinator~~service coordinator~~ shall:

1) Inform the parent in writing that the child was determined eligible; and

2) Assure completion of further comprehensive evaluation/assessment activities with the family.

e) If the child is determined ineligible, the Service Coordinator~~service coordinator~~ shall provide~~inform~~ the parent with prior written notice and include in the notice information about the parent's right to dispute the eligibility determination through the dispute resolution mechanisms such as requesting a Due Process

Hearing under Section 500.140 or Mediation under Section 500.145 or filing a State Complaint under Section 500.170. The Service Coordinator~~in writing and~~ shall close the case as set forth in Section 500.105. Written notice shall be consistent with the requirements of Section 500.165.

f) With informed parental consent, the Service Coordinator~~service coordinator~~ shall notify the referral source in writing of the status of the referral.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.80 Individualized Family Service Plan Development

a) The Service Coordinator~~service coordinator~~ shall:

1) Review existing records to identify whether additional information is needed to determine the child's current health status and medical history and, if so, shall request the information upon receipt of informed parental consent.

2) Review existing records and evaluation reports to identify whether additional information is needed to determine the child's functioning levels, unique strengths and needs and the services appropriate to meet those needs in the five developmental domains (cognitive development; physical development~~, including vision and hearing~~; communication development; social or ~~-~~emotional development; and adaptive development~~self-help skills~~) and, if not, shall arrange for additional evaluation and ~~/~~assessment activities using methods described in Section 500.75.

3) Assist the family in determining its resources, priorities and needs related to being able to enhance its child's development and the supports and services appropriate to meet those needs.

4) Assist the family initially, and annually thereafter or more often as required by change of circumstances, in determining its ability to participate in the cost of services that are subject to family fees. The inability of a family to participate in the cost of services shall not result in the denial of services to the child or the child's family.

5) At the point of EI~~early intervention~~ intake, and again at any periodic review of eligibility thereafter or upon a change in family circumstances, collect information regarding any and all public and private insurance under which the child's services may be covered.

6) Explain to each family, orally and in writing, information about the use of public benefits or private insurance and the system of payments and fees, as outlined in Sections 500.125 and 500.130.~~all of the following:~~

~~A) That the early intervention program will pay for all early intervention services set forth in the individualized family service plan that are not covered or paid under the family's public or private insurance plan or policy and not eligible for payment through any other third party payor.~~

~~B) That services will not be delayed due to any rules or restrictions under the family's insurance plan or policy.~~

~~C) That the family may request, with appropriate documentation supporting the request, a determination of an exemption from private insurance use under Section 13.25 of the Act.~~

~~D) That responsibility for co-payments or co-insurance under a family's private insurance plan or policy, but only to the extent that those payments plus the balance to be claimed do not exceed the current State rate for early intervention services, will be transferred to the lead agency's central billing office.~~

~~E) That families will be responsible for payments of family fees, which will be based on a sliding scale according to income, and that these fees are payable to the central billing office, and that if the family encounters a catastrophic circumstance, as defined under Section 500.130(g)(1), making it unable to pay the fees, the lead agency may, upon proof of inability to pay, waive the fees.~~

b) The Department shall not pay for services listed on the IFSP that the Department is not required to fund. EI~~Early intervention~~ funding is the payor of last resort for IFSP services that the Department is required to fund. When an application or a review of eligibility for EI services is made, and at any eligibility redetermination,

or upon a change in family circumstances, the family shall be asked if it is currently enrolled in Medicaid, All Kids, or the Title V program administered by the University of Illinois Division of Specialized Care for Children (DSCC).

1) If the family is enrolled in any of these programs, that information shall be put on the IFSP and entered into the computerized case management system, and shall require that the IFSP of a child who has been found eligible for services through DSCC state that the child is enrolled in that program.

2) For those programs in which the family is not enrolled, a preliminary eligibility screen shall be conducted simultaneously for medical assistance under Article V of the Illinois Public Aid Code; children's health insurance program benefits under the Children's Health Insurance Program Act; and Title V maternal and child health services provided through DSCC.

3) When a child is determined eligible for and enrolled in the EI program and has been found to at least meet the threshold income eligibility requirements for medical assistance under Article V of the Illinois Public Aid Code or benefits under the Children's Health Insurance Program Act, with parental consent, complete an All Kids application with the family and forward it to HFS~~the Illinois Department of Healthcare and Family Service's~~ All Kids Unit for a determination of eligibility.

c) Prior to development of the initial or annual Individualized Family Service Plan, the Service Coordinator~~service coordinator~~ shall:

1) Arrange for a meeting to be held, at a time and place convenient for the family, with the IFSP team. The meeting must include~~between~~ the child's parent or parents, ~~and~~ other family members, as requested by the parent, if feasible to do so,~~parental request,~~ the Service Coordinator~~service coordinator~~, a person or persons directly involved in conducting the evaluations and ~~/~~assessments, ~~potential~~ service providers within the EI Service System as appropriate, and others, such as an advocate or person outside the family by parental request, to develop the IFSP~~Individualized Family Service Plan~~; and

2) Provide reasonable prior written notice to the family and other participants of this meeting early enough before the meeting date to ensure that they

will be able to attend.

d) At the meeting to develop the IFSP~~Individualized Family Service Plan~~, the Service Coordinator~~service coordinator~~ shall:

1) Coordinate and participate in the meeting.

2) Ensure that the meeting is conducted in the ~~parent's~~ native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so~~, or that an interpreter is present to translate what is discussed~~.

3) Seek a consensus by the multidisciplinary team regarding child outcomes, functional goals and objectives and an integrated plan to meet the goals and objectives set forth in subsection (e).

4) If no consensus is reached, the Service Coordinator~~service coordinator~~ shall establish a Department approved service plan reviewed by Department designated experts, and shall provide the parents with prior written notice, pursuant to Section 500.165, of the Department's proposed service plan. The parents may seek Mediation under Section 500.145~~mediation~~ or a Due Process Hearing under Section 500.140 or file a State Complaint under Section 500.170~~an impartial administrative resolution~~ regarding other requested services.

e) The Individualized Family Service Plan must:

1) Be developed by a multidisciplinary team, including the Service Coordinator~~service coordinator~~ and the parent as set forth in subsection (g).

2) Be based on a multidisciplinary assessment of the unique strengths and needs of the child and a voluntary family-directed assessment of resources, priorities and concerns of the family.

3) Include services necessary to provide appropriate developmental benefits for the identified needs.

4) Include supports and services necessary to enhance the family's capacity

to meet the identified developmental needs.

5) State the natural environments in which services shall be appropriately provided and justification of why EIearly intervention cannot be achieved satisfactorily in a natural environment if any services are to be provided elsewhere. The determination must be made by the IFSP team (which includes the parents and other team members), consistent with the definition of natural environment in Section 500.20 and with the requirements that services for infants and toddlers with disabilities are provided, to the maximum extent appropriate, in natural settings. Only when EI services cannot be achieved satisfactorily in a natural environment, services may be provided in settings other than the natural environment that are most appropriate as determined by the parent and the IFSP team. The determination must be based on the child's outcomes that are identified by the IFSP team.

6) Include all components as required by the Department.

7) Provide a statement of the infant or toddler with disability'schild's present developmental levels in the following areas, based on information from that child's evaluations and assessment:professionally acceptable objective criteria:

A) physical development, including vision and hearing;

B) cognitive development;

C) language, speech and communication development;

D) social or emotional development; and

E) adaptive self-help skills development.

8) With permission of the family, provideProvide a statement of the family's resources, priorities and concerns related to enhancing the development of the child as identified through the assessment of the family.

9) Provide a statement of the functional outcomes expected to be achieved for the child (including pre-literacy and language skills, as

developmentally appropriate for the child) and family, and the criteria, procedures and timelines used to determine:

A) The degree to which progress toward achieving the outcomes is being made; and

B) Whether modifications or revisions of the outcomes or EI services identified in the IFSP are necessary.

10) Include a~~A~~ statement of the specific EI services, based on peer-reviewed research (to the extent practical), that are necessary to meet the unique needs of the child and the family to achieve the outcomes identified in subsection (e)(9), ~~to be provided,~~ including:

A) The frequency and intensity for each service, meaning the number of days or sessions that a service will be provided, and whether the services are provided on an individual or group basis;~~times a service will be provided within a given period and the length of time the service will be provided during each session;~~

B) The length of each service, meaning the length of time the service is provided during each session of that service;

C) The method, meaning how a service is provided;~~of delivering the services, meaning whether the service will be provided on a group or individual basis;~~

D)~~C)~~ The location in which EI~~early intervention~~ services will be provided, including whether the location would be considered a natural environment for the child and family, as described in subsection (e)(5); and

E)~~D)~~ The projected beginning dates, which shall be as soon as possible after the parent consents to the services,~~development of the IFSP~~ and the duration or the projected ending date when a given service will no longer be provided.~~dates of the services.~~

11) Include a~~A~~ statement of any other services, such as medical services, that the child needs or is receiving through other sources, but that are not

required or funded EI~~early intervention~~ services. The statement should include the funding sources to be used in paying for those services or the steps that will be taken to secure those services through public or private sources. Routine medical services such as immunization or well child care do not need to be listed unless the child is not receiving those services and needs them. If those services are not currently being provided, include a description of the steps the Service Coordinator or the family may take to assist the child and family in securing those services.

12) Include the~~The~~ name of the Service Coordinator~~service coordinator~~ qualified to carry out all applicable responsibilities who will be responsible for implementation of the IFSP and coordination with other agencies and persons.

13) Include the~~The~~ steps and services to be taken to support the smooth transition of the child to preschool services under Part B of IDEA to the extent that those services are considered appropriate or to other services that may be available, if appropriate. The steps include:

A) Discussions with and training of parents regarding future placements and other matters related to the child's transition at age three years;

B) Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; ~~and~~

C) Confirmation that child find information about the child has been transmitted to the local education agency or other relevant agency by the State;

D) With informed parental consent, the transmission of additional information about the child to the local educational agency to ensure continuity of services, including a copy of the most recent evaluation ~~information~~ and a copy~~copies~~ of the most recent IFSP; and~~.~~

E) Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the

child.

14) State whether the family has private insurance coverage and, if the family has such coverage, with parental consent, include with the IFSP~~attach~~ a copy of the family's insurance identification card or otherwise include all of the following information:

A) The name, address~~,~~ and telephone number of the insurance carrier.

B) The contract number and policy number of the insurance plan.

C) The name, address~~,~~ and social security number of the primary insured.

D) The beginning date of the insurance benefit year.

f) During and as part of the IFSP development, and any changes to the IFSP, the IFSP~~multidisciplinary~~ team may seek consultation from~~shall consult~~ Department designated experts, if any, to help determine appropriate services, and frequency and intensity of those services. Services must be justified by the IFSP~~multidisciplinary~~ team in order to be included on the IFSP.

g) The contents of the IFSP shall be fully explained to the parents and informed written consent obtained prior to the provision of EI services described in the IFSP. If the parents do not provide consent for a particular service, the EI services to which consent is obtained shall be provided.

h) The Service Coordinator shall determine if an Interim IFSP, as set forth in section 303.345 of Part C of IDEA, is needed to initiate partial services for an eligible child while intake is being completed. EI services for an eligible child and the child's family may commence before the completion of the evaluations and assessments if parental consent is obtained and an Interim IFSP is developed that includes the name of the Service Coordinator and the EI services that have been determined to be needed immediately by the child and the child's family. Evaluations and assessments must be completed within the 45-day timeline.~~The service coordinator shall determine if an Interim Individualized Family Service Plan, as set forth in sections 303.322(e)(2) and 303.345 of Part C of IDEA, is needed to initiate partial services for an eligible child while intake is being completed. An Interim IFSP may be needed if some early intervention services~~

~~have been determined to be needed immediately for the child or family.~~

i) If an Interim IFSP is needed, the Service Coordinator~~service coordinator~~ shall:

1) Document the reasons an Interim IFSP is needed;

2) Assist the family in determining its ability to participate in the cost of services that are subject to family fees;

3) Complete the Department required IFSP form with the child's parent and with input from the IFSP~~multidisciplinary~~ team members who recommended immediate services for the child and family;

4) Arrange for the Interim IFSP to be implemented;

5) Request service reports at the end of the Interim IFSP period and monitor provision of services; and

6) Maintain the child's permanent and electronic record with the regional intake entity during the Interim IFSP period.

j) The implementation of an Interim IFSP shall not be used to extend the 45 day intake period. A fee may be assessed for services subject to family fee if the family is assessed as having the ability to participate in the costs of its child's services.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.85 Individualized Family Service Plan Implementation

a) Upon receiving informed written consent from the child's parent to implement the IFSP~~Individualized Family Service Plan~~, the Service Coordinator~~service coordinator~~ shall:

1) Arrange for implementation of the IFSP utilizing available enrolled providers. Every effort shall be made to refer families eligible for DSCC services to DSCC-enrolled providers;

2) Provide copies of the IFSP to each person the parent has consented to

receive a copy, including each enrolled provider who is providing EI~~early intervention~~ services to the child who is the subject of that plan;

3) Request direct service reports and monitor provision of services; and

4) Update and maintain the child's permanent and electronic record with the regional intake entity during the IFSP period.

b) The parent has the right to accept or decline any or all services without jeopardy to other services under this Part as set forth in Section 500.155(c). Refusals of services or referrals shall be documented in writing.

c) Providers shall render authorized services as indicated in the IFSP. They shall provide direct service reports to the Service Coordinator~~service coordinator~~ at least every six months and prior to each IFSP update/review or more often if the child's progress/lack of progress warrants.

d) The Illinois EI~~Early Intervention~~ Services System is not responsible for funding EI~~early intervention~~ services the parent seeks from providers not enrolled with the system unless an enrolled provider cannot be made available to the family. Services outside the System in such situations must be pre-approved by the Department.

e) With the parent's informed consent to use private insurance and when~~When~~ a family's insurance coverage is through a managed care arrangement with a network of providers that includes one or more types of EI Specialists~~early intervention specialists~~ who provide the services set forth in the family's IFSP, the family shall use those network providers, but only to the extent that:

1) the network provider is immediately available to receive the referral and to begin providing services to the child;

2) the network provider is enrolled as a provider in the Illinois EI~~early intervention~~ system and fully credentialed under the current policy or rule of the Department;

3) the network provider can provide the services to the child in the manner required in the IFSP;

4) the family would not have to travel more than an additional 15 miles or an additional 30 minutes to the network provider than it would have to travel to a non-network provider who is available to provide the same service; and

5) the family's managed care plan does not allow for billing (even at a reduced rate or reduced percentage of the claim) for EI services provided by non-network providers.

f) If the parent has provided informed consent to use private insurance and a child has been receiving services from a non-network provider and the regional intake entity determines, at the time of enrollment in the EI Program~~program~~ or at any point thereafter, that the family is enrolled in a managed care plan, the family shall transfer to a network provider within 45 days after that determination if all the requirements of subsection (e) have been met.

g) If an exemption to use of insurance is granted, it shall be noted on the IFSP, and the family and the providers serving the family shall be notified in writing of the exemption.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.90 Individualized Family Service Plan Updating

a) The IFSP shall be reviewed at least every six months, or more frequently if conditions warrant or upon reasonable request of the infant's or toddler's~~child's~~ parent. The review may be carried out by a meeting with multidisciplinary team members.

1) The purpose of the review is to determine:

A) The degree to which progress toward achieving the outcomes is being made; and

B) Whether modification or revision of the outcomes, services or supports in the IFSP is necessary.

2) The Service Coordinator~~service coordinator~~ shall facilitate the review and implementation of any changes that are agreed upon by consensus of the

multidisciplinary team and that are consistent with requirements of Section 500.80(f). Upon informed parental consent, the child's permanent and electronic record shall be updated.

b) Providers shall conduct authorized assessments using a Department approved test instrument as indicated on the IFSP as an ongoing process throughout the period of the child's eligibility and shall provide assessment reports to the Service Coordinator~~service coordinator~~ prior to IFSP updates/reviews. A provider may request Department approval of a developmental test by submitting, in writing, documentation that the test meets the following criteria: is listed in the Mental Measurement Yearbook Series; is nationally distributed; is formally validated; is age appropriate; and is individually administered. The Mental Measurement Yearbook Series can be found at the Early Childhood Intervention Clearinghouse, many local libraries and via the Internet.

c) At least once a year, the Service Coordinator~~service coordinator~~ shall arrange for an annual IFSP meeting to evaluate and revise, as appropriate, the IFSP for the child and the child's family. The results of any current evaluations and other information available from the assessments~~ongoing evaluations~~ of the child and child's family must be used in determining the EI~~what~~ services that are needed and shall be provided. The Service Coordinator~~service coordinator~~ shall facilitate development of the annual IFSP by conducting the activities outlined in Section 500.80.

d) The Service Coordinator~~service coordinator~~ shall facilitate implementation of the annual IFSP by conducting the activities outlined in Section 500.85.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.100 Transition to Part B or Other Appropriate Services at Age Three

Children receiving services under this Part shall receive a smooth and effective transition to appropriate preschool programs under Part B of IDEA or to other appropriate services for 3-5 year olds, by their third birthday. The Service Coordinator~~service coordinator~~ shall make all reasonable efforts to ensure the continuity and coordination of services.

a) No later than six~~Six~~ months prior to the child's third birthday, the Service Coordinator~~service coordinator~~ shall begin to communicate with the child's ~~local educational agency, appropriate community programs and the~~ family about

transition. ~~The service coordinator shall:~~

~~1) Inform the child's local educational agency that the child will shortly reach the age of eligibility for preschool services under Part B;~~

~~2) Inform the parent in writing of educational rights of students with disabilities under Part B;~~

~~3) Complete referral information as requested by the local educational agency (the school district).~~

b) If a toddler with a disability may be eligible for preschool services under Part B, the lead agency will notify the State education agency and the local education agency for the area in which the toddler resides, not fewer than 90 days before the child's third birthday, that the toddler, on his or her birthday, will reach the age of eligibility for services under Part B. The lead agency will disclose the child's name, the child's date of birth, and parent contact information (including parents' names, addresses and telephone numbers). With parental consent, the Service Coordinator will transmit additional information to the LEA or other relevant agency to ensure continuity of services from the Part C program to the Part B program, including a copy of the most recent evaluation and assessment of the child and the family and the most recent IFSP.

c) If a toddler with a disability may be eligible for Part B, the Service Coordinator~~The service coordinator~~ shall convene a conference (upon the parent's approval), consisting of at least the family, the local educational agency and the IFSP team, including the Service Coordinator~~service coordinator~~, to discuss services for the child. The conference shall also include a review of the child's program options for the period from the child's third birthday through the remainder of the school year. The meeting shall be held at least 90 days and, at the discretion of all parties, not more than 9 months before the toddler's third birthday to discuss any services the toddler may receive under Part B. The Service Coordinator shall inform the parent in writing of educational rights of students with disabilities under Part B.~~child is eligible for preschool services.~~ If the child is not potentially eligible for preschool services under Part B, the Services Coordinator~~coordinator~~ shall make reasonable efforts to convene a conference (upon the parent's approval) among the coordinator, the family and providers of other appropriate services for the toddler to discuss appropriate services that the toddler may receive.

d)~~c)~~ The Service Coordinator~~service coordinator~~ shall convene an IFSP team meeting no more than 120 days prior to the child's third birthday, if an annual IFSP meeting is not otherwise due, to discuss and document progress toward child outcomes and functional goals. If the IFSP team is able to participate in the transition conference described in subsection ~~Section 500.100~~(c~~b~~) and progress measures can be measured at that time, it is not necessary to convene a separate IFSP team meeting.

e)~~d)~~ For all children receiving services under this Part, not fewer than 90 days and, at the discretion of all parties, not more than 9 months before the child's third birthday the Service Coordinator~~The service coordinator~~ shall establish a written transition plan in the IFSP. The transition plan in the IFSP includes, as appropriate, steps for the toddler with a disability and his or her family to exit from the Part C program and any transition services that the IFSP team identifies as needed by that toddler and his or her family.~~based on the conferences and communications described in subsections (a) and (b). The transition plan shall provide for discussion with and training of the family, as well as for the transition of the child.~~

f)~~e)~~ This plan will document all referrals to other services and all refusals of services by the parents.

g)~~f)~~ The local educational agency has an obligation under the law to participate in transition planning conferences.

h)~~g)~~ On the child's third birthday, the Service Coordinator~~service coordinator~~ shall close the case pursuant to Section 500.105.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.105 Case Closure

a) When a child exits EI~~early intervention~~ services other than at transition to Part B or other appropriate services, as described in Section 500.100, the Service Coordinator~~service coordinator~~ shall convene an IFSP team meeting no more than 120 days prior to the child's exit, if an annual IFSP meeting is not otherwise due, to discuss and document progress toward child outcomes and functional goals.

b) When a child exits EI~~early intervention~~ services, the Service Coordinator~~service coordinator~~ shall update and close the child's permanent and electronic record and maintain the child's permanent record as a closed file.~~with the regional intake entity.~~

c) If an eligible child moves to another state:

1) The Service Coordinator~~service coordinator~~ and regional intake entity shall:

A) With consent of the parent, refer the child to the EI~~Early Intervention~~ program in the new state and transfer a copy of the child's permanent record to the new state; and

B) Update and close the child's permanent and electronic record with the Illinois regional intake entity.~~; and~~

~~C) Maintain the child's original permanent record as a closed file.~~

2) The Illinois EI~~Early Intervention~~ Services System is not responsible for funding services to a child and family who no longer reside in Illinois.

d) The regional intake entity and providers shall store closed records as set forth in Section 500.110.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.115 Service Provider Requirements

Service providers shall:

a) Not bill families for authorized EI~~early intervention~~ services.

b) Participate in evaluation/assessment activities and the development, review and revision of IFSPs in a timely and comprehensive manner, and provide EI~~early intervention~~ services in a family centered, ethical and culturally competent manner. Family members are to be an integral part of service planning, the child's participation in EI~~early intervention~~ services, and the outcomes identified in the IFSP.

c) Provide accurate services as set forth in the IFSP in a timely manner.

d) Contact the Service Coordinator~~service coordinator~~ to request multidisciplinary team approval for proposed changes in the delivery of services to eligible children and to request parental consent prior to implementing any changes to services listed on the IFSP.

e) Agree that they shall not bill or receive reimbursement from the Department's centralized billing system for services in excess of what is authorized in the IFSP.

f) Agree not to terminate services for an eligible child without written notification to the child's Service Coordinator and family~~service coordinator~~ at least 30 days prior to the anticipated date of service termination.

g) Meet and maintain all applicable standards and regulations for individual and program licensure, certification and credentialing. Comply with all applicable State and federal laws and regulations for physical facilities in which services are made available.

h) Provide evaluation reports and direct service reports to the Service Coordinator~~service coordinator~~ as required by this Part and as necessary to the provision of EI services consistent with federal and State requirements.

i) Submit invoice of charges for billable services following service delivery, according to Department billing requirements.

j) With the parent's informed consent to use private insurance, unless~~Unless~~ an exemption is granted to a family, bill private insurance and/or any and all other third party payors before submitting invoices for EI reimbursement.

1) Bill the child's insurance carrier for each unit of EI service for which coverage may be available.

2) When the service is not exempted, providers who receive a denial of payment on the basis that the service is not covered under any circumstance under the plan are not required to bill that carrier for that service again until the following insurance benefit year. That explanation of benefits denying the claim, once submitted to the central billing office,

shall be sufficient to meet the requirements of this subsection (j)(2) as to subsequent services billed under the same billing code provided to that child during that insurance benefit year.

3) Any time limit on a provider's filing of a claim for payment with the central billing office that is imposed through a policy, procedure, or rule of the Department shall be suspended until the provider receives an explanation of benefits or other final determination of the claim it files with the child's insurance carrier.

4) In all instances when an insurance carrier has been billed for EI services, whether paid in full, paid in part, or denied by the carrier, the provider must provide the central billing office, within 90 days after receipt, a copy of the explanation of benefits form and other required information.

5) When the insurance carrier has denied the claim or paid an amount for the EI service billed that is less than the current State rate for EI services, the provider shall submit the explanation of benefits with a claim for payment, and the Department shall pay the provider the difference between the sum actually paid by the insurance carrier for each unit of service provided under the IFSP and the current State rate for EI services.

6) The State shall also pay the family's co-payment or co-insurance under its plan, but only to the extent that those payments plus the balance of the claim do not exceed the current State rate for EI services.

7) The provider may under no circumstances bill the family for the difference between its charge for services and that paid by the insurance carrier or by the State.

k) Allow the Department to recoup money improperly submitted to provider by:

1) offset from future reimbursements; or

2) submitting repayment in full or in installments negotiated with the Department.

l) Participate in routine monitoring and supervision activities as set forth by the Department, including self-assessment, on-site monitoring, data collection and

reporting obligations, record reviews, financial audits, complaint investigation, and consumer satisfaction surveys.

m) Comply with any and all federal and State statutes and regulations, policies, guidelines, directives and procedures, including but not limited to those listed in Section 500.45(c)(7~~13~~), and others that are applicable to the services being provided.

n) Provide services and communications to clients in a language or mode of communication understood by the client. If necessary, interpreters may be used.

o) Be knowledgeable about and inform families of their rights and procedural safeguards, including requirements~~ as~~ set forth in IDEA (20 USC 1439 and 34 CFR 303.400 et seq.), and comply with those rights and procedural safeguard requirements.

p) Make himself/herself available as required for Due Process Hearings, Mediation and State Complaint~~administrative hearings, complaint proceedings~~ or legal proceedings involving services under this Part.

q) Assist as required in maintaining the child's EI record at the regional intake entity.

r) The evaluators/assessors shall meet criteria as set forth in this Part.

1) Evaluators/assessors shall attend additional training as set forth by the Department and shall agree in writing to operate within the framework of the DHS EI philosophy and best practices, prior to being authorized to perform and bill for evaluations and assessments.

2) In order to be paid for an evaluation/assessment, evaluators/assessors shall meet all deadlines for submitting evaluations/assessments as set forth in this Part and in the EI~~Early Intervention~~ Service Provider Agreement.

3) Evaluators/assessors shall participate in the IFSP meeting, for which they will be reimbursed. The meeting shall be held within 45 days after the child is referred to the system, unless there is a delay over which they have no control.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: FINANCIAL MATTERS

Section 500.125 Payor of Last Resort

EI~~Early intervention~~ program money provided to the State under Part C may not be used to satisfy a financial commitment for services that would otherwise have been paid for from another public or private source had Part C not been enacted. Part C funds may be used only for services that a child is not otherwise entitled to, with existing Inter-Agency Agreements, under any other federal or~~,~~ State~~, local or private~~ source (including, but not limited to, the Division of Specialized Care for Children (Title V) program, Medicaid (Title XIX), the State Child Health Insurance Program (Title XXI), and, with parental consent, other public or private sources (including but not limited to~~the Division of Specialized Care for Children (Title V) program and~~ private insurance or children not yet enrolled in Medicaid (Title XIX) and the State Child Health Insurance Program (Title XXI)). Nothing contained in this~~the~~ Part shall authorize or require the Department to provide payment for services or devices that fall within the criteria outlined in this Section.~~would otherwise be paid by All Kids or any other insurance plan or policy or third party payor).~~

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.130 Family Fee/Insurance

a) A statewide sliding fee schedule shall be established by the Department and updated annually for direct EI services and assistive technology devices set forth in Section 500.55, except for those services that are required to be provided at no cost to families, including evaluation and assessment, service coordination, IFSP development and review, and procedural safeguards. (See Appendix A.)

b) Each family's fee obligation shall be established annually. Family participation fees will be billed and collected in installments through the centralized billing system. Families that fail to provide requisite income information will be charged the maximum amount on the sliding scale. Families shall not be required to pay more in annual fees than the cost of EI services and assistive technology devices received during the year and paid by the EI system. At the written request of the family, the fee obligation shall be adjusted prospectively at any point during the year upon proof of change in family income or family size.

c) With parental consent, families~~Parents~~ shall have their private insurance billed for

services and devices set forth in Section 500.55, except for those services and devices that are required to be provided at no cost to the families.

d) Recipients of medical assistance under Article V of the Illinois Public Aid Code or the Children's Health Insurance Program Act and WIC Program recipients shall not be charged an EI family participation fee. Parents of children eligible for Medicaid shall be encouraged but not mandated to enroll their children with Medicaid so Medicaid funds can be accessed for EI services and devices.

e) DHS' definition of ability to pay compares a family's household size and income to the sliding scale found in Appendix A and considers excessive out-of-pocket medical/disaster expenses. A family meets the definition of ability to pay if the family falls within the scale and does not have excessive, proven out-of-pocket medical expenses. Medical expenses must be expenses identified by the Internal Revenue Service as allowable deductions, and disaster expenses must be directly related to fire, flood or other act of nature. A family meets the definition of inability to pay if the family does not fall within the scale or does fall within the scale but has excessive proven out-of-pocket medical/disaster expenses exceeding 15% of income.~~No one shall be denied services based on inability to pay.~~

~~f) Families with insurance coverage, whether public or private, shall incur no greater or less direct out-of-pocket expenses for EI services than families who are not insured.~~

f)~~g)~~ Exemptions:

1) A family may request exemption through the regional intake entity from the family participation fee due to documentation of catastrophic circumstances or extraordinary expense, by showing either:

A) current (within 12 calendar months) out-of-pocket medical expense in excess of 15% of gross income; or

B) current (within 12 calendar months)~~a disaster such as fire, flood, or tornado causing direct~~ out-of-pocket losses~~loss~~ in excess of 15% of gross income caused by disaster, such as fire, flood or tornado.

2) A family that consents to insurance may request exemption through the regional intake entity from insurance use upon documentation showing a

material risk of losing coverage because:

A) the insurance plan/policy covering the child is an individually purchased policy/plan purchased by a head of household who is not eligible for group medical insurance; or

B) the insurance plan/policy has a lifetime cap that applies to one or more specific types of EIearly intervention services specified in the IFSP that coverage could be exhausted during the period covered by the service plan. The exemption will only apply to the EIearly intervention service and/or plan or policy for which there is a showing of material risk of loss of coverage.

3) Regional intake entities shall submit requests for exemptions to the Department or its designee on the day that they are received, and the Department or its designee shall decide within 10 business days whether to grant the exemption and notify the regional intake entity to inform the family.

g)h) A parent wishing to contest his/her family participation fee assessment should contact the regional intake entity as soon as possible. The family who wishes to contest the imposition of the family participation fee may request Mediationmediation or an administrative resolution under Section 500.145 or a Due Process Hearing under Section 500.140 or file a State Complaint under Section 500.170. Such request shall be made as soon as possible but at least within 30 days after notice of the fee assessment.

h) DHS will not use the public Medicaid benefits or insurance of a child to pay for Part C services without written notification to the family (see subsection (h)(3)). DHS will also meet the no-cost protections identified in subsections (h)(l) and (h)(2).

1) Parents of children eligible for Medicaid shall be encouraged, but not mandated, to enroll their children with Medicaid so Medicaid funds can be accessed for reimbursement for EI services and devices. Parental consent must be obtained to use public benefits of a child or parent that is not already enrolled in Medicaid.

2) Consent must be obtained prior to using a child's parents' public benefits

to pay for EI services or devices if that cost would:

A) Decrease available lifetime coverage or any other benefit for the child or parent.

B) Result in the family paying for services that would otherwise be covered by the public benefits plan.

C) Result in any increase in premiums or discontinuation of the public benefits plan for the child or parents.

D) Risk loss of eligibility for the child or parents for home and community-based waivers based on aggregate health-related expenditures.

3) Prior to using a child's or parent's public benefits or insurance, DHS will provide written notification to the family that includes a statement:

A) That parental consent must be obtained before the personally identifiable information (PII) of the child or parent is sent to HFS;

B) Of the no-cost protection provisions described in subsections (h)(l) and (h)(2) and, if the parent does not provide consent, that Part C service or services the parent has consented to receive will be included in the IFSP;

C) Of the parental right to withdraw at any time consent to disclose PII to the public benefits program; and

D) Of the general categories of cost the parent would incur as a result of participating in the public benefits program (such as co-payments or deductibles, or required use of private insurance benefits as primary insurance).

4) If a parent is required to pay any costs outlined in subsection (h)(3)(D), DHS can only charge those costs to the parent if DHS provides the parent with a statement of DHS' system of payments and fees as outlined and included in the Child Family & Connection (CFC) Procedure Manual at www.dhs.state.il.us/ei and provides the parent with notification pursuant

to subsection (h)(3).

i) DHS will not use the private insurance benefits of a parent or child unless the parent provides consent, pursuant to subsection (i)(1), including the use of private insurance when such use is a prerequisite for the use of public benefits or insurance as outlined in 34 CFR 303.520(b).

1) Consent is required:

A) When seeking to use a private insurance plan not covered by the Illinois Insurance Code [215 ILCS 5] to pay for EI services under the IFSP; and

B) Each time IFSP services change or increase (frequency, length, duration or intensity).

2) If DHS requires payment from the parent for any costs incurred as a result of the use of the private insurance to pay for EI services (such as co-payments, deductibles), DHS will identify any potential costs in the system of payments and fees; otherwise, DHS must not charge the parent these costs.

3) When obtaining consent, the parent shall be provided a copy of DHS' system of payments and fees, as directed in the CFC Procedure Manual, identifying potential costs when using private insurance for EI services (such as co-payments, premiums or deductibles and other long-term costs such as loss of benefits because of annual or lifetime health insurance coverage caps).

4) DHS must not delay or deny services if a parent meeting the definition of inability to pay does not consent to use of private health insurance to pay for EI services.

j) A statement of DHS' system of payments and fees, as provided in the CFC Procedure Manual, shall be given to the family in writing, specifying which functions or services, if any, are subject to fees. The statement shall include:

1) Assurances that:

A) Fees will not be charged to parents for services that the child/family is entitled to receive at no cost to families;

B) The inability of the parents to pay for services will not result in a delay or denial of services if the parent meets the State's definition of inability to pay the services must be provided at no cost;

C) Families will not be charged any more than the actual cost of the service (factoring in payment from other sources for that service); and

D) Families with public benefits or private insurance will not be charged disproportionately more than families who do not have public benefits or private insurance.

2) Provisions that failure to provide requisite income information and documentation may result in a charge of a fee on the schedule and that the fee will equal the highest monthly installment.

3) Provisions governing how DHS will pay costs such as co-payments and deductibles.

k) The following functions are required at no cost to the child or family:

1) Child find requirements;

2) Evaluation and assessment and functions related to evaluation and assessment;

3) Service Coordination services: and

4) Administrative and coordinative activities related to:

A) IFSP development, review and evaluation for IFSP and Interim IFSP.

B) Implementation of procedural safeguards and other components of the statewide system of EI services.

l) Fees or costs collected from a parent or family to pay for EI services under the system of payments and fees are program income and must be used for the purposes of the grant under Part C of IDEA.

m) Funds received from the family participation fees are considered program income under 34 CFR 80.25. These funds:

1) Are not deducted from the total allowable costs charged under Part C of IDEA;

2) Must be used for DHS' Part C EI services program; and

3) Are considered neither State nor local funds under 34 CFR 303.225(b).

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

SUBPART E: PROCEDURAL SAFEGUARDS/CLIENT RIGHTS

Section 500.135 Minimum Procedural Safeguards

a) The following minimal procedural safeguards are required by IDEA, regarding Part C EI~~early intervention~~ services:

1) The timely administrative resolution of complaints by parents and the right to bring civil action with respect to the complaint in State or federal court, consistent with Section 500.140;

2) The right to confidentiality of personally identifiable information, including the right of parents to written notice and written consent to exchange of information among agencies, consistent with federal and State law, consistent with Section 500.150;

3) The right of the parents to determine whether they, their child or other family members will accept or decline any EI~~early intervention~~ service under this Part without jeopardizing other EI~~early intervention~~ services under this Part, consistent with Section 500.155;

4) The opportunity for parents to examine records relating to evaluation, screening, eligibility determination, and the development and

implementation of the IFSP, consistent with Section 500.150~~Individualized Family Service Plan~~;

5) Procedures to protect the rights of the child when the parents are not known or cannot be found, or the child is a ward of the State, including the assignment of an individual (who is not an employee of a State agency, a family member or an EI~~early intervention~~ services provider) to act as a surrogate, consistent with Section 500.160;

6) Written prior notice to the parents of the child when the State agency or service provider proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or placement of the child in, or the provision of, appropriate EI~~early intervention~~ services, consistent with Section 500.165;

7) Procedures designed to ensure that the written prior notice in subsection (a)(6) fully informs the parents in the parents' native language, consistent with Section 500.155~~unless it is clearly not feasible to do so, of all procedures available as set forth in this Section~~;

8) The right of parents to use Mediation under Section 500.145, file a State Complaint under Section 500.170 or request a Due Process Hearing under Section 500.140,~~mediation~~ in accordance with IDEA (20 USC 1439(a)(6) through (7))~~(8)~~.

b) Regional intake entities and other providers of Part C EI~~early intervention~~ services shall not violate the procedural safeguards and rights set forth in subsection (a). Furthermore, to the extent that they participate in any activity requiring procedures and rights in subsection (a), they shall comply with those procedures, assure the protection of those rights, and give clients timely and effective notice of those rights.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.140 Request for a Due Process Hearing~~Administrative Resolution of Complaints By Parents~~

a) Who May File: The parents of a child between birth and~~to~~ 36 months, a provider, a regional intake entity or the Department (Complaining Party) ~~or a public agency~~

~~(as defined at 34 CFR 303.21(2007))~~ may submit a Request for Due Process Hearing~~request an impartial administrative proceeding~~ to resolve a dispute regarding the evaluation, identification, placement, delivery of services, or provision of appropriate services for their child (or if a public agency, for a child for whom it has responsibility).

b) Where to Send: A Request for Due Process Hearing form~~request for an impartial administrative proceeding (also called "complaint", "request for hearing" or "request for resolution")~~ shall be used and submitted~~made~~ in writing to the Department at:

Chief
Bureau of Administrative Hearings
Illinois Department of Human Services
401 S. Clinton, 6th Floor~~100 S. Grand Avenue East – 3rd Floor~~
Chicago~~Springfield~~, Illinois 60607~~62762~~

with~~With~~ copies~~a copy~~ to the regional intake entity serving the child and to:

Part C Coordinator~~Chief~~
EI Program~~Bureau of Early Intervention~~
Illinois Department of Human Services
823 East Monroe~~222 South College, 2nd Floor~~
Springfield, Illinois 62701~~62704-1958~~

c) The Request for Due Process Hearing~~complaint~~ shall be confidential and only used for purposes of resolution of the dispute and as agreed to by the child's parents. The Request for Due Process Hearing shall include:~~What Must be Included:~~

1) the name of the child;~~The complaint requesting the hearing shall include:~~

2) the address of the residence of the child;

3) the name of the provider serving the child;

4) in the case of a homeless child, available contact information for the child and the name of the provider serving the child;

5) a description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem;

6) a proposed resolution of the problem to the extent known and available to the party at the time;

7)~~A)~~ the name, address~~,~~ and telephone number of the child's parent, of the person making the request~~ for the proceeding~~, if it is someone other than the child's parent, ~~and of the child,~~ or, if no address, ~~other~~ available contact information;

8)~~B)~~ ~~the name of the child and~~ the child's date of birth~~birthdate~~;

9)~~C)~~ the name and address of the child's regional intake entity;

~~D)~~ ~~a description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem;~~

10)~~E)~~ authorization for release of the child's EI~~early intervention~~ service records to the Department and the hearing officer;

~~F)~~ ~~the remedy being sought or proposed resolution of the controversy to the extent known and available to the parents at the time;~~

11)~~G)~~ the native~~primary~~ language spoken by the parents; and

~~H)~~ ~~the service delivery agency and/or providers involved in the dispute; and~~

12)~~I)~~ evidence supporting the remedy or proposed resolution (i.e., IFSP, family fee calculation form, bill payment, etc.).

~~The complaint shall be confidential and only used for purposes of resolution of the dispute and as agreed to by the child's parents.~~

d) Determination of Sufficiency: A Complaining Party~~party~~ may not have a Due Process Hearing~~an impartial administrative hearing~~ until the Complaining

Party~~party~~ or the attorney representing the Complaining Party~~its representative~~ files a request for hearing containing all the information listed in subsections~~subsection~~ (c)(1) through (6). The Request for Due Process Hearing~~Administrative Resolution of a Complaint by an Impartial Hearing Officer~~ form shall be used, but the request will not be denied if the information is otherwise provided in writing. The Due Process Complaint required by this Section must be deemed sufficient unless the party receiving the request for Due Process Complaint notifies the~~If the Department or other party deems the request insufficient, it shall notify the~~ hearing officer and the other~~complaining~~ party in writing within 15 ~~calendar~~ days after receipt of the request for Due Process Complaint, that the receiving party believes the request for Due Process Complaint does not meet the requirements of this Section. The hearing officer shall make a determination on the face of the notice as to whether ~~or not~~ it is sufficient, within five calendar days after receipt of the notification, and shall notify the Complaining Party, the Responding Party and the Department~~parties~~ in writing after that determination. Within 10 days, the Responding Party shall send to the Complaining Party a Response that specifically addresses the issues raised in the Request for Due Process Hearing.

e) Child's Record to Department: The regional intake entity shall disclose the complete record of the child to the Department within five calendar days after receipt of the Complaint requesting a proceeding in accordance with this Section.~~request for resolution.~~

f) Content and Assurance of Prior Notice: If "prior written notice" pursuant to CFR 303.421~~Section 500.135(a)(6)~~ was not provided to the parent regarding the subject matter of the parent's request for a Due Process Hearing~~impartial administrative hearing~~, the regional intake entity shall send the parent a response within ten calendar days after receiving the Complaint~~complaint~~. This response shall not preclude the assertion that the parent's request for hearing is insufficient, where appropriate. The response shall include:

1) an~~An~~ explanation of why the regional intake entity or payee/provider~~agency~~ proposed or refused to take the action raised in the Complaint~~complaint~~;

2) a~~A~~ description of other options the IFSP team considered and the reason why those options were rejected;

3) a~~A~~ description of the evaluation procedure, assessment, record or report the agency used as the basis for the proposed or refused action; and

4) a~~A~~ description of factors relevant to the regional intake entity or payee's/provider's proposed~~agency's proposal~~ or refused action~~refusal~~.

g) Amendment of Request: A Complaining Party~~party~~ may amend its Request for Due Process Hearing~~request for hearing~~ if the other Responding Parties~~parties~~ consent in writing to the amendment and are given the opportunity to resolve the complaint through a resolution meeting as described in subsection (h), or if the hearing officer grants permission no later than five business days before the Due Process Hearing~~an administrative hearing~~ occurs. The timelines for the resolution meeting, described in subsection (h), and for resolution of the hearing request, begin anew with the filing of the amended request.

h) Resolution Period: Upon receipt of a sufficient Request for Due Process Hearing,~~request for hearing,~~ the Department must~~regional intake entity will~~ convene a resolution meeting with the parent and the relevant member or members of the IFSP Team who have specific knowledge of the facts identified in the Complaint~~complaint,~~ and with a Department representative if necessary. The parent and the Department must determine the relevant members of the IFSP team to attend the meeting. The purpose of this meeting is to provide the parents with an opportunity to resolve the complaint.

1) The resolution meeting must be held within 15 calendar days after receipt of the request for hearing.

2) The resolution meeting must include a representative who is authorized to make decisions on behalf of each party.

3) The Department~~A party~~ may not be represented by an attorney at the resolution meeting unless the parent is accompanied by an attorney.

4) If a resolution to~~the parties are able to resolve~~ the dispute is reached,~~during the resolution meeting, the parties shall execute a legally binding agreement that is signed by both~~ the parent and the Department shall execute a ~~other party representatives and that is enforceable~~ document that is enforceable in any State court of competent jurisdiction or in a district court of the United States.

5) The Department or the parent~~A party~~ may void this agreement within three business days after the agreement's execution.

6) Though recommended, the resolution meeting is not mandatory if the Complaining Party and the Responding Party~~parent and parties~~ agree to waive it or agree to use Mediation~~mediation~~.

i) Mediation Option: Upon receipt of a Request~~request~~ for Due Process Hearing,~~hearing,~~ the parent and the Department may agree to Mediation~~parties involved in the dispute shall be offered the option of mediation~~ as set forth in Section 500.145.

j) Services During Proceeding: During the pendency of the Due Process Hearing,~~any proceeding involving a complaint,~~ unless the parent and the Department agree otherwise, the child must continue to receive the appropriate Part C EI services identified in the most recent IFSP to which the parents consented.~~currently being provided.~~ If the Request for Due Process Hearing ~~complaint~~ involves application for initial Part C services, the child must receive those services that are not in dispute.

k) Free and Low-Cost Services: The parent shall be informed of free or low cost legal and other related services available in the area if the parent requests that information or the parent, provider, regional intake entity or Department ~~or agency~~ initiates a resolution under these provisions~~this Section~~. Regional intake entities shall maintain the~~that~~ information and make it available upon request or if a proceeding is initiated under this Section.

l) Hearing Officer: Upon receipt of a Request for Due Process Hearing,~~written request for an impartial proceeding,~~ the Department shall appoint an impartial hearing officer. The Department shall maintain a list of hearing officers that includes a statement of the qualifications of each person hearing Due Process complaints. An impartial hearing officer must:

1) be licensed to practice law in Illinois;

2) have knowledge about the provisions of IDEA Part C and the Illinois EI~~Early Intervention~~ Services System Act, the needs of eligible children and their families, and services available to them ~~under those statutes~~;

3) not be an employee of the Department or a State educational agency, LEA or private service provider involved in the provision of EI~~early intervention~~ services or care of the child; and

4) not have a personal or professional interest that would conflict with his/her objectivity in implementing the process.

m) Time Limit to File: A Request for Due Process Hearing must~~Complaints under this Part shall~~ be submitted to the Department as soon as possible, but at least within three months after the date when~~after~~ the complainant knew or should have known about the alleged action that forms the basis of the complaint~~activity in dispute~~. This timeline does not apply during any period of time that the parent was prevented from requesting the hearing~~filing a complaint~~ due to:

1) specific misrepresentations by the Department, provider or regional intake entity that ~~it had resolved~~ the problem forming the basis of the complaint has been resolved; or~~, or during the withholding of information from the parent that is required to be provided under this Part.~~

2) the Department, regional intake entity or provider withholding information from the parent that is required to be provided to the parent.

~~n) Parties: Organizations and/or providers and/or individuals with whom the complainant has a dispute shall be parties to the proceeding as deemed necessary by the impartial hearing officer in order to resolve the dispute.~~

n)~~o)~~ 30-Day Resolution Period Prior to Hearing: If the Department~~regional intake entity~~ has not resolved the complaint to the satisfaction of the parent within 30 days after the receipt of the Request for Due Process Hearing~~request for hearing~~, the hearing may occur and the 45-day timeline for resolution of the complaint by the hearing officer begins. This 30-day time period will be delayed by any length of time the parent fails to participate in the resolution meeting, unless the Department and the parent~~parties~~ have jointly agreed to waive the resolution meeting or to use Mediation~~mediation~~.

o)~~p)~~ Parent or Regional Intake Entity Non-participation: If the Department~~regional intake entity~~ is unable to obtain participation of the parent in the resolution meeting after reasonable efforts have been made and documented, the hearing

officer may dismiss the complaint. If the Department~~regional intake entity~~ fails to hold the resolution meeting within 15 days after receiving notice of the complaint or fails to participate in the meeting, the parent may request the hearing officer to begin the 45-day timeline for resolution of the complaint.

p)~~q)~~ 45-Day Hearing Resolution Time Period:

1) The hearing must be resolved within 45 days, with final decision completed and mailed to the parties. The 45-day time period begins the day after one of the following:

A) the parties agree in writing to waive the resolution meeting; or

B) a Mediation~~mediation~~ or resolution meeting starts but the parties agree in writing before the end of the 30-day period that no agreement is possible; or

C) the parties agree in writing to continue the Mediation~~mediation~~ at the end of the 30-day resolution period, but the parent or regional intake entity later withdraws from the Mediation~~mediation~~ process.

2) The parties~~regional intake entity~~ shall immediately notify the appointed hearing officer and the Department in writing as soon as any of the events described in subsection (p~~q~~)(1) occurs~~occur~~.

q)~~r)~~ Setting a Hearing: Within five days after receiving written notification that the 45-day time period for resolution has begun pursuant to subsection (p~~q~~), the appointed hearing officer shall contact the parties to determine a time and place reasonably convenient to the parties for a hearing and any pre-hearing conferences. The hearing officer shall provide the parties and the Department at least 10 days' written notice of the dates, times, and locations of any pre-hearing conferences and of the hearing.

r)~~s)~~ Pre-hearing Conference: The hearing officer may conduct a pre-hearing conference either in person or by telephone in order to narrow the issues, determine stipulations by the parties, exchange evidence and names of witnesses, and consider other matters that may aid in efficient disposition of the case. At the conclusion of the pre-hearing conference, the hearing officer will prepare a written report of the conference to be entered into the hearing record

memorializing the discussion, any stipulations and orders, and scheduling accommodations made for parties or witnesses.

s)~~t)~~ Party's Rights: Any party to a hearing has a right to:

1) be accompanied (at the party's expense) and advised by counsel and by individuals with special knowledge or training with respect to children with disabilities;

2) present evidence and confront, cross-examine, and compel the attendance of witnesses;

3) prohibit the introduction of any evidence at the proceeding that has not been disclosed to that party at least five days before the proceedings;

4) obtain a written or, at the option of the parent, electronic verbatim record of the hearing; and

5) obtain written or, at the option of the parent, electronic findings of fact and decision.

t)~~u)~~ Parents' Rights: Parents involved in hearings must be given the right to:

1) have the child who is the subject of the hearing present;

2) open the hearing to the public (hearings shall be closed to the public unless the parent requests them to be open); and

3) have the record of the hearing, the findings of fact and decision provided at no cost to the parents.

u)~~v)~~ Disclosure of Evidence and Witnesses: As soon as possible, but at least five business days prior to the hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on those evaluations that the party intends to use at the hearing, as well as other evidence to be offered at hearing, names of all witnesses and the nature of their testimony, and any other relevant documentation whether or not it will be offered at hearing.

v)~~w)~~ Barring Evidence and Witnesses: The hearing officer may bar any party failing to

comply with subsection (u~~v~~) from introducing evidence or calling witnesses at hearing that were not produced as required in subsection (u~~v~~).

w)~~x)~~ Scope of Hearing: No party shall be allowed to raise issues at the hearing that were not raised in the request for resolution, unless the other parties agree.

x)~~y)~~ Hearing Office Authority: The hearing officer is authorized to conduct the hearing, administer oaths, issue subpoenas to compel testimony or production of documents, rule on motions, grant continuances, call or examine witnesses, and take such other action as may be necessary to provide the parties with an opportunity to be heard fairly and expeditiously.

y)~~z)~~ Burden of Proof: At the hearing, the party who requested~~requesting~~ the hearing~~administrative resolution~~ has the burden of proceeding first and demonstrating by a preponderance of the evidence that the provision or proposed provision of EI services for the child violates the laws or rules governing EI services. ~~Part C, the Act, or this Part.~~

z)~~aa)~~ Closing Arguments: Upon completion of the submission of evidence and testimony, parties shall be given a reasonable period of time to present written or oral arguments to complete the process within 45 days.

aa)~~bb)~~ Substantive Versus Procedural Violations: The hearing officer's determination as to whether the child received appropriate EI services shall be made on substantive grounds. In matters alleging a procedural violation, the hearing officer may find that a child did not receive appropriate EI services only if the procedural inadequacy impeded the child's right to appropriate EI services; or significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of appropriate EI services; or caused deprivation of developmental benefit. This does not preclude the hearing officer from ordering the Department or payee/provider~~a regional intake entity~~ to comply with procedural requirements.

bb)~~cc)~~ Hearing Record: The hearing officer shall maintain and prepare a record of the proceeding and shall prepare written findings and a decision that shall be served upon the parties. The record shall contain the request for the~~an impartial administrative~~ proceeding, evidence submitted at the hearing, a transcript or recording of the hearing, prehearing conference reports, motions, orders and all other material that is part of the record.

cc)~~dd)~~ Findings Made Public: Any and all written findings and decisions shall be transmitted to the Illinois Interagency Council on EI~~Early Intervention~~ and be made available to the public without personally identifying information.

dd)~~ee)~~ Request for Delay: Either party may request a delay in convening the hearing and/or the pre-hearing conference for good cause. The party requesting the delay shall do so in writing to the hearing officer, with a copy served at the same time to all parties. The requesting party shall set forth the reasons for the request and the hearing officer shall, upon receiving the request, either grant or deny the request, taking into account the right to resolution as set forth in subsection (p~~q~~), which may be waived.

ee)~~ff)~~ Appeal: Any party aggrieved by the findings and decision made in the hearing has a right to bring civil action in a State court of competent jurisdiction or in a district court of the United States regardless of the amount in controversy.

ff)~~gg)~~ Calculation of Time: Time periods set forth in this Section are calendar days unless otherwise specified.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.145 Mediation

a) Parties/Purpose

1) Any party having a dispute involving any matter under Part C, including the identification, evaluation~~,~~ or placement of a child for EI~~early intervention~~ services, or the provision of EI~~early intervention~~ services, may request Mediation to resolve the disputes. Mediation may be used at any time,~~mediation~~ regardless of whether a request for a Due Process Hearing or a State Complaint is filed.~~an impartial administrative proceeding has been or will be made. The mediation request may occur prior to or simultaneously with a request for an administrative proceeding and is open to any and all parties (public agencies, private agencies, parents) having standing in the disputes.~~

2) One~~The~~ purpose of a Mediation~~mediation~~ process is to provide an alternative to the Due Process Hearing~~impartial administrative resolution~~

as a way to resolve disagreements. between parents and early intervention services personnel. In virtually all cases, it is less costly and less adversarial than a Due Process Hearingan administrative proceeding. Neither party is asked to abandon its beliefs about the child's ability. Rather, the parties are asked to consider alternatives that could be incorporated into the child's IFSPIndividualized Family Service Plan and to be aware of the concerns and problems expressed by the other party.

b) The form, Request for Mediation, shallRequests for mediation must be submittedmade in writing to:

Chief
Bureau of Administrative Hearings
Department of Human Services
401 S. Clinton, 6th Floor100 S. Grand Ave. East – 3rd Floor
ChicagoSpringfield, Illinois 60607 62762

with a copy sent to the regional intake entity serving the child and to:

Part C Coordinator, Bureau of EIChief
Bureau of Early Intervention
Department of Human Services
823 East Monroe222 South College, 2nd Floor
Springfield, Illinois 62701 62704-1958

c) The written request shall include the name and address of the child and of the person requesting Mediationmediation, a description of the nature of the problem of the child, including the facts related to the problem, a proposed resolution to the problem, supporting relevant documentation of the facts, and the name and address of service providers.

d) If a request for a Due Process Hearingadministrative resolution is made, Mediationmediation will be offered. Mediation may not be used to delay or deny a parent's right to a Due Process Hearingthe right to an administrative resolution or other rights under Part C.

e) The Mediationmediation will be conducted by a qualified and impartial mediator who is trained in effective Mediationmediation techniques and who is knowledgeable in laws and regulations relating to EIearly intervention services

under Part C. The Department must maintain a list of individuals who meet these criteria and the Department must select mediators on a random, rotational or other impartial basis. A mediator may not be an employee of an agency providing services to the child at issue nor of the Department, nor have a personal or professional ~~conflict of~~ interest that conflicts with the person's objectivity.

f) The Department shall bear the cost of the Mediation process~~mediation is offered at no cost to the parties~~. It must be voluntary by all parties.

g) The mediator shall assure that a Mediation~~mediation~~ conference is convened within 10 days after the request for Mediation and concluded in a timely fashion and in no event later than the Due Process Hearing,~~administrative resolution of a complaint under Section 500.140~~ if one was requested.

h) The mediator will contact the parties to set a mutually convenient date, time and location for the Mediation~~mediation~~ conference, to answer any questions the parties may have regarding the process, and to request additional information from the parties.

i) The role of the mediator is that of a neutral facilitator assisting parents and EI~~early intervention~~ personnel to resolve their disagreement. Although the mediator is in control of the session, he/she is not the decision maker and may not compel action by either party. The mediator allows the parties to present their positions, establishes an understanding of the disagreement, determines points of agreement, and offers suggestions/proposals for resolution, attempting to help the parties achieve a mutual solution that is in the best interests of the child. The mediator facilitates the process~~. He or she summarizes positions~~ and may help the parties consider possible alternatives.

j) If agreement is reached by the parties, it shall be set forth in a written Mediation~~mediation~~ agreement signed by authorized representatives of the parties to the dispute who have authority to bind the parties. ~~No record is kept of the discussions at the meeting.~~ The Mediation~~mediation~~ agreement will record only the date of the Mediation~~mediation~~, the parties to the Mediation~~mediation~~ and terms agreed upon and the following statement: All discussions that occurred during the Mediation process shall be confidential and may not be used as evidence in any subsequent Due Process Hearing or civil proceeding.

k) Discussions that occur during the Mediation~~mediation~~ process shall be

confidential and may not be used as evidence in any subsequent administrative hearing or civil proceeding. The parties will be asked to sign a confidentiality pledge prior to the commencement of the Mediation~~mediation~~. Only the fact that Mediation~~mediation~~ occurred and the terms of any Mediation~~mediation~~ agreement reached are admissible in subsequent proceedings.

l) Participants in the Mediation~~mediation~~ conference should be limited to those necessary to resolution of the dispute and shall include persons authorized to act on behalf of the parties. In determining participants, the parties and mediator should be guided by desire to achieve mutual non-adversarial problem solving with the child's interests and the interests of the EI Services System as the goal.

m) The parties are expected to approach the Mediation~~mediation~~ session in good faith and with the intention of attempting to reach an agreement. It is important that all parties approach the session with a willingness to listen and to consider all aspects of the issues in the interests of the child and of the EI Services System. They are active participants in the session and, if agreement is reached, develop the terms of the agreement with the assistance of the mediator.

n) The Mediation~~mediation~~ allows an uninterrupted opportunity for both parties to present their views in a non-adversarial setting. It allows parents and EI Program~~early intervention program~~ personnel to focus on their common concerns, rather than their differences. Even if an agreement is not reached, there is the potential of both parties leaving the session with an enhanced perspective of the issues, and with a more positive working relationship.

o) Regional intake entities, Service Coordinators~~service coordinators~~ and other participants in the EI Services System shall encourage resolution of disputes by Mediation~~mediation~~.

p) Services During Proceeding: During the pendency of the Mediation proceedings, unless the parent and the Department agree otherwise, the child must continue to receive the appropriate Part C services identified in the most recent IFSP to which the parents consented. If the Request for Mediation involves application for Part C services, the child must receive services that are not in dispute.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.150 Confidentiality/Privacy

a) The regional intake entity shall ensure the confidentiality of all PII collected or maintained pursuant to Part C in accordance with FERPA (20 USC 1323(g)), FERPA regulations (34 CFR 99), this Part and IDEA regulations (34 CFR 303.101 through 303.417).

b) The regional intake entity shall give parents a Confidentiality Notice when a child is referred to Part C services. The Confidentiality Notice shall include:

1) a description of the children on whom PII is maintained;

2) the type of information sought;

3) the methods the State intends to use in gathering the information;

4) the sources from whom the information is gathered;

5) the uses of the information;

6) a summary of the policies and procedures the regional intake entity and providers must follow regarding storage, disclosure to third persons, retention and destruction of PII;

7) a description of the rights of parents and children regarding the PII; and

8) a description of the extent to which the notice is provided in native languages in various population groups in the State.

~~As used in this Section:~~

~~1) "Destruction" means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.~~

~~2) "Records" means the type of records covered under the definition of education records in 34 CFR 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974).~~

~~3) "Participating agency" means any local service provider, service~~

~~coordinator and regional intake entity that collects, maintains, or uses personally identifiable information, or from which information is obtained, under this Part.~~

c)~~b)~~ Access rights:

1) Each participating agency shall permit parents to inspect and review any records relating to their children that are collected, maintained, or used by the agency under this Part (including records relating to evaluations or ~~/~~assessments, screenings, eligibility determinations, development and implementation of IFSPs, provision of EI services, individual complaints dealing with the eligible child, and any other area under this Part involving records about the child and the child's family). The agency shall comply with a request without unnecessary delay and before any meeting regarding an IFSP or any Due Process Hearing. In all cases, the regional intake entity shall comply within 10 calendar days after the request has been made. ~~hearing relating to the identification, evaluation, or placement of the child, or the provision of early intervention services to the child, and in no case more than 45 days after the request has been made (consistent with 34 CFR 99.10(b)). If the information is protected health information under HIPAA, the agency shall comply with the request within 30 days if the information is accessible on site, and within 45 days if it is not accessible on site.~~

2) The right to inspect and review records under this Section includes:

A) The right to a response from the participating agency~~local service provider~~ to reasonable requests for explanations and interpretations of the EI records;

B) The right to request copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and

C) The right to have a representative of the parent inspect and review the EI records.

3) A participating agency may presume that the parent has authority to

inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

~~4) The agency shall also comply with the provisions regarding access of HIPAA protected health information as set forth in 45 CFR 164.524, particularly provisions regarding grounds for denial, reviewability of denial, notice of denial, required review by a licensed health care professional, and notice and existence of a complaint procedure.~~

d)~~e)~~ Record of access/Accounting of disclosure
Each participating agency shall keep a record of persons~~parties~~ obtaining access to records collected, maintained, or used under this Part (except access by parents and authorized employees of the participating agency), including the name of the person~~party~~, the date access was given, and the purpose for which the person~~party~~ is authorized to use the records. ~~At the parent's request, each participating agency shall also provide an accounting of disclosures of a child's HIPAA protected health information that have been made in the past six years, as required in 45 CFR 164.528 (exceptions are provided in Section 164.528 for various disclosures).~~

e)~~d)~~ Records on more than one child
If any record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.

f)~~e)~~ List of types and locations of information
Each participating agency shall provide parents on request a list of the types and locations of records collected, maintained, or used by the agency.

g)~~f)~~ Fees

1) The parents shall be provided, at no cost, a copy of each evaluation, assessment of the child, family assessment and IFSP as soon as possible after each IFSP meeting.

2) Each participating agency may charge a reasonable fee for additional copies of records that are made for parents under this Part if the fee does

not effectively prevent the parents from exercising their right to inspect and review those records, except as provided in subsection (g)(1).

3)~~2)~~ A participating agency may not charge a fee to search for or to retrieve information under this Part.

h)~~g)~~ Amendment of records at parent's request

1) A parent who believes that information in the records collected, maintained, or used under this Part is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information.

2) The agency shall decide whether to amend the information in accordance with the request within five business~~60~~ days after ~~its receipt of~~ the request. If the agency denies~~is unable to act on~~ the request to amend the records, the agency must: ~~within 60 days, the agency may extend the time for its response by no more than 30 days, provided that the agency, within 60 days after its receipt of the request, provides the individual with a written statement of the reasons for the delay and the date by which the agency will complete its action on the request.~~

A) inform the parent;

B) advise the parent of a right to an informal hearing; and

C) notify the DHS Bureau of Early Intervention (Bureau of EI) within the five business day time period.

3) If the agency decides to refuse to amend the information in accordance with the request, it shall inform the parent of the refusal, and advise the parent of his or her right to a hearing as set forth in subsection (i~~h~~).

~~4) The agency shall also comply with the provisions regarding amendments of HIPAA protected health information as set forth in 45 CFR 164.526, particularly the provision regarding denial and regarding notice and provision of a complaint procedure.~~

i)~~h)~~ Hearing regarding records

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) The Department~~A participating agency~~ shall give the parent an opportunity for a hearing to challenge the content of the EI~~agency's~~ records on the grounds that the information in the records is inaccurate, misleading or in violation of privacy rights of the child.

2) The Department will set the informal hearing within seven business days after receiving notice of the dispute.~~participating agency that generated the record at issue shall hold a hearing within a reasonable time after it has received a hearing request.~~

3) The Department~~participating agency~~ shall give the parent notice of the date, time and place reasonably in advance of the hearing.

4) The hearing may be conducted by an individual, including an official of the participating agency, who does not have a direct interest in the outcome of the hearing. The hearing officer will be designated by the Part C Coordinator.

5) The Department~~participating agency~~ shall give the parent a full and fair opportunity to present evidence relevant to the grounds of challenge to the records.

6) The parent may at his/her own expense be assisted or represented by one or more individuals of choice, including an attorney.

7) The Department~~participating agency~~ shall make its decision within 10 business days~~a reasonable time~~ after the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reason for the decision.

8) If the decision of the Department~~agency~~ is that the information challenged is inaccurate, misleading or in violation of the child's privacy rights, the Department~~participating agency~~ shall:

A) amend the record accordingly; and

B) inform the parent of the amendment in writing.

9) If the decision is that the challenged information is not inaccurate, misleading or in violation of privacy rights, the Department~~participating agency~~ shall inform the parent of the right to place a statement in the record commenting on the contested information and stating why he or she disagrees with the decision.

10) If a statement is placed in the record pursuant to subsection (i~~h~~)(9), the Department~~participating agency~~ shall:

A) maintain the statement with the contested part of the record for as long as the record is maintained;

B) disclose the statement whenever it discloses the contested part of the record; and

C) at the parent's written request, disclose the statement to individuals to whom the contested part of the record was previously sent.

j)~~i)~~ Safeguards:

1) Each participating agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.

2) Each agency shall require one official to assume responsibility for ensuring the confidentiality of the information.

3) All persons collecting or using the information shall be trained regarding confidentiality requirements.

4) Each participating agency shall maintain, for public inspection, a current listing of those employees having access to the information.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.155 Right to Consent

a) As used in this Subpart:

1) "Consent" means that:

A) The parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication;

B) The parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; ~~and~~

C) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time; and

D) If a parent revokes consent, that revocation is not retroactive (i.e., it does not apply to the action that occurred before the consent was revoked).

~~2) "Native language", where used with reference to persons of limited English proficiency, means the language or mode of communication normally used by the parent of a child eligible under this Part;~~

2~~3~~) "Personally identifiable" means that information includes:

A) The name of the child, the child's parent, or other family member;

B) The address of the child;

C) A personal identifier, such as the child's or parent's social security number; or

D) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

b) Parental consent

1) Written parental consent must be obtained before:

A) All evaluations and assessments~~Conducting the initial~~

~~evaluation/assessment~~ of a child; and

B) Initiating the provision of EI~~early intervention~~ services.

2) If consent is not given pursuant to subsection (b)(1), the regional intake entity, the local provider or other participating agency shall make reasonable efforts to ensure that the parent:

A) Is fully aware of the nature of the evaluations, assessments~~evaluation/assessment~~ or ~~the~~ services that would be available; and

B) Understands that the child will not be able to receive the evaluations, assessments~~evaluation/assessment~~ or services unless consent is given.

c) Right to decline services
The parents of a child eligible under this Part may determine whether they, their child, or other family members will accept or decline any EI~~early intervention~~ services under this Part in accordance with the Illinois Early Intervention Services System Act [325 ILCS 20]~~State law~~, and may decline a service after first accepting it, without jeopardizing other EI~~early intervention~~ services under this Part.

d) Right to written consent regarding exchange of information.

1) Each regional intake entity, local service provider and participating agency shall obtain consent in writing from parents before they collect, maintain or use records as defined in Section 500.150 regarding eligible children.

2) Each agency shall use the records only for the purpose for which they are collected or maintained.

3) Each agency shall maintain the records in a confidential, secure manner, allowing access only as required to serve the eligible child as consented to by the parent, and access as described in Section 500.150.

4) The exchange of records and any personally identifiable information collected, used, or maintained under this Part is precluded without written

notice of and written consent to the exchange of information among agencies consistent with federal and State law, or as otherwise allowed by that law.

5) Each agency shall have procedures in writing to ensure compliance with this Section.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.160 Surrogate Parents

a) The Service Coordinator~~service coordinator~~ shall request that ISBE ~~to~~ assign an individual to act as surrogate parent of a child who would not otherwise have parental representation, including:

1) Each child under the legal responsibility of the State, meaning that the child is a ward of the Court or a State agency has been designated by the Court as the child's legal guardian or legal custodian with the right to consent for major medical treatment; and

2) Each child for whom no parents can be identified or whose parents' whereabouts cannot be discovered after reasonable efforts.

b) A foster parent may be appointed as a surrogate if he/she meets the requirements of subsection (d). A foster parent may also act as a parent if:

1) the natural parents' authority to make parental decisions required for EI~~early intervention~~ services have been extinguished under State law; and

2) the foster parent has an ongoing, long term parental relationship with the child; is willing to make decisions required of parents in this Part; and has no interest that would conflict with the interests of the child.

c) Surrogates shall be requested through ~~the~~ ISBE~~Illinois State Board of Education~~.

d) Surrogates may be selected in any way permitted by 34 CFR 303.422 (2013)~~State law~~, but shall:

1) Have no personal or professional interest that conflicts with the interests

of the child he or she represents;

2) Have knowledge and skills that ensure adequate representation of the child; and

3) Not be an employee of any State agency or a person or an employee of a person providing EI~~early intervention~~ services, education, car or other services to the child or to any family member of the child. A person who otherwise qualifies to be a surrogate parent under this Section is not an employee solely because he or she is paid by a public agency to serve as a surrogate parent.

e) A surrogate parent may represent the child in all matters related to:

1) The evaluation/assessment of the child;

2) Development and implementation of the child's IFSP~~Individualized Family Service Plan~~, including annual evaluations and periodic reviews;

3) The ongoing provision of EI~~early intervention~~ services to the child; and

4) Any other rights established under this Part.

f) The assignment of a surrogate parent at no times supersedes, terminates or suspends the parent's or guardian's legal authority relative to the child.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.165 Written Prior Notice

a) General
Written prior notice must be given to the parents of a child eligible under this Part a reasonable time before a participating agency proposes, or refuses, to initiate or change the identification, evaluation~~,~~ or placement of the child, or the provision of appropriate EI~~early intervention~~ services to the child and the child's family.

b) Content of Notice
The notice must be in sufficient detail to inform the parents about:

1) The action that is being proposed or refused;

2) The reasons for taking the action; and

3) All procedural safeguards that are available under this Part, including a description of Mediation under Section 500.145, the State Complaint procedure under Section 500.170 and the due process procedures under Section 500.140, including the timelines under those procedures.~~;and~~

~~4) The State complaint procedure under Section 500.170, including a description of how to file a complaint and the timelines under those procedures.~~

c) Native language

1) The notice must be written in language understandable to the general public and provided in the native language of the parents or other mode of communication used by the parent, unless it is clearly not feasible to do so.

2) If the native language or other mode of communication of the parent is not a written language, the public agency~~,~~ or designated service provider~~,~~ shall take steps to ensure that:

A) the notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;

B) the parent understands the notice; and

C) there is written evidence that the requirements of ~~this~~ subsection (c)~~(2)~~ have been met.

3) If a parent is deaf or hard of hearing, blind or visually impaired, or has no written language, the mode of communication must be that normally used by the parent (such as sign language, Braille, oral communication or other mode of communication as determined through consultation with the parent).

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

Section 500.170 State Complaint Procedure

a) Individuals or organizations (hereinafter referred to as Complainant) may file a written, signed State Complaint~~complaints~~ with DHS~~the Department of Human Services~~ stating that the Department,~~a State agency,~~ regional intake entity or payee/provider (hereinafter referred to as Respondent)~~provider~~ is violating a law or rule regarding the Part C EI~~early intervention~~ program. The form Request for Investigation of State Complaint shall be used and shall include:~~statement must contain the facts that support the complaint. The alleged violation must have occurred not more than one year before the date the complaint is received by the Department, unless a longer period is reasonable because:~~

1) A statement that the Respondent has violated a requirement of Part C of the Act;~~The alleged violation continues for that child or other children; or~~

2) A recital of facts on which the statement is based;~~The complainant is requesting reimbursement or corrective action for a violation that occurred not more than three years before the complaint is received.~~

3) The signature and contact information of the complainant;

4) If violations pertain to a specific child;

A) the name of the child and the address of the residence of the child;

B) the name of the provider serving the child;

C) a description of the nature of the problem of the child, including facts relating to the problem; and

D) a proposed resolution of the problem to the extent known and available to the party at the time the Complaint is filed.

b) A Request for Investigation of a State Complaint shall not be denied if the information required by subsection (a) is otherwise provided in writing.

c~~b~~) State Complaints must be submitted in writing to:~~The Department shall have 60 calendar days from receipt of the complaint to investigate and issue a written~~

~~decision to the complainant and interested parties, addressing each allegation in the complaint. During this time, the Department may carry out an independent on-site investigation if deemed necessary and must give the complainant an opportunity to submit additional information, either orally or in writing, about the allegations made in the complaint. Complaints must be submitted in writing to:~~

Part C Coordinator, Bureau of EI~~Chief~~
~~Bureau of Early Intervention~~
Department of Human Services
823 East Monroe~~222 South College, 2nd Floor~~
Springfield, Illinois 62701~~62704-1958~~

d) The Complainant must forward a copy of the State Complaint to the Respondent at the same time the Complainant files the State Complaint with the Department.

e) The alleged violation must have occurred not more than one year before the date the State Complaint is received by the Department.

f) The Department shall have 60 calendar days after receipt of the State Complaint to investigate and issue a written decision to the Complainant and interested parties, addressing each allegation in the State Complaint. During this time, the Department may carry out an independent on-site investigation if deemed necessary and must give the Complainant an opportunity to submit additional information, either orally or in writing, about the allegations made in the Complaint. The Department shall give an opportunity for the Complainant and the Respondent to voluntarily engage in Mediation as set forth in Section 500.145.

g~~e~~) After reviewing all relevant information, the Department must issue a written decision to the Complainant~~complainant~~ and the Respondent~~subject of the complaint~~ as to whether the Respondent~~public agency~~ is violating a requirement of Part C.~~,~~ The Department shall address~~addressing~~ each allegation in the State Complaint~~complaint~~ and include~~containing~~ findings of fact, as well as conclusions, and the reasons for the Department's final decision.~~,~~ If the Department determines the Respondent failed to provide appropriate services, the Department shall address:

1) ~~and, if the complaint was found to be valid,~~ corrective actions required to correct the causes of the Complaint~~complaint~~, which may include compensatory services or monetary damages; and~~.~~

2) whether changes in policy and procedures that impact the future provision of service for children with disabilities and their families is required.

h~~d~~) Final decisions are enforceable and binding. They may be amended only upon agreement in writing between the Department and the Respondent.~~organization or individual upon whom corrective actions are imposed.~~

i~~e~~) The Respondent~~Organizations or individuals upon whom corrective actions are imposed~~ may request reasonable technical assistance or alternative corrective actions. However, these requests do not change the final decision unless it is amended in writing between the Department and the Respondent~~party~~.

j~~f~~) The 60 day time period in subsection (f~~b~~) may be extended if exceptional circumstances exist with respect to a particular State Complaint~~complaint~~.

k~~g~~) The Department~~lead agency~~ shall monitor implementation of the final decision to determine that corrective actions and timelines have been met.

l~~h~~) The payee/providers~~Organizations or individuals upon whom corrective actions are imposed~~ may be terminated from participation in Part C programs if corrective actions are not appropriate and/or not met.

m~~i~~) If an issue raised in a written State Complaint~~complaint~~ (or any part of a State Complaint~~complaint~~) is also the subject of a Due Process Hearing~~an administrative resolution~~ under Section 500.140, the Department must set aside any part that is being addressed in a Due Process Hearing~~under the procedure in Section 500.140~~ but resolve any other issues within the 60 day timeline.

n~~j~~) If an issue is raised in a written Complaint~~complaint~~ that has already been decided in a Due Process Hearing~~proceeding under Section 500.140~~, the previous decision is binding and the complainant must be so informed.

o~~k~~) A State Complaint~~complaint~~ alleging failure of the Respondent~~a public agency or private service provider~~ to implement a decision pursuant to a Request for Due Process Hearing~~under Section 500.140~~ must be resolved by the Department.

p) After completing an investigation, in response to the Complaint, the Department may find that a corrective action plan is not appropriate given the circumstances.

With good cause shown that the public interest, safety or welfare may be at risk, the provider's credential and enrollment or Provider Agreement may be immediately terminated pursuant to Section 500.60(q).

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 500.APPENDIX C Requirements for Professional and Associate Level Early Intervention (EI) Credentialing and Enrollment to Bill

Nothing in this Appendix C shall exempt any individual from compliance with any and all State licensing requirements and/or supervisory requirements pertinent to the individual's delivery of services.

EI SERVICE	QUALIFIED STAFF
Assistive Technology	Durable medical equipment and supplies; providers may enroll to bill. No credential required.
Audiology, Aural Rehabilitation/Other Related Services	Audiologists with a current license in the state where they provide services to Illinois children may enroll to bill. Audiologists are not required to obtain a credential. (Provider is automatically enrolled under assistive technology and aural rehabilitation categories.) Speech/Language Pathologists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Speech/Language Pathologist credential and enroll to bill for aural rehabilitation services. (Provider is automatically enrolled under aural rehabilitation and speech therapy categories.) Individuals with a masters in speech-language pathology who are participating in a supervised professional experience and hold a temporary license in the state where they provide services to Illinois children may apply for an EI Associate: Speech/Language Pathologist in supervised professional experience credential. Associate services are billed under the enrolled supervisor's name. Individuals with a current Special Education degree for Deaf and Hard of Hearing may apply for an EI Specialist: Developmental Therapist/Hearing credential and enroll to bill for aural rehabilitation services. May also provide Developmental Therapy Services. (Provider is automatically enrolled under aural rehabilitation category.)

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NOTICE OF ADOPTED AMENDMENTS

Clinical Assessment, Counseling, and Other Therapeutic Services	Clinical Psychologists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Clinical Psychologist credential and enroll to bill. Clinical Professional Counselors with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Clinical Professional Counselor credential and enroll to bill. Marriage and Family Therapists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Marriage and Family Therapist credential and enroll to bill. Clinical Social Workers with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Clinical Social Worker credential and enroll to bill. Behavior Analysts with current national certification as a Board Certified Behavior Analyst from the Behavior Analyst Certification Board may apply for an EI Specialist: Behavior Analyst credential and enroll to bill. Unlicensed individuals employed by school districts as School Psychologists who will only be providing services through their school employment may apply for an EI Specialist: School Psychologist credential. Graduate students in clinical psychology or clinical counseling who submit a letter from the graduate school verifying that they are providing psychological or clinical counseling services in a supervised internship setting in order to complete a comprehensive, culminating training experience prior to granting of a graduate degree in psychology may apply for an EI Associate:

Psychology/Counseling Intern credential. Associate services are billed under the enrolled supervisor's name.

Developmental Therapy

Individuals with an EI Specialist Developmental Therapist credential on January 1, 2004 or who are applying for an EI Specialist Developmental Therapist credential prior to January 1, 2004 must have (1) a minimum of Teacher Endorsement in Early Childhood Education (ECE) or Special Education or bachelors degree in ECE, Early Childhood Special Education, Special Education, or human service field with one year of experience working hands on with children birth to 3 with developmental disabilities (Persons with a degree in a human service field must submit proof of training on the use of a formal assessment tool that would allow the provider to perform global evaluations/assessments.); or (2) a current license in art, music, recreation, or other type of therapy, rehabilitative or habilitative in nature, in the state where they provide services to Illinois children may apply for credential renewal or, prior to January 1, 2004, may apply for an EI Specialist Developmental Therapist credential and enroll to bill.

Individuals who do not hold an EI Specialist Developmental Therapist credential on January 1, 2004 must have a bachelors degree or higher in Early Childhood Education, Early Childhood Special Education, Special Education, Special Education: Deaf/Hard of Hearing or Blind/Partially Sighted, Child Development/Family Studies, EI~~Early Intervention~~, Elementary Education, Developmental Psychology, or Social Work; or with a bachelors degree or higher and a full specialist credential in the EI Program~~Early Intervention program~~; or a current license in art, music, recreation, or other type of therapy, rehabilitative or habilitative in nature, in the state where they provide services to Illinois children; and can document the completion of educational experiences as approved by the Department that include at least 2 semester college hours or the equivalent (30 clock hours or CEU credit hours) in each of the following EI core knowledge content areas: the

Development of Young Children; Typical and Atypical; Working with Families of Young Children with Disabilities; Intervention Strategies for Young Children with Special Needs; and Assessment of Young Children with Special Needs; and can submit proof of training on the use of a formal assessment tool that would allow the provider to perform global evaluations/assessments may apply for an EI Specialist: Developmental Therapist credential and enroll to bill.

Individuals who do not hold an EI Specialist Developmental Therapist credential on July 1, 2013 may apply for an EI Specialist Developmental Therapist credential and enroll to bill if they:

(1) have a bachelors degree or higher in Early Childhood, Early Childhood Special Education, Special Education, Special Education: Deaf/Hard of Hearing or Blind/Partially Sighted, Child Development, EI or Elementary Education, or from an EI approved college/university program (i.e., a program for which the Department or its designee has determined that the degree is equivalent to one of the above stated degrees); and (2) can document the completion of educational experiences as approved by the Department that include at least 2 semester college hours of, or the equivalent (30 clock hours or CEU credit hours) in, each of the following EI core knowledge content areas: the Development of Young Children, Typical and Atypical; Working with Families of Young Children with Disabilities; Intervention Strategies for Young Children with Special Needs; and Assessment of Young Children with Special Needs; and (3) can submit proof of training on the use of a formal assessment tool that would allow the provider to perform global evaluations and assessments.

An emergency waiver of educational requirements for developmental therapists may be applied for and must be accompanied by the recommendation of a regional intake entity manager documenting the need for developmental

therapy services in the service area. A bachelors degree or higher is required. If approved, the resulting temporary credential will be awarded for a maximum of 18 months. A training plan toward qualification for full credential status must be submitted with the emergency waiver application.

Individuals with a Special Education degree for Deaf and Hard of Hearing may apply for an EI Specialist: Developmental Therapist/Hearing credential and enroll to bill. They may also provide aural rehabilitation services based on their qualifications and experience. (Provider is automatically enrolled under aural rehabilitation category.)

Individuals with (1) a bachelors degree or higher in Orientation and Mobility or (2) a Special Education degree for Blind and Partially Seeing may apply for an EI Specialist: Developmental Therapist/Vision credential and enroll to bill. They may provide Developmental and/or Vision Therapy services related to visual functioning based on their qualifications and experience. (Provider is automatically enrolled under the vision category.)

~~Individuals with an associates degree in early childhood education or child development who have an EI Associate: Developmental Therapy Assistant temporary credential on July 1, 2003 may apply for full associate credential status if additional training requirements are met. No other new temporary or full associate credentials for Developmental Therapy Assistants will be issued. Individuals who have an associate credential will be allowed to submit an application to have their credential renewed no more than two times after July 1, 2003. Associate services are billed under the enrolled supervisor's name.~~

Evaluation/Assessment

Individuals with a current EI Full~~Early Intervention~~ Specialist credential and who also meet all the following requirements may apply for an Evaluation/Assessment credential:

Documentation of a minimum of three years (full time equivalent) pediatric experience within the EI~~Early Intervention~~ Specialist credentialed discipline is required with no less than 20% of that experience (750 direct service hours) related to infants and toddlers between birth and three years of age or the equivalent, with a minimum of one year (full time equivalent) pediatric experience within the EI~~Early Intervention~~ Specialist credentialed discipline with no less than 60% of that experience (750 direct service hours) related to infants and toddlers;

Documentation of a minimum of six months pediatric post degree supervision;

Demonstration of training~~competency~~ in using and interpreting a variety of approved assessment tools related to his/her discipline by participating in evaluator specific training;

Agreement~~Demonstration of past work as a member of a service team and agreement~~ to work with the Service Coordinator~~service coordinator~~, other evaluators, and the family as an effective team member;

Agreement to participate in IFSP meetings as specified in this Part;

Agreement to perform evaluation/assessments and present recommendations thereon, that are consistent with DHS EI~~early intervention~~ philosophy and best practices, and to provide adequate justification for recommendations based thereon;

Agreement to participate in routine quality assurance and/or EI~~early intervention~~ monitoring activities conducted by the Department or its Designee, or the

U.S. Department of Education, Office of Special Education Programs;

Agreement to comply with all applicable federal and/or State laws, rules, regulations, policies, provider agreement and procedure and guidelines;

Documentation of completion of the EI Systems Training that includes evaluation/assessment and evaluation/assessment~~attendance at Evaluation/Assessment~~ training as required and provided by the Department in other formats.

The expiration date of an Evaluation/Assessment credential will coincide with the EI~~Early Intervention~~ Specialist discipline specific credential. Renewal of the Evaluation/Assessment credential is contingent on the successful renewal of the EI~~Early Intervention~~ Specialist discipline specific credential.

Family Training and Support

Individuals with a high school diploma or equivalent who are the parent or guardian of a child with special needs and are employed by an entity such as an agency or hospital that provides EI~~early intervention~~ services as a Parent Liaison may apply for an EI Parent Liaison credential and enroll to bill. Completion of Parent Liaison Training is required within 90 days after being issued a temporary credential for full credential status and continued enrollment.

Individuals who are bilingual or an interpreter for the deaf may enroll to bill as an interpreter. Upon application for enrollment, the bilingual applicant must identify the languages for which he/she is applying to interpret and/or translate and document completion of EI~~Early Intervention~~ Systems Training as defined in Section 500.60(f) and training for bilingual interpreter/translators as required and provided by the Department and oral and/or written language proficiency demonstrated through testing procedures as required and provided by the Department or

through documentation of a nationally recognized certification based upon comparable proficiency testing procedures. Oral and/or written proficiency testing procedures test the language skills of a written translator and oral interpreter for comprehension of the source language and the extent that translated and/or interpreted text/speech conveys the full meaning of the source language. In addition, the proficiency testing for the written translator determines if the translated text is coherent and grammar, punctuation, spelling, syntax, usage and style are appropriate. By January 1, 2009, all enrolled bilingual interpreters must have documented completion of EI~~Early Intervention~~ approved training for bilingual interpreters/translators and oral and/or written language proficiency demonstrated through testing procedures as required and provided by the Department or through documentation of a nationally recognized certification based upon comparable proficiency testing procedures to maintain enrollment. Prior to January 1, 2009, interpreters for the deaf must meet the requirements set forth in the Interpreters for the Deaf Act [225 ILCS 442] and on or after January 1, 2009 must comply with the licensure requirements set forth in the Interpreter for the Deaf Licensure Act of 2007 [225 ILCS 443] or the licensure, certification or screening requirements in the state where services are provided to children if not in Illinois, and document completion of EI~~Early Intervention~~ Systems Training as defined in Section 500.60(f).

Deaf adults who have been certified by Hearing and Vision Connections as a language mentor for the deaf may enroll to bill. Language mentors are not required to obtain a credential

Health Consultation

Physicians with a current license in the state where they provide services to Illinois children may enroll to bill. Physicians are not required to obtain a credential.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Medical Services (Diagnostic/Evaluation Purposes Only)	Physicians with a current license in the state where they provide services to Illinois children may enroll to bill. Physicians are not required to obtain a credential. Individuals on the physician's service team should refer to the service area appropriate to their discipline for credentialing requirements.
Nursing	Registered Nurses with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Registered Nurse credential and enroll to bill. (Provider is automatically enrolled under nutrition category.)
Nutrition	Licensed Dietitian Nutritionists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Dietitian credential and enroll to bill. Registered Nurses with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Registered Nurse credential and enroll to bill.
Occupational Therapy	Occupational Therapists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Occupational Therapist credential and enroll to bill. Certified Occupational Therapy Assistants with a current license in the state where they provide services to Illinois children may apply for an EI Associate: Licensed Certified Occupational Therapy Assistant credential. Associate services are billed under the enrolled supervisor's name.
Physical Therapy	Physical Therapists with a current license in the state where they provide Part C EI service to Illinois children may apply for an EI Specialist: Licensed Physical Therapist credential and enroll to bill.

Physical Therapist Assistants with a current license in the state where they provide services to Illinois children may apply for an EI Associate: Licensed Physical Therapist Assistant credential. Associate services are billed under the enrolled supervisor's name.

Service Coordination

Individuals with an EI Service Coordination credential on January 1, 2003 and: (1) an EI Specialist credential of any type, (2) a bachelors degree or higher in human services, behavioral science, social science or health related field, (3) a current license as a Registered Nurse, (4) current employment as a Service Coordinator~~service coordinator~~ in a Family Case Management Agency, or (5) an associates degree in human services, education, behavioral science, social science, or health related field plus 2 years of experience working with children birth to 5 to provide intervention services or service coordination in a community agency serving children and families, may apply for renewal of their credential.

Individuals who do not hold an EI Service Coordination credential on January 1, 2003 and with a bachelors degree or higher in human services, behavioral science, social science or health related field or a current license as a Registered Nurse may apply for an EI Service Coordination Credential and enroll as an employee of a Child and Family Connections office. Additional training is required within 90 days after being issued a temporary credential for full credential status and continued enrollment.

Social Services

Social Workers with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Social Worker credential and enroll to bill.

Professional Counselors with a current license in the state where they provide services to Illinois children may apply

for an EI Specialist: Licensed Professional Counselor credential and enroll to bill.

Unlicensed individuals employed by school districts as School Social Workers who will only be providing services through their school employment may apply for an EI Specialist: School Social Worker credential and enroll to bill.

Graduate students in social work who submit a letter from their graduate school verifying that they are providing social work services in a supervised internship setting in order to complete a comprehensive, culminating training experience prior to granting of a graduate degree in social work may apply for an EI Associate: Social Work Intern credential. Associate services are billed under the enrolled supervisor's name.

Speech Therapy

Speech/Language Pathologists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Speech/Language Pathologist credential and enroll to bill. (Provider is automatically enrolled under aural rehabilitation and speech therapy categories.)

Individuals with a masters in speech-language pathology who are participating in a supervised professional experience and hold a temporary license in the state where they provide services to Illinois children may apply for an EI Associate: Speech/Language Pathologist in supervised professional experience credential. Associate services are billed under the enrolled supervisor's name.

Speech/Language Pathology Assistants with a current license in the state where they provide services to Illinois children may apply for an EI Associate: Speech/Language Therapy Assistant credential. Associate services are billed under the enrolled supervisor's name.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Transportation	Individuals with an appropriate vehicle registration number, insurance and current driver's license may enroll to bill. Not required to obtain a credential.
Vision	Optometrists or Opthalmologists with a current license in the state where they provide services to Illinois children may enroll to bill. Not required to obtain a credential.
	Individuals with (1) a bachelors degree or higher in Orientation and Mobility or (2) a Special Education degree for Blind and Partially Seeing may apply for an EI Specialist: Developmental Therapist/Vision credential and enroll to bill. They may provide Developmental and/or Vision services related to visual functioning based on their qualification and experience.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision

2) Code Citation: 23 Ill. Adm. Code 1

3)

Section Numbers:	Adopted Action:
1.705	Amendment
1.710	Amendment
1.720	Amendment
1.730	Amendment
1.735	Amendment
1.736	Amendment
1.737	Amendment
1.745	Amendment
1.755	Amendment
1.APPENDIX A	Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6

5) Effective Date of Rules: May 6, 2014

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain any incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: January 3, 2014; 38 Ill. Reg. 1

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

11) Differences between Proposal and Final Version: Minor technical and other formatting changes were made throughout the Part.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any other proposed rulemakings pending on this Part? No

15) Summary and Purpose of the Rulemaking: Subpart G of rules governing Public Schools Evaluation, Recognition and Supervision sets forth the qualifications for school districts to use when assigning staff to teaching and administrative positions. The Subpart recognizes that individuals previously considered qualified at the time that they initially earned their credential and became employed remain qualified even if requirements for certain endorsement areas change.

The changes in Subpart G primarily respond to PA 97-607, effective August 26, 2011, which changed the system of teacher, administrator and school service personnel certification set forth in Article 21 of the School Code to a licensure system (105 ILCS 5/Art. 21B). References to certification and related terms have been modified to align Part 1 to the licensure system, which became effective July 1, 2013.

Subpart G also has been updated to reflect new requirements for receipt of the elementary education and middle grades endorsements, as well as to clarify the range of administrative assignments available to individuals holding the teacher leader endorsement authorized under Article 21B of the School Code.

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

Kellee Sullivan, Division Administrator
Educator Licensure
Illinois State Board of Education
100 North First Street, E-310
Springfield, Illinois 62777

217/557-6763

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1
PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

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

SUBPART B: SCHOOL GOVERNANCE

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section
1.310 Administrative Qualifications and Responsibilities
1.320 Evaluation of Licensed Educators
1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

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

SUBPART E: SUPPORT SERVICES

Section
1.510 Transportation
1.515 Training of School Bus Driver Instructors
1.520 Home and Hospital Instruction
1.530 Health Services
1.540 Pupil Personnel Services (Repealed)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: STAFF LICENSURE REQUIREMENTS

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

SUBPART G: STAFF QUALIFICATIONS

Section
1.705 Requirements for Supervisory and Administrative Staff
1.710 Requirements for Elementary Teachers
1.720 Requirements for Teachers of Middle Grades
1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 6~~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 Personnel Services
1.762 Supervision of Speech-Language Pathology Assistants
1.770 Standards for Special Education Personnel
1.780 Standards for Teachers in Bilingual Education Programs
1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
1.783 Requirements for Administrators of Bilingual Education Programs
1.790 Substitute Teacher

1.APPENDIX A Professional Staff Educator Licensure~~Certification~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1.APPENDIX B	Certification Quick Reference Chart (Repealed)
1.APPENDIX C	Glossary of Terms (Repealed)
1.APPENDIX D	State Goals for Learning
1.APPENDIX E	Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
1.APPENDIX F	Criteria for Determination – Student Performance and School Improvement (Repealed)
1.APPENDIX G	Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 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 October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014

SUBPART G: STAFF QUALIFICATIONS

Section 1.705 Requirements for Supervisory and Administrative Staff

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

a) Each district superintendent shall hold a professional educator license~~an administrative certificate~~ with a superintendent~~Superintendent's~~ endorsement.

b) Each ~~assistant superintendent,~~ principal~~,~~ or assistant principal shall hold a professional educator license~~an administrative certificate~~ with a general administrative~~General Administrative~~ or~~,~~ principal~~Principal~~ or superintendent~~Superintendent's~~ endorsement, except that a head teacher serving in place of a principal as permitted by Section 10-21.4a of the School Code [105 ILCS 5/10-21.4a] shall hold a professional educator license~~teaching certificate~~ endorsed for supervision.

c) Each assistant superintendent shall hold a professional educator license with a general administrative, principal, director of special education or superintendent endorsement.

d) Each general administrator (e.g., director, assistant director, coordinator, administrative assistant, or general supervisor) in general education shall hold a professional educator license~~an administrative certificate~~ with a general supervisory, general administrative, principal or superintendent~~General Supervisory, General Administrative, Principal or Superintendent's~~ endorsement.

e)~~d)~~ Each head of a general education department or supervisor for a specific subject shall hold either:

1) a professional educator license~~an administrative certificate~~ with a general supervisory, general administrative, principal or superintendent~~General Supervisory, General Administrative, Principal or Superintendent's~~ endorsement or teacher leader endorsement issued pursuant to 23 Ill. Adm. Code 25.32 (Teacher Leader Endorsement); or

2) a professional educator license~~teaching certificate~~ endorsed for supervision in the area supervised (see 23 Ill. Adm. Code 25.497 (Supervisory Endorsements)).

f)~~e)~~ Each supervisory dean shall hold a professional educator license~~an administrative certificate~~ with a general supervisory, general administrative, director of special education, principal or superintendent~~General Supervisory, General Administrative, Director of Special Education's, Principal or Superintendent's~~ endorsement, or teacher leader endorsement issued pursuant to 23 Ill. Adm. Code 25.32 (Teacher Leader Endorsement).

g)~~f)~~ Each dean of students shall hold:

1) a professional educator license~~an administrative certificate~~ with a general supervisory, general administrative, director of special education, principal or superintendent~~General Supervisory, General Administrative, Director of Special Education's, Principal or Superintendent's~~ endorsement; or

2) a professional educator license endorsed in a teaching field~~certificate~~ (and~~endorsed~~ for supervision if the holder suspends students pursuant to Section 10-22.6 of the School Code); or

3) a professional educator license endorsed in a school support~~service~~ personnel ~~certificate endorsed for any~~ field other than school nursing (and for supervision if the holder disciplines or suspends students).

h)~~g)~~ Each special education director or assistant director shall meet the requirements of 23 Ill. Adm. Code 226.800(g) (Personnel Required to be Qualified)~~226.800(g)(2)~~ and hold a professional educator license~~an administrative certificate~~ endorsed for

director of special education~~"Director of Special Education"~~ in accordance with 23 Ill. Adm. Code 25.365 (Endorsement for Director of Special Education).

i)~~h)~~ Each special education supervisor shall hold either:

1) a professional educator license~~an administrative certificate~~ with a general supervisory, general administrative, director of special education, principal or superintendent~~General Supervisory, General Administrative, Director of Special Education's, Principal or Superintendent's~~ endorsement and teaching qualifications in each area supervised; or

2) a professional educator license~~teaching certificate~~ endorsed for each area supervised and for supervision (see 23 Ill. Adm. Code 25.497 (Supervisory Endorsements)).

j)~~i)~~ Each supervisor of more than one school support~~service~~ personnel area shall hold either:

1) a professional educator license~~an administrative certificate~~ and a general administrative, principal or superintendent~~General Administrative, Principal or Superintendent's~~ endorsement; or

2) a professional educator license endorsed for school support~~service~~ personnel and~~certificate endorsed for~~ supervision in each field supervised.

k)~~j)~~ Each supervisor of one school support~~service~~ personnel area shall hold:

1) a professional educator license~~an administrative certificate~~ with a general supervisory, general administrative, director of special education, principal or superintendent~~General Supervisory, General Administrative, Director of Special Education's, Principal or Superintendent's~~ endorsement; or

2) a professional educator license endorsed for school support~~service~~ personnel in~~certificate endorsed for~~ the field supervised and for supervision; or

3) a professional educator license~~teaching certificate~~ endorsed for speech-language pathology and for supervision (if applicable).

l)~~k)~~ Each director of an area vocational center and each director or supervisor of more than one field in career and technical education (including regional system directors) shall hold a professional educator license~~an administrative certificate~~ with a general administrative, principal or superintendent~~General Administrative, Principal or Superintendent's~~ endorsement and have teaching qualifications in one of the five occupational areas and 2,000 hours of work experience outside the field of education.

m)~~l)~~ Each supervisor of one field in career and technical education shall hold either:

1) a professional educator license~~an administrative certificate~~ with a general supervisory, general administrative, principal or superintendent~~General Supervisory, General Administrative, Principal or Superintendent's~~ endorsement and teaching qualifications in one field of career and technical education, including 2,000 hours of work experience in the specific field outside of education; or

2) teaching qualifications in the specific field supervised, including 2,000 hours of work experience in the specific field outside of education, and a professional educator license with a supervisory endorsement.

n)~~m)~~ Each administrator in a bilingual education program shall hold a valid professional educator license with a general administrative, principal, superintendent~~administrative certificate~~ or supervisory endorsement issued ~~on an initial or standard teaching certificate by the State Board of Education~~ in accordance with the applicable provisions of 23 Ill. Adm. Code 25 and this Part and meet the applicable requirements of Section 1.783 of this Part.

p)~~n)~~ Each chief school business official shall hold a professional educator license with~~an administrative certificate and~~ a chief school business official~~Chief School Business Official's~~ endorsement.

(Source: Amended at 38 Ill. Reg. 11203, effective May 6, 2014)

Section 1.710 Requirements for Elementary Teachers

a) Each elementary teacher shall hold a valid professional educator license endorsed in a teaching field~~certificate~~ for the grade level or levels to be taught.

b) Each elementary teacher first assigned to an elementary position on or after September 1, 1978~~,~~ shall have formal training in each basic instructional area to be taught.

c) The endorsement for self-contained general education shall be issued when an individual whose application is received on or before June 30, 2005~~,~~ demonstrates that he or she has completed the coursework listed in this subsection (c) and passed the ~~test of subject matter knowledge or~~ content-area test and, if he or she has not already passed the test of basic skills and received an educator license~~a certificate~~ based on it, that test as well. For applications received on or after July 1, 2013~~2005~~, the requirements of 23 Ill. Adm. Code 25.37(b)~~25.100(g)~~ shall apply.

1) Language Arts

2) Mathematics

3) Science

4) Social Science

5) Physical Education

6) Health

7) Fine Arts

8) General Elementary Teaching Methods

9) Elementary Reading Teaching Methods

d) No~~Beginning July 1, 2004, no~~ teacher may be assigned to teach self-contained general education at the elementary level unless he or she holds a professional educator license ~~certificate~~ valid for the grade level or levels to be taught and:

1) holds the applicable endorsement; or

2) met the requirements of this Section or their predecessor requirements at a time when they were applicable, as confirmed by the employing district's verification of the individual's qualifications; or

3) beginning no later than September 1, 2017, meets the requirements of 23 Ill. Adm. Code 25.97 (Endorsement for Elementary Education (Grades 1-6)).~~is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).~~

e) Assignments in reading at the elementary level shall be subject to the provisions of Section 1.745~~ of this Part~~.

f) Additional requirements may apply to holders of elementary education endorsements on professional educator licenses issued pursuant to 23 Ill. Adm. Code 26 (Standards for Endorsements in Early Childhood Education and in Elementary Education)~~certificates~~ who teach in grades 5 through 8; see Section 1.720~~ of this Part~~.

(Source: Amended at 38 Ill. Reg. 11203, effective May 6, 2014)

Section 1.720 Requirements for Teachers of Middle Grades

The provisions of subsections (a) and (b)~~ of this Section~~ shall be subject to the exception stated in subsection (c)~~ of this Section~~ with respect to any school in which the instructional format for any of grades~~Grades~~ 5 through 8 is being changed from a self-contained to a departmentalized configuration. Additional requirements shall apply to middle-grades assignments and endorsements beginning February 1, 2012 (see subsection (d)~~ of this Section~~).

a) The requirements of this Section apply to teachers first employed after September 1, 1973, in departmentalized grades 5 through 8 ("middle-grade teachers"). Teachers first employed in grades 5 through 8 prior to September 1, 1973, or employed in non-departmentalized grades 5 through 8, are subject to the requirements of Section 1.710~~ of this Part~~. To qualify as a middle-grade teacher, the teacher must have either completed the coursework identified in subsection (a)(1)~~ of this Section~~ prior to July 1, 1997~~,~~ or completed the coursework identified in subsection (a)(2)~~ of this Section~~. The "major teaching assignment" is the subject taught for more time than any other subject. In mathematics and reading~~,~~ and for library information specialists, ~~there is~~ specific coursework ~~that~~ must be included among the 18 semester hours to be earned; see subsections (a)(3), (4)~~,~~

and (5)~~ of this Section~~. ~~Further, new requirements for reading and library information specialists will apply to persons who apply for these endorsements on or after July 1, 2006, as well as to other persons who have not completed the 18-hour requirements prior to that date. See subsections (a)(4) and (5) of this Section.~~

1) 18 semester hours in the content~~subject matter~~ area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music), unless the subject taught is a foreign language and Section 25.100~~25.86~~ of the State Board's rules for Educator Licensure~~Certification~~ (23 Ill. Adm. Code 25) applies. When~~Where~~ a teacher is assigned to deliver instruction in two or more areas (e.g., English and social science or mathematics and science), the teacher shall meet the requirements of this subsection (a)(1) for the major teaching assignment and have no fewer than 5 semester hours in each other subject taught.

2) 18 semester hours in the content~~subject matter~~ area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music), unless the subject taught is a foreign language and Section 25.100~~25.86~~ of the State Board's rules for Educator Licensure~~Certification~~ applies. When~~Where~~ a middle-grade teacher is assigned to deliver instruction in two or more areas (e.g., English and social science or mathematics and science), the teacher shall meet the requirements of this subsection (a)(2) for the major teaching assignment and have no fewer than 9 semester hours in each other subject taught. In addition:

A) 3 semester hours of coursework, approved by the college of education or other institutional unit governing teacher education, that includes middle-grade philosophy, middle-grade curriculum and instruction, and instructional methods for designing and teaching developmentally appropriate programs (i.e., addressing the cognitive, emotional and physical development of each child) in the middle grades, including content area (e.g., science, social sciences) reading instruction.

B) 3 semester hours of coursework, approved by the college of education or other institutional unit governing teacher education,

that includes educational psychology focusing on the developmental characteristics of early adolescents, the nature and needs of early adolescents, and the role of the middle-grade teacher in assessment, coordination and referral of students to health and social services.

3) For teachers of mathematics in grades 5 through 8 first employed on or after September 1, 1985, the required 18 semester hours in the field shall include 3~~three~~ semester hours in the methods of teaching mathematics in those grades and 15 semester hours to be selected from four of the following areas:

A) Math content courses for elementary teachers;

B) Calculus;

C) Modern algebra or number theory;

D) Geometry;

E) Computer science;

F) Probability and statistics; and

G) History of mathematics.

4) For major assignments in reading in any of departmentalized grades 5 through 8:

A) persons first employed on or after September 1, 1978~~,~~ but before July 1, 2004~~,~~ are required to have completed the 18 semester hours described in Section 1.740~~ of this Part~~;

B) persons first employed on or after July 1, 2004~~,~~ shall be required to have completed either the 18 semester hours described in Section 1.740~~ of this Part~~ or 18 semester hours in the field that include a practicum and address at least five of the six topics listed at 23 Ill. Adm. Code 25.100(i), provided that:

i) the individual completes all the required coursework on or before June 30, 2006; or

ii) the individual applies for the reading endorsement on or before June 30, 2006~~,~~ and completes any coursework identified on a related deficiency statement no later than one year after the date of that statement; and

C) new requirements for an endorsement in this field apply to persons who have not met the requirements of either subsection (a)(4)(A) or (B)~~ of this Section~~; see also 23 Ill. Adm. Code 25.100(i) and Section 1.745~~ of this Part~~.

5) Persons first employed on or after September 1, 1978~~,~~ as media professionals or library information specialists serving any of grades 5 through 8 are required to have completed 18 semester hours in the field that address administration, organization (cataloging and classification), reference, and selection of materials, provided that the individual completes all the required coursework on or before June 30, 2006, or has applied for the endorsement on or before June 30, 2006, and completes any coursework identified on a related deficiency statement no later than one year after the date of that statement. New requirements for an endorsement in this field apply to persons who have not qualified on the basis of 18 semester hours; see also 23 Ill. Adm. Code 25.100 and Section 1.755~~ of this Part~~. The provisions of subsection (a)(2)~~ of this Section~~ notwithstanding, no individual who has completed only 9~~nine~~ semester hours in the field may serve in this capacity~~ unless assigned pursuant to 23 Ill. Adm. Code 25.464~~.

b) No~~Beginning July 1, 2004, no~~ individual may be assigned to teach in departmentalized grades 5 through 8 unless he or she holds a professional educator license~~certificate~~ that is valid for the grade level or levels to be taught and:

1) holds a middle-grades endorsement applicable to the content~~subject~~ area; or

2) meets the relevant requirements of this Section; or

3) met the requirements of this Section or their predecessor requirements at a time when they were applicable, as confirmed by the employing district's verification of the individual's qualifications; or

4) is assigned pursuant to Section 1.745(b)(3) or 1.755(c)~~ of this Part~~; or

5) beginning no later than February 1, 2018, meets the requirements of 23 Ill. Adm. Code 25.99 (Endorsement for the Middle Grades (Grades 5-8))~~is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled)~~.

c) A school district may also assign certain other teachers to departmentalized positions in any of grades~~Grades~~ 5 through 8 for the 2009-10 school year and thereafter as described in this subsection (c).

1) A teacher who was employed in the district during the school year immediately preceding the year when the instructional format in that teacher's school is changed to a departmentalized configuration and who was appropriately licensed~~certified~~ for his or her position but does not meet the requirements of subsection (b)~~ of this Section~~ may be assigned to a departmentalized position in any of grades~~Grades~~ 5 through 8 (or any of grades~~Grades~~ 6 through 8 for the holder of a secondary endorsement~~certificate~~) for a period not to exceed three school years, provided that he or she has already completed at least 9~~nine~~ semester hours of coursework in the content area~~subject~~ of the major teaching assignment. If specific coursework is required for the major teaching assignment under subsection (a)~~ of this Section~~, the teacher shall have completed 9~~nine~~ semester hours that will count toward an endorsement in that content area~~subject~~.

2) The school district shall notify the responsible regional superintendent of schools of all assignments made pursuant to this subsection (c) no more than 30 days after they occur. Further, the school district shall maintain on file for each teacher assigned in accordance with this subsection (c) a plan that:

A) includes a statement of intent signed by the individual, stipulating that he or she will complete all requirements for the middle-grades

endorsement in the content area~~subject~~ of his or her major teaching assignment;

B) provides a list of the coursework and experiences that the individual will complete in order to qualify; and

C) identifies the institution of higher education where the individual will complete the requirements.

3) No individual may be assigned for more than three school years without attaining the relevant endorsement, and no individual may be assigned for a third school year unless he or she has completed the six semester hours required under subsection (a)(2)~~ of this Section~~.

4) If an individual is assigned to deliver instruction in two or more content areas~~subjects~~, he or she shall have completed no fewer than 9~~nine~~ semester hours in each content area~~subject~~. If subsection (a)~~ of this Section~~ requires specific coursework for any of the content areas~~subjects~~ taught, the teacher shall have completed 9~~nine~~ semester hours that will count toward an endorsement in that content area~~subject~~.

d) New Requirements Applicable in 2012
All coursework that forms part of an application for a middle-grades endorsement received on or after February 1, 2012~~,~~ or that is used in determining the eligibility of an individual to be first assigned to teach a particular subject in the middle grades on or after that date, must have been passed with a grade no lower than "C" or equivalent in order to be counted towards fulfillment of the applicable requirements.

(Source: Amended at 38 Ill. Reg. 11203, effective May 6, 2014)

Section 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 6~~Six (6)~~ and Above through June 30, 2004

The provisions of this Section not already superseded by Section 1.735 or 1.736~~ of this Part~~ are replaced by Section 1.737~~ of this Part~~ as the minimum requirements for assignments beginning July 1, 2004. ~~However, as provided at 23 Ill. Adm. Code 25.100(f)(2), the operable requirements of this Section shall continue as an available basis for issuance of the respective endorsements for applications received through June 30, 2005.~~ Each subsection of this Section applies only to

secondary teachers in the respective content~~subject matter~~ area, unless specific requirements for teachers in grades 6 through 8 are set forth.

a) Agriculture (Grades 9 through 12)
The requirements set forth in this subsection (a) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(a) of this Part shall take effect.

1) 24 hours in the field, including an appropriate distribution in the following areas, plus preparation in the specific course taught:~~.~~

A) Agricultural Production;

B) Agricultural Mechanics;

C) Agricultural Supplies, Services and Products;

D) Horticulture; and

E) Agricultural Resources and Forestry.

2) If special courses are taught in this field, 8 semester hours are required for each course taught.

b) Art (Grades 9 through 12)
24 semester hours in the field, including an appropriate distribution in:

1) Painting, drawing, printmaking;

2) Sketching, lettering, jewelry, design, silkscreen;

3) Pottery and sculpture;

4) Constructional design;

5) Art education; and

6) History and appreciation of art.

c) Aviation-Aerospace Education (Grades 9 through 12)

1) General Aviation and/or Aerospace Education

A) Completion of an approved aerospace education workshop course. 5 hours of flight orientation or familiarization within the last five years. This flight experience does not necessarily need to be as a member of a flight crew.

B) If the material that is being taught is strictly sociological in nature, the flight orientation requirement may be minimal. If the material that is being taught emphasizes astroscience, the teacher should have at least one college course in astronomy.

2) Aviation Science Course

A) (Based upon a preflight course leading to completion of the FAA private pilot's written examination.)

B) A valid FAA private pilot~~pilot's~~ license or higher, or a valid FAA ground school instructor~~instructor's~~ certificate and 10 hours of flight orientation or familiarization in the general aviation category aircraft within the last five years. This flight experience does not necessarily need to be as a member of a flight crew.

d) Business Education (Grades 9 through 12)

1) The requirements set forth in this subsection (d) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(b)~~ of this Part~~ shall take effect.

2) 24 semester hours in the field, which shall include a specialized methods course with the following minimum qualifications for the subject matter areas or course taught:

A) Typing
6 semester hours, or a statement of equivalency from the institution granting the degree, or the completion of the terminal course in the typewriting sequence.

B) Shorthand and Transcription
6 semester hours, or a statement of equivalency from the institution granting the degree, or the completion of the terminal course in the shorthand-transcription sequence.

C) Bookkeeping, accounting, record keeping
6 semester hours in accounting and a course in data processing, or a statement of equivalency from the institution granting the degree.

D) Business law
3 semester hours of business law.

E) Distributive subjects; i.e., marketing, retailing, distributive education
8 semester hours covering at least two of the following: sales, retailing, advertising, principles of marketing.

F) Business arithmetic
2 semester hours in business mathematics or 6 semester hours in accounting.

G) Office practice, secretarial practice, clerical practice~~,~~ or office machines
2 semester hours in coursework that~~which~~ includes the operation of the office machines taught in the secondary school course and qualifications for teaching whichever of the following is part of the course: typewriting, shorthand~~,~~ and bookkeeping (see subsections (d)(2)(A), (B)~~,~~ and (C)~~ of this Section~~).

H) Basic business, general business, introduction to business, business principles
3 semester hours of consumer education; 3 semester hours of economics and at least 4 semester hours in any two of the following areas: business law, introduction to business marketing, management, or ~~a~~ methods of teaching basic business.

I) Business English
2 semester hours in business English, business correspondence,

business communications, or business writing.

J) Business economics
8 semester hours in the area of economics, finance, financial management, or marketing, including at least one course in principles of economics.

K) Data processing
5 semester hours in data processing or the equivalent.

e) Language Arts − English (Grades 9 through 12)
24 semester hours in the field, including 6 semester hours in rhetoric and composition and not more than 8 semester hours in speech and journalism. To teach grammar, American Literature, English Literature, reading or dramatics, the English teacher must have one course in the subject.

f) Journalism (Grades 9 through 12)
8 semester hours in journalism and 16 semester hours in English, or 18 semester hours in journalism and 6 semester hours in rhetoric and composition.

g) Speech (Grades 9 through 12)
8 semester hours in speech selected from at least three of the following four areas: public speaking, interpersonal communication, oral interpretation, and group discussion; and 16 semester hours in English or 18 semester hours in speech, selected from the four areas listed above, and 6 semester hours in rhetoric and composition.

h) Foreign Language (Grades 9 through 12)
20 semester hours in the language.
No credit may be allowed for high school language, unless this~~such~~ credit is approved by an institution of higher learning, and it is noted on the official transcript, in which case 1 semester hour may be allowed for each unit of high school language, not to exceed 4 semester hours.

i) Health Education (Grades 9 through 12)
The requirements described in this subsection (i) shall remain in force through June 30, 1994. Thereafter, the requirements set forth in Section 1.736(a)~~ of this Part~~ shall take effect.

1) 20 semester hours in the field

2) Required Health Education Component − One course from each of the following areas to total 10-14 semester hours:

A) Advanced Concepts of Health;

B) Programs in School Health;

C) Programs in Community Health; and

D) Curriculum Development and Evaluation in Health Education.

3) Additional Health Education Components − One course from at least three of the following areas to total 6-10 semester hours:

A) The Growing and Developing Organism;

B) Ecological Relationships;

C) Disease Control;

D) Human Sexuality and Family Life;

E) Food Practices and Eating Patterns;

F) Consumer Health Sources and Resources;

G) Safety;

H) Mood-Modifying Substances;

I) Personal Health Practices; and

J) Mental-Emotional Health.

j) Health Occupations (Grades 9 through 12)
The requirements set forth in this subsection (j) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(c) ~~of this Part~~

shall take effect.

1) 24 semester hours in a health occupations specialty (e.g., medical laboratory, nursing, radiologic technology, inhalation therapy).

2) Graduation from an approved technical-level program in a specific health field with a minimum of 2,000 hours of post-graduate practical work experience in the health specialty in which trained.

3) Shall be certified, licensed or registered in the health occupations specialty.

k) Home Economics Education (Grades 9 through 12)
The requirements set forth in this subsection (k) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(d)~~ of this Part~~ shall take effect.

1) 24 semester hours in the field, including work in some of the following areas, plus preparation in the specific teaching area:~~.~~

A) Human Development (includes prenatal, child, adolescent and adult development and care);

B) Interpersonal and Family Relationships;

C) Consumer Education and Home Management;

D) Nutrition and Food;

E) Housing, Home Furnishings and Equipment; and

F) Clothing and Textiles.

2) To teach a special course in any of the above areas, 8 semester hours are required in the area to be taught.

l) Industrial Arts (Grades 9 through 12)
The requirements set forth in this subsection (l) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(e)~~ of this Part~~

shall take effect.

1) 24 semester hours in the field, including work in each shop subject to be taught.

2) To teach a unit of shop, the teacher shall have 8 semester hours in the subject taught.

m) Mathematics

1) In grades 9-12
25 semester hours in the field, including:

A) a minimum of 8 semester hours from calculus;

B) 3 semester hours of coursework in the teaching of secondary school mathematics; and

C) 14 semester hours of work from at least four of the following areas:

i) Computer Science;

ii) Linear Algebra;

iii) Modern Algebra;

iv) Geometry;

v) Applied mathematics;

vi) Probability and statistics; and

vii) History of mathematics.

2) In grades 6-8
18 semester hours in the field including:

A) 3 semester hours in the methods of teaching mathematics in grades

6-8; and

B) 15 semester hours to be selected from four of the following areas:

i) Math content courses for elementary teachers;

ii) Calculus;

iii) Modern algebra or number theory;

iv) Geometry;

v) Computer Science;

vi) Probability and statistics; and

vii) History of mathematics.

3) The requirements of Section 1.730(m) are not applicable to personnel employed prior to September 1, 1985.

n) Music (Grades 9 through 12)

1) Vocal
24 semester hours in the field, including:

A) Applied vocal music;

B) Music theory;

C) Conducting;

D) History of music; and

E) Methods and materials for general school vocal music.

2) Music − Instrumental
24 semester hours in the field, including:

A) Applied instrumental music;

B) Music theory;

C) Conducting; and

D) Methods and materials for general school instrumental music.

3) These standards do not apply to those individuals employed prior to September 1, 1978.

o) Physical Education (Grades 9 through 12)
The requirements described in this subsection (o) shall remain in force through June 30, 1994. Thereafter, the requirements set forth in Section 1.736(b)~~ of this Part~~ shall take effect.

1) 20 semester hours in the field that~~which~~ shall include the following:

A) 5 semester hours to be selected from at least two of these areas:

i) Anatomy;

ii) Physiology;

iii) Kinesiology; and

iv) Physiology of exercise.

B) One course from each of the three areas below to total 5 semester hours:

i) Dance and/or rhythmic activities;

ii) Individual-dual activities; and

iii) Team sports.

C) 10 semester hours to be selected from at least three of the four areas listed below:

i) Instructional methods for physical education;

ii) Curriculum design for physical education;

iii) Physical Education for the atypical child (optional, but strongly recommended); and

iv) Physical education for the elementary school (required for elementary school; optional, but strongly recommended for secondary school).

2) This standard does not apply to those individuals employed prior to September 1, 1978.

p) Psychology (Grades 9 through 12)
20 semester hours in the field.

q) Safety and Driver Education (Grades 9 through 12)

1) 16 semester hours in the field, including preparation as follows:

A~~1~~) 3 semester hours in general safety;

B~~2~~) 5 semester hours in driver education and advanced traffic safety; and

C~~3~~) 8 semester hours chosen from two or more of the following areas:

i~~A~~) General safety, including traffic and industrial safety;

ii~~B~~) Advanced psychology and sociology;

iii~~C~~) First aid and health education; and

iv~~D~~) Instructional materials.

2~~4~~) Teachers assigned to either simulation or multiple-car programs shall have preparation in the use of these methods that~~which~~ shall consist of a

minimum of 1 semester hour or its equivalent in each area.

r) Science, Biological (Grades 9 through 12)
24 semester hours in the field, including the semester hours indicated in the subject to be taught:

1) Biology
8 semester hours in botany including 5 semester hours in laboratory work, 8 semester hours in zoology including 5 semester hours in laboratory work. 10 semester hours laboratory work in biology satisfies the laboratory requirement.

2) Botany
8 semester hours including 5 semester hours in laboratory work.

3) Physiology
8 semester hours.

4) Zoology
8 semester hours in zoology including 5 semester hours in laboratory work.

s) Science, Physical (Grades 9 through 12)

1) 24 semester hours in the field, including the semester hours indicated in the subject to be taught:

A~~1~~) Astronomy~~—~~
5 semester hours.

B~~2~~) Chemistry~~—~~
10 semester hours including 4 semester hours in laboratory work.

C~~3~~) Geology~~—~~
8 semester hours.

D~~4~~) Physics~~—~~
10 semester hours including 4 semester hours in laboratory work.

E~~5~~) Physiography~~—~~
5 semester hours.

F~~6~~) Aerospace~~—~~
5 semester hours.

G~~7~~) Earth science~~—~~
8 semester hours.

2~~8~~) In astronomy, geology, and earth science, it is recommended that field experiences be included as part of the hourly requirements. In addition, it is recommended that a teacher of astronomy, chemistry, or physics have the minimum preparation required of a mathematics teacher.

t) Science, General (Grades 9 through 12)
24 semester hours in the field including:

1) Physical science~~—~~
8 semester hours.

2) Biological science~~—~~
8 semester hours.

u) Social Studies (Grades 9 through 12)

1) 24 semester hours in the field, including the semester hours indicated in each subject to be taught:

A~~1~~) United States History~~—~~
8 semester hours.

B~~2~~) Civics, Political Science~~—~~
8 semester hours.

C~~3~~) Economics~~—~~
8 semester hours.

D~~4~~) Geography~~—~~
8 semester hours.

E~~5~~) Sociology~~=~~
8 semester hours.

F~~6~~) World History~~=~~
8 semester hours in World History, 5 semester hours in U.S. History.

G~~7~~) Anthropology~~=~~
5 semester hours.

2~~8~~) Every history teacher shall have 16 semester hours in history.

v) Vocational Education (Reimbursable Training Programs, Grades 9 through 12) All instructional personnel and coordinators shall hold a valid professional educator license endorsed in a teaching field~~certificate~~. The requirements set forth in this subsection (v) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(f)~~ of this Part~~ shall take effect.

1) Instructional Personnel − The requirements for instructional personnel in reimbursable programs in the five areas of Industrial-Oriented, Applied Biological and Agricultural, Home Economics, Health Occupations, and Business, Marketing and Management are:

A) A minimum of 2,000 hours of employment experiences in the occupational specialty to be taught.

B) The district may employ an individual who does not meet the provisions of subsection (v)(1)(A)~~ of this Section~~, providing the employment experience requirement will be met within four years from the date of employment by~~:~~ 2,000 hours of employment experience in the occupational specialty to be taught or a combination of work experience and directed occupational experience. Options exercised under this subsection (v)(1)(B) must be submitted in detail in the district's One and Five Year Plan for occupational education and are subject to approval.

C) For those occupations in which employment or preparation is regulated by law or licensure, compliance with those laws is

mandated.

2) Cooperative Teacher Coordinator
Professional competencies for specialized cooperative occupational education:

A) Occupational Education
Teacher-coordinators of specialized cooperative education in any one of the following areas:

i) Agriculture and Agri-Business;

ii) Business and Office;

iii) Distributive Education;

iv) Health Occupations;

v) Home Economics and Related Occupations; and

vi) Industrial Oriented Occupations Cooperative Work Training.

B) To be approved, an individual shall possess 16 semester hours in the field, which shall include a methods course in the occupational specialized area; in addition, 6 semester hours in the area of organization and administration of cooperative occupational education, coordination in techniques, and individualized instructional methodology. In addition, the coordinator shall possess a minimum of~~:~~ 2,000 hours of employment experience in the occupational specialty to be taught, or complete a directed occupational experience in the appropriate specialized area, equivalent to the 2,000 hour employment requirement, or complete a combination of employment experience and directed occupational experience equivalent to the 2,000 hour employment experience requirement within four years from date of initial employment as a coordinator. The latter two of these three options shall be submitted in detail in the district's One and Five Year Plan for occupational education and are subject to approval.

3) Special Needs Cooperative Teacher Coordinator
In schools with cooperative courses to serve students with special needs, such as Work Experience and Career Exploration Program, the coordinator shall meet the requirements for specialized cooperative occupational education coordinators as shown in subsection (v)(2)~~ of this Section~~ (except that the 16 semester hours in occupational education shall be waived).

4) Interrelated Cooperative Occupational Teacher Coordinator
Coordinators of interrelated cooperative education shall meet educator licensure~~certification~~ standards in at least one of the occupation areas listed in subsection (v)(2)(A) and meet the requirement of subsection (v)(2)~~ of this Section~~.

5) Compliance with Legal, Governmental and Professional Requirements
For those occupations in which employment or preparation is regulated by law or licensure, compliance with those laws is required.

6) The requirements of this subsection (v) are not applicable to personnel employed prior to September 1, 1978.

(Source: Amended at 38 Ill. Reg. 11203, effective May 6, 2014)

Section 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004

The requirements of this Section shall apply only to personnel employed on or after July 1, 1991~~,~~ and shall be replaced beginning July 1, 2004~~,~~ as the minimum requirements for the respective assignments by the applicable provisions of Section 1.737~~ of this Part~~. ~~However, as provided at 23 Ill. Adm. Code 25.100(f)(2), the requirements of this Section shall continue as an available basis for issuance of the respective endorsements for applications received through June 30, 2005.~~ For the purposes of this Section, the term "upper-division level" refers to coursework normally offered to students by postsecondary educational institutions during their junior or senior year. The term "preparation level" means courses usually taught during the junior or senior year of high school.

a) Agricultural Education (Grades 9 through 12)

1) 24 semester hours, to include:

A) A vocational/occupational education methods course at the upper-division level.

B) 12 semester hours, including at least one course in each of the following areas:

i) Agricultural Exploration/Orientation − agricultural careers, supervised occupational experience programs, adult education in agriculture, agricultural leadership;

ii) Agricultural Entrepreneurship − agricultural merchandising, agricultural business procedures, agricultural economics, computer applications in agriculture;

iii) Agricultural Natural Sciences − animal science, plant science, soil science; and

iv) Agricultural Physical Science/Mechanization − servicing small engines, surveying, electrical wiring, building agricultural structures.

C) A minimum of one concentration (9 semester hours in addition to the 12 semester hours listed in subsection (a)(1)(B)~~ of this Section~~) in one of the following endorsement areas:

i) Agricultural Business and Management − agricultural commodity and product marketing, financing agricultural businesses, agricultural business management, computerization in agriculture, producing, processing, promoting and selling agricultural products;

ii) Agricultural Power and Machinery − gasoline and diesel power units, field machinery, electric motors and controls, hydraulic systems, power transmission systems;

iii) Horticulture − floriculture, vegetable and fruit production, landscaping and turf management, nursery and greenhouse

operation and management; or

iv) Agricultural Resources − agricultural conservation, recreation management, forestry production and management, game and wildlife management.

2) To provide instruction at the preparation level, teachers must hold an endorsement that corresponds to their area of instruction.

3) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in the specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours of work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. These~~Such~~ records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases in which~~where~~ supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

b) Business, Marketing, and Management (Grades 9 through 12)

1) 24 semester hours, to include:

A) A vocational/occupational education methods course at the upper-division level.

B) 12 semester hours, including at least one course in each of the following areas:

i) Business Exploration/Orientation − business management, survey of business, and its environment, business principles;

ii) Business Computer Applications − microcomputer applications, data processing, management information systems, introduction to data processing/computers;

iii) Business Communications − business English, business communications, business report writing, business correspondence; and

iv) Business Mathematics − quantitative methods of business, finance, mathematics for business, statistics or one year of college mathematics.

C) A minimum of one concentration (9 semester hours in addition to the 12 semester hours listed in subsection (b)(1)(B)~~ of this Section~~) in one of the following endorsement areas:

i) Accounting − accounting, financial accounting, managerial accounting, or finance, with one course in the upper division;

ii) Basic Business − economics, survey of business, business law, entrepreneurship, consumer education or upper division courses~~course(s)~~ in management and/or marketing;

iii) Information Processing − microcomputer applications, introduction to computers, including the terminal course in the word processing and/or typewriting sequence, and one upper-division course in office administration/information management;

iv) Information Processing/Secretarial − microcomputer applications, introduction to computers including one upper-division course in office administration/information management, the terminal course in the word processing and/or typewriting sequence and the terminal course in a shorthand system;

v) Business Computer Programming/Systems − business computer programming, microcomputer applications, systems analysis, including one upper-division management information system (MIS), systems analysis, or business computer programming course; or

vi) Marketing − upper-division courses in advertising, sales, retailing, marketing, wholesaling, consumer behavior, entrepreneurship.

2) Business, Marketing and Management teachers who hold a Business, Marketing and Management endorsement may teach an orientation/exploratory composite course that~~which~~ addresses a variety of subject areas in Business, Marketing and Management Occupations. To provide instruction in a specific subject, teachers must hold the endorsement that corresponds to the area of instruction, as identified in subsection (b)(1)(C)~~ of this Section~~.

3) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in the specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours of work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. These~~Such~~ records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases in which~~where~~ supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

c) Health Occupations (Grades 9 through 12)
24 semester hours, to include:

1) A vocational/occupational education methods course at the upper-division level.

2) 12 semester hours, including at least one course in each of the following areas:

A) Introduction to Health Occupations − introduction to various health professions, education requirements, licensure/registration/certification, career mobility, job market, technologies and other information;

B) Principles and Philosophies of Vocational Education − nature and purpose of vocational, occupational and career education, their relationships and differences, and the place of each in preparing for the world of work;

C) Occupational Analysis and Curriculum Development − upper-division course in a systems approach to curriculum development and instruction methods utilized in vocational and occupational education. Includes analyzing operations and jobs, specifying objectives, and developing curriculum; and

D) Occupational Internship − upper-division courses~~course(s)~~ of experiential activities that~~which~~ are based upon required occupational skills and knowledge and are related to health occupations.

3) Endorsement

A) In addition to the 12 semester hours listed in subsection (c)(2)~~ of this Section~~, licensure, registration or certification is required in one health occupations specialty, e.g., respiratory therapy, radiology, medical records technology, medical assisting, nursing or other health occupation.

B) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in the specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours of work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. These~~Such~~ records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases in which~~where~~ supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

d) Home Economics (Grades 9 through 12)

1) 24 semester hours, to include:

A) A vocational/occupational education methods course at the upper-division level.

B) 12 semester hours, to include one course in four of the six following areas:

i) Human Development, Child Development − human, prenatal, child, adolescent growth and development and care, adult care, gerontology, administration of child care programs, instructional activities and materials for preschoolers;

ii) Interpersonal and Family Relationships and Parenting − interpersonal and family relationships, family life, adult living, family dynamics, parenting, human relationships;

iii) Consumer and Resource Management − family finance, consumer education, consumer economics, consumer management, resource management, home management;

iv) Housing, Interior Furnishings, Living Environments − home furnishings, interior design, household equipment, basic design, living environments, housing;

v) Food and Nutrition, Food Service, Hospitality − foods and nutrition, food preparation, quantity food preparation, food sanitation, hospitality management, food management, therapeutic nutrition; and

vi) Clothing, Textiles, Fashion − clothing selection, clothing construction, costume design, history of fashion, apparel merchandising, textiles selection.

C) A minimum of one concentration (9 semester hours in addition to

the 12 hours listed in subsection (d)(1)(B)~~ of this Section~~) in the endorsement areas of:

i) Child and Day Care Services − 9 semester hours, to include 6 from subsection (d)(1)(B)(i) and 3 from subsection (d)(1)(B)(ii);

ii) Food and Nutrition Services − 9 semester hours from subsection (d)(1)(B)(v);

iii) Fashion and Clothing Services − 9 semester hours from subsection (d)(1)(B)(vi);

iv) Interior Furnishings Services/Living Environments − 9 semester hours, to include 6 from subsection (d)(1)(B)(iv) and 3 from subsection(s) (d)(1)(B)(iii) and/or (vi);

v) Institutional and Home Management Services − 9 semester hours, including one course from four of the areas listed in subsections (d)(1)(B)(i) through (v);

vi) Consumer Education and Resource Management − 9 semester hours, to include 6 from subsection (d)(1)(B)(iii) and the remainder from subsection (d)(1)(B)(i), (ii), (iv), (v), or (vi); or

vii) Interpersonal, Family Relationships, Parenting − 9 semester hours, to include 6 from subsection (d)(1)(B)(ii) and 3 from subsection (d)(1)(B)(i).

2) Home Economics teachers who hold a Home Economics endorsement may teach an orientation/exploratory composite course that~~which~~ addresses a variety of subject areas in Home Economics Occupations. To provide instruction in a specific subject, teachers must hold the endorsement that corresponds to the area of instruction, as identified in subsection (d)(1)(C)~~ of this Section~~.

3) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work

experience in the specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours of work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. These~~Such~~ records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases in which~~where~~ supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

e) Industrial Technology Education (Grades 9 through 12)

1) 24 semester hours, to include:

A) A vocational/occupational education methods course at the upper-division level.

B) 12 semester hours of laboratory-based courses in industrial technology, including at least one course in each of the following content areas:

i) Communication Technology − design and drafting, broadcasting, computers in communication, photography, graphic arts, telecommunications;

ii) Production Technology − managing the enterprise, materials and processes, research and development, producing, marketing, servicing in the manufacturing/construction enterprise;

iii) Transportation Technology − material handling conveyors, space transportation, atmospheric transportation, marine transportation, terrestrial transportation; and

iv) Energy Utilization Technology − energy conversion, solar resources, wind and water resources, fossil fuels, nuclear energy resources, energy conservation.

C) A minimum of one concentration (9 semester hours of laboratory-based courses in addition to the 12 semester hours listed in subsection (e)(1)(B)~~ of this Section~~) in one of the following endorsement areas:

i) Construction − carpentry, building maintenance, residential and commercial, electricity, painting, plumbing, cement and brick masonry, drywall application and roofing;

ii) Electronics − computer repair, radio and television repair, small appliance repair, electrical and electronic instrument repair, electromedical equipment repair, communication equipment installation and repair;

iii) Graphic Communications − press operation, composition and typesetting, commercial art, lithographic press operation, platemaking, photography, printing camera operation;

iv) Transportation − small gasoline engine repair, aircraft mechanical systems repair, automobile engine repair, diesel engine repair, automobile and truck mechanical systems repair, motor vehicle repair;

v) Manufacturing − machine tool operation, tool and die making, sheet metal fabrication, welding and metal fabrication, production cabinet making, plastics-forming and fabrication, machinery maintenance, automated manufacturing equipment set-up and maintenance, numerical control machine operation, computer numerical control machine operation;

vi) Industrial Technology − mechanical systems, hydraulic systems, pneumatic systems, thermal systems, electrical systems, communication systems, transportation systems, production systems, energy and power utilization;

vii) Public Service − fire-fighting technology, police science, criminal justice technology, security services;

viii) Drafting/Design − architectural drafting, mechanical drafting, civil drafting, computer-aided drafting and design, geometric construction, industrial design;

ix) Autobody Repair − frame inspection and alignment, body and fender repair, glass installation, vinyl top repair, automotive painting; or

x) Heating, Ventilation and Air Conditioning − installation and repair of heating, air conditioning and ventilation systems, installation and repair of refrigeration and air conditioning systems.

2) To provide instruction at the preparation level, teachers must hold an endorsement that corresponds to their area of instruction.

3) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in each specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours of work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. These~~Such~~ records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases in which~~where~~ supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

f) Vocational Education Teachers (Reimbursable Training Programs, Grades 9 through 12)
The requirements for instructional personnel to teach in reimbursable programs in Agricultural Education; Business, Marketing and Management; Health Occupations; Home Economics Occupations; and Industrial Technology Education are:

1) Instructors must meet the educator licensure~~certification~~ standards in one of the ~~above~~ occupational areas in this subsection (f) and possess a valid

professional educator license endorsed in a teaching field~~certificate~~.

2) Instructors teaching preparation-level courses must have a minimum of 2,000 hours of work experience in the specific endorsement area to be taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours of work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. These~~Such~~ records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases in which~~where~~ supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

3) A district may employ an individual who does not have 2,000 hours of employment experience in the occupational specialty to be taught, provided that the employment experience requirement will be met within four years from the date of employment by either 2,000 hours of employment experience in the occupational specialty to be taught or a combination of work experience and directed occupational experience. A directed occupational experience means: a combination of work experience and a university credit-generating course specifically designed to supervise the work experience equal to one-half of the required 2,000 hours; or participation in a work experience with supervision similar to that provided through a university course setting provided by a local agency administrator equal to one-half of the required 2,000 hours. Options chosen pursuant to this subsection must be described in detail in the Regional Education for Employment Plan and will be approved, if:

A) The work experience is a paid employment experience; and

B) The work experience is outside of the education or teaching profession.

4) Cooperative Teacher Coordinator

A) The requirements for teacher-coordinators of specialized cooperative education in Agricultural Education; Business, Marketing and Management; Health Occupations; Home

Economics Occupations; and Industrial Technology Education include:

i) 24 semester hours in the specialty area, which shall include a methods course, 6~~six~~ semester hours in the area of organization and administration of cooperative education; and

ii) A minimum of 2,000 hours of employment experience in the occupational specialty to be taught; or

iii) Completion of a directed occupational experience in the appropriate specialized area, equivalent to the 2,000-hour employment requirement; or

iv) Completion of a combination of employment experience and directed occupational experience equivalent to the 2,000-hour employment experience requirement within four years from the date of initial employment as a coordinator.

B) Options chosen pursuant to subsections (f)(4)(A)(iii) and (iv)~~ of this Section~~ shall be described in detail in the district's Regional Education for Employment Plan and will be approved, if:

i) The work experience is a paid employment experience; and

ii) The work experience is outside of the education or teaching profession.

5) Special Vocational Teacher Coordinator
In schools with cooperative courses to serve students with special needs, such as the Work Experience and Career Exploration Program~~, Early School Leaver Program,~~ and vocationally reimbursed Special Education Cooperative Education, the coordinator shall meet the requirements for specialized cooperative occupational education coordinators as shown in subsection (f)(4)~~ of this Section~~, except that the 24 semester hours in the occupational specialty area shall be waived. The coordinator shall possess 6~~six~~ semester hours in the area of organization and administration of

cooperative education.

6) Interrelated Cooperative Occupational Teacher Coordinator and Cooperative Work Training (CWT) Teacher Coordinator
Coordinators of interrelated cooperative education and cooperative work training shall meet educator licensure~~certification~~ standards in at least one of the specialty areas listed in subsection (f)(4)(A)~~ of this Section~~ and shall meet the requirements for a Cooperative Teacher Coordinator.

7) Compliance with Legal, Governmental and Professional Requirements
For those occupations in which employment or preparation is regulated by law or licensure, compliance with those laws is required.

(Source: Amended at 38 Ill. Reg. 11203, effective May 6, 2014)

Section 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004

The requirements described in this Section shall apply only to personnel employed on or after July 1, 1994, and shall be replaced beginning July 1, 2004, as the minimum requirements for the respective assignments by the applicable provisions of Section 1.737~~ of this Part~~. ~~However, as provided at 23 Ill. Adm. Code 25.100(f)(2), the requirements of this Section shall continue as an available basis for issuance of the respective endorsements for applications received through June 30, 2005.~~

a) Health Education (Grades 9 through 12)

1) 24 semester hours in the field.

2) Required Health Education Core Component − One course from each of the following areas, for a total of 10-14 semester hours:

A) Theories and Concepts of Health (Anatomy and physiology may not be counted in meeting this requirement.);

B) Programs in School Health;

C) Programs in Community Health; and

D) Curriculum Development and Evaluation in Health Education.

3) Additional Health Education content − At least 10 semester hours distributed as follows:

A) At least one course in Human Sexuality or Sex Education;

B) At least one course in Drug/Chemical Use and Abuse; and

C) At least two courses chosen from the following list of electives:

i) Mental/Emotional Health;

ii) Environmental Health;

iii) Disease Prevention and Control;

iv) Nutrition and Dietary Patterns;

v) Consumer Health;

vi) Safety and Injury Control; and

vii) Personal Health Practices.

b) Physical Education (Grades 9 through 12)

1) 24 semester hours in the field.

2) Knowledge and Skill Acquisition − At least one course in each of the following, for a total of at least 6 semester hours:

A) Health-Related Fitness (e.g., conditioning, aerobic fitness exercise, stress management);

B) Rhythm and Dance;

C) Individual Sports/Activities; and

D) Team Sports.

3) Scientific Foundations
At least 9 semester hours distributed as follows:

A) 3 semester hours earned in at least one of the following:

i) Human Anatomy; or

ii) Human Physiology.

B) 6 semester hours from at least two of the following areas:

i) Exercise Physiology;

ii) Kinesiology or Biomechanics; and

iii) Motor Learning, Motor Behavior~~,~~ or Motor Development.

C) Curriculum and Instruction − At least one course in each of the following, all of which must explicitly include an emphasis on both regular and special populations:

i) Curriculum Design in Physical Education;

ii) Instructional Strategies/Methodology in Physical Education; and

iii) Assessment/Evaluation of Physical Education (Learning Assessment and Program Evaluation).

(Source: Amended at 38 Ill. Reg. 11203, effective May 6, 2014)

Section 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004

a) Beginning July 1, 2004, no teacher may be assigned to teach a particular content area~~subject~~ in any of grades 9 through 12 unless he or she holds a professional educator license in a teaching field ~~a certificate~~ that is valid for the grade level or levels to be taught and:

1) holds the applicable endorsement for the content~~subject~~ area (and, in the case of the educator license with stipulations endorsed for career and technical educator~~provisional vocational certificate~~, has also completed the work experience required pursuant to subsection (c)~~ of this Section~~);~~ or~~

2) met the requirements of Section 1.730, 1.735, or 1.736~~ of this Part~~, or their predecessor requirements, at a time when they were applicable to that assignment, as confirmed by the employing district's verification of the individual's qualifications; or

3) meets the minimum requirements for that assignment identified in subsection (b)~~ of this Section~~ and has not exhausted the three-year period of eligibility available pursuant to 23 Ill. Adm. Code 25.100(m)~~25.100(l)~~; or

4) meets the requirements of Section 1.745~~ of this Part~~, if applicable~~; or~~.

~~5) is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).~~

b) Beginning July 1, 2004, the provisions of this Section shall replace those of Sections 1.730, 1.735, and 1.736~~ of this Part~~ as one basis upon which school districts and other entities subject to this Part may assign individuals to teach specific content areas~~subjects~~. The qualifications identified in this subsection (b) are not the same as those for the respective endorsements, nor are they intended to match the requirements for identification as a "highly qualified" teacher in any particular content~~subject~~ area. Each individual who is first assigned to a subject area based upon the qualifications delineated in this subsection (b) shall be subject to the requirement for acquiring an endorsement in the respective field within three years after the date of assignment, in accordance with 23 Ill. Adm. Code 25.100(m~~l~~). For purposes of the applicability of this requirement, an individual shall be considered "first assigned" to any field in which he or she has not taught in Illinois prior to July 1, 2004.

1) For agricultural education; visual or drama/theater~~theatre~~ arts; business, marketing, and computer education; dance; English language arts; health education; health careers; family and consumer sciences; technology education; mathematics; music; physical education; reading; biology;

chemistry; earth and space science; environmental science; physics; economics; geography; history; political science; psychology; sociology and anthropology; and for library information specialists: 24 semester hours in the field.

2) For foreign language: 20 semester hours in the language~~ (unless 23 Ill. Adm. Code 25.85 or 25.86 applies)~~.

3) For safety and driver education: The 16 semester hours in the field that are specified in Section 1.730(q) of this Part shall continue to apply through January 31, 2012. Each individual first assigned to teach safety and driver education on or after February 1, 2012 shall be required to hold a professional educator license endorsed~~certificate valid~~ for the secondary grades and an endorsement received pursuant to 23 Ill. Adm. Code 25.100(k)~~25.100(n)~~.

c) Additional Requirements for Career and Technical Education

1) Assignments at the "skill-level" (grades 11 and 12) in reimbursable career and technical education generally require 2,000 hours of work experience in the area to be taught or, for more than one area, a total of 2,000 hours with no fewer than 250 hours in each area taught. A district may, however, employ an individual who holds a professional educator license endorsed for the secondary grades~~certificate~~ with the appropriate career and technical education endorsement but who has not completed 2,000 hours of work experience in the occupational area to be taught, provided that the individual acquires this experience in paid employment outside the teaching profession within four years after the date of first assignment. The employing entity shall maintain records to substantiate this experience, which may include written statements from former supervisors who can be reached for verification or, in cases in which~~where~~ supervisors are no longer available to verify the individual's employment, affidavits by the applicant's instructors describing the work experience.

2) A teacher who is eligible under this Section to provide skill-level instruction in a particular area shall also be eligible to serve as a coordinator of either a specific cooperative education program or interrelated cooperative education, provided that he or she has also

completed 6~~six~~ semester hours of coursework in the organization and administration of cooperative education.

3) A teacher serving as a coordinator of cooperative education for special education students shall be required to meet the requirements for assignment as a special education teacher rather than those for assignment as a teacher of career and technical education, except that an individual serving in this capacity shall be required to have completed 2,000 hours of work experience as provided in subsection (c)(1)~~ of this Section~~ and 6~~six~~ semester hours of coursework in the organization and administration of cooperative education.

(Source: Amended at 38 Ill. Reg. 11203, effective May 6, 2014)

Section 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004

a) The "reading teacher" endorsement is valid only for teaching reading to students, while the "reading specialist" endorsement is valid not only for teaching reading to students but also for providing technical assistance and/or professional development to other teachers. Separate sets of standards and requirements govern the issuance of these two endorsements (see 23 Ill. Adm. Code 27.110 and 27.120, as well as 23 Ill. Adm. Code 25.100(g)~~25.100(i)~~).

b) Beginning July 1, 2004, no individual may be assigned to teach reading, other than reading as part of general classroom instruction provided by that individual, or to serve as a reading specialist unless he or she holds a professional educator license~~certificate~~ valid for the grade level or levels of the assignment and:

1) holds the endorsement appropriate to the assignment; or

2) met the requirements of Section 1.720 or Section 1.740~~ of this Part~~, as applicable to the grade level served, or their predecessor requirements at a time when they were applicable, as confirmed by the employing district's verification of the individual's qualifications; or

3) presents evidence of having completed 24 semester hours of college coursework in reading on or after July 1, 2006, and has not exhausted the

three-year period of eligibility available pursuant to 23 Ill. Adm. Code 25.100(m)~~25.100(l); or~~.

~~4) is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).~~

(Source: Amended at 38 Ill. Reg. 11203, effective May 6, 2014)

Section 1.755 Requirements for Library Information Specialists Beginning July 1, 2004

Beginning July 1, 2004, no individual shall be assigned to provide library and audio-visual services to students, teachers and other school personnel unless he or she holds a professional educator license~~certificate~~ that is valid for the grade level or levels of the students to be served and:

a) holds an endorsement for Library Information Specialist or a comparable, previously issued endorsement such as Media or Library Science; ~~or~~

b) met the requirements of Section 1.720 or Section 1.750~~ of this Part~~, as applicable to the grade level served, or their predecessor requirements at a time when they were applicable, as confirmed by the employing district's verification of the individual's qualifications; or

c) presents evidence of having completed 24 semester hours of college coursework in the field on or after July 1, 2006, and has not exhausted the three-year period of eligibility available pursuant to 23 Ill. Adm. Code 25.100(m)~~25.100(l); or~~

~~d) is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled)~~.

(Source: Amended at 38 Ill. Reg. 11203, effective May 6, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 1.APPENDIX A Professional Staff Educator Licensure~~Certification~~

Types of Licenses and Endorsements~~Certificates~~

The following list ~~of certificates~~ identifies the educator licenses ~~those certificates~~that ~~which~~, if properly registered and renewed, are valid for teaching, administering or performing the specified service in Illinois public schools and the endorsements that are available on each of those licenses.

~~Code~~	Type of Endorsement* ~~Certificate~~	Grade Level Valid For	Certificate Previously ~~Still~~Issued	Years Valid	School Code or Ill. Adm. Code
	Professional Educator License				
~~03~~	~~Initial Elementary~~	~~K-9~~	~~Yes~~	~~4 years of teaching~~	~~21-1a; 21-2; 21-3~~
~~03~~	~~Standard~~ Elementary (No longer issued after August 31, 2018)	K-9	03~~Yes~~	5	21B-20; 21B-25 ~~21-1a; 21-2; 21-3~~
	Elementary (Beginning September 1, 2017)	1-6	03	5	21B-20; 21B-25; 23 Ill. Adm. Code 25.97
~~03~~	~~Master~~ Elementary with National Board of Professional Teaching Standards (NBPTS) Master Teacher Designation	K-9 or 1-6	03~~Yes~~	For the validity period of the NBPTS certification~~10~~	21B-20; 21B-25; 21B-65~~21-1a; 21-2; 21-3~~
~~04~~	~~Initial~~ Early Childhood	Generally Birth-Grade 3 (as endorsed)	04~~Yes~~	5~~4 years of teaching~~	21B-20; 21B-25~~21-1a; 21-2; 21-2.1~~
~~04~~	~~Standard Early Childhood~~	~~Generally Birth-Grade 3 (as endorsed)~~	~~Yes~~	~~5~~	~~21-1a; 21-2; 21-2.1~~

~~04~~	~~Master~~ Early Childhood with NBPTS Designation	Generally Birth-Grade 3 (as endorsed)	04~~Yes~~	For the validity period of the NBPTS certification~~10~~	21B-20; 21B-25; 21B-65~~21-1a; 21-2; 21-2.1~~
~~05~~	~~Provisional Early Childhood~~	~~Birth-3~~	~~Yes~~	~~2~~	~~21-10~~
	Middle School (No longer issued after January 1, 2018)	5-8	None	5	21B-20; 21B-25; 23 Ill. Adm. Code 1.720
	Middle Grades (Beginning February 1, 2018)	5-8	None	5	21B; 21B-25; 23 Ill. Adm. Code 25.99
~~09~~	~~Initial Secondary~~	~~6-12~~	~~Yes~~	~~4 years of teaching~~	~~21-1a; 21-2; 21-5~~
~~09~~	~~Standard~~ Secondary	6-12	09~~Yes~~	5	21B-20;21B-25~~21-1a; 21-2; 21-5~~
~~09~~	~~Master~~ Secondary with NBPTS Designation	6-12	09~~Yes~~	For the validity period of the NBPTS certification~~10~~	21B-20; 21B-25; 21B-65~~21-1a; 21-2; 21-5~~
~~10~~	~~Initial Special K-12~~	~~K-12 Field Endorsed~~	~~Yes~~	~~4 years of teaching~~	~~21-1a; 21-2; 21-4~~
~~10~~	~~Standard~~ Special K-12	K-12 Field Endorsed	10~~Yes~~	5	21B-20; 21B-25~~21-1a; 21-2; 21-4~~
~~10~~	~~Master~~ Special K-12 with NBPTS Designation	K-12 Field Endorsed	10~~Yes~~	For the validity period of the NBPTS certification~~10~~	21B-20; 21B-25; 21B-65~~21-1a; 21-2; 21-4~~
~~10~~	~~Initial Special Preschool Age 21~~	~~Generally Birth-Age 21~~	~~Yes~~	~~4 years of teaching~~	~~21-1a; 21-2; 21-4~~
~~10~~	~~Standard~~ Special Preschool-Age 21	Generally Birth-Age 21	10~~Yes~~	5	21B-20; 21B-25~~21-1a; 21-2; 21-4~~

~~10~~	~~Master~~ Special Preschool-Age 21 with NBPTS Designation	Generally Birth-Age 21	10~~Yes~~	For the validity period of the NBPTS certification~~10~~	21B-20; 21B-25; 21B-65~~21-1a; 21-2; 21-4~~
	General Administrative (No longer issued after August 31, 2014)	PreK-12	75	5	21B-25(2)(A); 23 Ill. Adm. Code 25.335
	Principal	PreK-12	75	5	21B-20; 21B-25(2)(B); 23 Ill. Adm. Code 25.337
	Superintendent	PreK-12	75	5	21B-20; 21B-25(2)(D); 23 Ill. Adm. Code 25.360
	Chief School Business Official	PreK-12	75	5	21B-20; 21B-25(2)(C); 23 Ill. Adm. Code 25.345
	Director of Special Education	PreK-12	75	5	23 Ill. Adm. Code 25.365 (Endorsement for Director of Special Education)
	Supervisory	PreK-12	None	5	23 Ill. Adm. Code 25.497 (Supervisory Endorsements)
	Teacher Leader	PreK-12	None	5	21B-20; 21B-25(2)(E); 23 Ill. Adm. Code 25.32
	Special Education	K-12 Field Endorsed	None	5	21B-20; 21B-25(2)(F); 23 Ill. Adm. Code 25.43
	School Support Personnel	Generally Birth-Age 21; Area of Service Endorsed	73	5	21B-20; 21B-25(2)(G); 23 Ill. Adm. Code 25.Subpart D

	Educator License with Stipulations				
	Provisional Educator – Early Childhood	Generally Birth-Grade 3	05	2 (No renewals)	21B-20(2)(A)

		(as endorsed)			
	Alternative Provisional Educator – Early Childhood	Generally Birth-Grade 3 (as endorsed)	43 or 44	2 (Pursuant to 105 ILCS 5/21B-50, a one-year renewal is available in special circumstances.)	21B-20(2)(B); 23 Ill. Adm. Code 25.60 (Alternative Educator Licensure Program for Teachers)
22	Initial Alternative Elementary	K-9	Yes	4	21-5b
23	Provisional Alternative Provisional Educator – Elementary	K-9 or 1-6	22 or 23Yes	2 (Pursuant to 105 ILCS 5/21B-50, a one-year renewal is available in special circumstances.)1	21B-20(2)(B); 23 Ill. Adm. Code 25.6021-5b; 21-5c
24	Initial Alternative Secondary	6-12	Yes	4	21-5b
24	Standard Alternative Secondary	6-12	No	4	21-5b
25	Provisional Alternative Provisional Educator – Secondary	9-126-12	24 or 25Yes	2 (Pursuant to 105 ILCS 5/21B-50, a one-year renewal is available in special circumstances.)1	21B-20(2)(B); 23 Ill. Adm. Code 25.6021-5b; 21-5c
26	Provisional Alternative Provisional Superintendent (Beginning January 1, 2013) Administrative	AllK-12	26Yes	(No renewals)1	21B-20(2)(C); 23 Ill. Adm. Code 25.311 (Alternative Route to Superintendent Endorsement)21-5d
27	Provisional Alternative Provisional Educator – Special	K-12 Field Endorsed	27Yes	2 (Pursuant to 105 ILCS 5/21B-50, a one-year renewal is available in special circumstances.)1	21B-20(2)(B); 23 Ill. Adm. Code 25.6021-5b; 21-5c

~~28~~	~~Initial Alternative Special~~	~~K-12 Field Endorsed~~	~~Yes~~	~~4~~	~~21-5b~~
~~29~~	Transitional Bilingual Educator	PreK-12~~K-12~~ Language Endorsed	29~~Yes~~	5 (No renewals)~~6~~	21B-20(2)(G); 23 Ill. Adm. Code 25.90 (Endorsement for Transitional Bilingual Educator)~~14C-8~~
~~30~~	Provisional Educator – Elementary	K-9 or 1-6	30~~Yes~~	2 (No renewals)	21B-20(2)(A)~~21-10~~
	Provisional Educator – Middle Grades	5-8	Not applicable	2 (No renewals)	21B-20(2)(A)
~~31~~	Provisional Educator – Secondary	6-12	31~~Yes~~	2 (No renewals)	21B-20(2)(A)~~21-10~~
~~33~~	Provisional Educator – Special	K-12 Field Endorsed	33~~Yes~~	2 (No renewals)	21B-20(2)(A)~~21-10~~
~~35~~	Career and Technical Educator~~Provisional Vocational~~	7-12 Field Endorsed **	35~~Yes~~	5	21B-20(2)(E)~~21-10~~
~~36~~	Provisional Career and Technical Educator~~Temp. Prov. Vocational~~	11-12 Field Endorsed ***	36~~Yes~~	5 (Renewable for one 5-year period)~~1~~	21B-20(2)(F)~~21-10~~
~~39~~	~~Substitute-90 days~~	~~K-12 All~~	~~Yes~~	~~4~~	~~21-9~~
~~40~~	Part-Time Provisional Career and Technical Educator	6-12	40~~Yes~~	5~~2~~	21B-20(2)(F)~~21-10~~
~~43~~	~~Provisional Alternative Early Childhood~~	~~Birth-Grade 3~~	~~Yes~~	~~1~~	~~21-5b; 21-5c~~
~~44~~	~~Initial Alternative Early Childhood~~	~~Birth-Grade 3~~	~~Yes~~	~~4~~	~~21-5b~~
~~50~~	Visiting International Educator – ~~Teacher –~~ Special	K-12	50~~Yes~~	3 (No renewals)	21B-20(2)(I); 23 Ill. Adm. Code 25.92 (Endorsement for Visiting International Educator)

~~53~~	Visiting International Educator – ~~Teacher –~~ Elementary	K-9	53~~Yes~~	3 (No renewals)	21B-20(2)(I); 23 Ill. Adm. Code~~23 IAC~~ 25.92
~~54~~	Visiting International Educator – ~~Teacher –~~ Early Childhood	Birth-Grade 3	54~~Yes~~	3 (No renewals)	21B-20(2)(I); 23 Ill. Adm. Code~~IAC~~ 25.92
~~59~~	Visiting International Educator – ~~Teacher –~~ Secondary	9-12~~6-12~~	59~~Yes~~	3 (No renewals)	21B-20(2)(I); 23 Ill. Adm. Code~~IAC~~ 25.92
~~73~~	~~School Service Personnel~~	~~Generally Birth-Age 21 Area of Service Endorsed~~	~~Yes~~	~~5 (beginning July 1, 2004)~~	~~21-25~~
~~74~~	Provisional Educator – School Support ~~Service~~ Personnel	Generally Birth-Age 21 Area of Service Endorsed	74~~Yes~~	2 (No renewals)	21B-20(2)(A)~~21-10~~
~~75~~	~~Administrative~~	~~All~~	~~*Yes~~	~~5~~	~~21-7.1~~
~~76~~	Provisional Administrative (Does not include principal or assistant principal)	K-12~~All~~	76~~Yes~~	2 (No renewals)	21B-20(2)(A)~~21-10~~
~~77~~	~~Administrative K-12~~		~~Yes~~	~~5~~	~~21-5d~~
~~78~~	~~Interim School Counselor Intern~~	~~Generally Birth-Age 21~~	~~Yes~~	~~3~~	~~23 IAC 25.227~~
~~79~~	~~Interim Speech-Language Pathologist Intern~~	~~Generally Birth-Age 21~~	~~Yes~~	~~3~~	~~14-1.09b(b)(3)~~
~~80~~	Resident Teacher – Special****	K-12	80~~Yes~~	4 (No renewals)	21B-20(2)(D)~~21-11.3~~
~~83~~	Resident Teacher – Elementary****	K-9	83~~Yes~~	4 (No renewals)	21B-20(2)(D)~~21-11.3~~
~~84~~	Resident Teacher – Early Childhood****	Birth-Grade 3	84~~Yes~~	4 (No renewals)	21B-20(2)(D)~~21-11.3~~

~~89~~	Resident Teacher – Secondary****	6-12	89~~Yes~~	4 (No renewals)	21B-20(2)(D)~~21-11.3~~

	Substitute License				
	None	All	39	5	21B-20(3)

* If endorsed for teaching, valid for subjects for which the individual is assignable under Section 1.710, 1.720, 1.737, 1.745~~,~~ or 1.755~~ of this Part, or to which the individual is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled)~~.

** Valid in approved programs of career and technical education (CTE), for "skill-level" instruction in grades 11 and 12 in the field of specialization and for "orientation-level" instruction in grades 9 and 10 in the field of career and technical education endorsement to which the specialization belongs. Provided that the license ~~certificate~~ holder is employed to teach in any of grades 9 through 12 in the field of specialization, the educator license~~certificate~~ is also valid for exploratory career and technical education courses in grades 7 and 8 in that field of endorsement.

*** Valid only in approved CTE programs for "skill-level" instruction in grades 11 and 12 in the field of specialization.

**** The resident teacher endorsement on the educator license with stipulations will no longer be valid after June 30, 2017. (See Section 21B-20(2)(D) of the School Code.)

(Source: Amended at 38 Ill. Reg. 11203, effective May 6, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Educator Licensure

2) Code Citation: 23 Ill. Adm. Code 25

3)

Section Numbers:	Adopted Action:
25.30	Repeal
25.32	Amendment
25.60	Amendment
25.65	Amendment
25.67	Amendment
25.80	New Section
25.100	Amendment
25.215	Amendment
25.225	Amendment
25.235	Amendment
25.245	Amendment
25.252	Amendment
25.313	Repeal
25.335	Amendment
25.425	Amendment
25.442	Repeal
25.510	Amendment
25.520	New Section
25.620	Amendment
25.710	Amendment
25.720	Amendment
25.728	Amendment
25.735	Amendment
25.755	Amendment
25.APPENDIX C	Amendment
25.APPENDIX E	Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6

5) Effective Date of Rules: May 6, 2014

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain any incorporations by reference? No

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: January 3, 2014; 38 Ill. Reg. 61

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

11) Differences between Proposal and Final Version: Nonsubstantive wording changes were requested by JCAR in Sections 25.60(c)(8)(C), 25.425(a)(2)(B)(iii) and 25.520(b).

In Section 25.620(f)(1), language was added to make clear that the provision applies to substitutes working in City of Chicago School District 299 who are not subject to the limitations of Article 21B addressing the number of days that a substitute teacher may be employed.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers:	Proposed Action:	*Illinois Register* Citation:
25.355	New Section	38 Ill. Reg. 7096; March 28, 2014
25.360	Amend	38 Ill. Reg. 7096; March 28, 2014

15) Summary and Purpose of Rulemaking: New Section 25.80 establishes requirements for receipt of the part-time provisional career and technical educator endorsement that is placed on an educator license with stipulations, pursuant to PA 98-28, effective July 1, 2013.

Section 25.510, which addresses requirements for paraprofessional educators, restores an exception for getting the approval that was added in 2010 for the holders of certain credentials with qualifications that exceeded those required for the paraprofessional approval.

New Section 25.520 now allows the agency to identify the tests that would qualify under Section 21B-20(3) as constituting "a test of basic skills" for the purpose of renewing the substitute teaching license (i.e., Test of Academic Proficiency (TAP) or the WorkKeys® assessment offered by ACT).

A provision in Section 25.620(f) of the rules regarding student teaching places into the rules a previous statutory allowance for certain individuals to be paid as a teacher while they are participating in a student teaching component of their early childhood preparation program and still receive credit for the student teaching. Although Section 21-2.1 of the School Code has been repealed and Article 21B (Educator Licensure) does not set forth specific requirements for student teaching, the law does authorize the agency to set standards for both the receipt of educator licenses and for the programs that prepare educators. For this reason, and because programs are currently exercising this latitude, the previous statutory allowance will be explicitly placed into the rules.

Several changes have been made in Section 25.720 (testing requirements and scores). PA 98-361, effective January 1, 2014, removes from Section 21B-30 of the School Code the requirement that a candidate must pass the Illinois test of basic skills, or TAP, before being admitted to an educator preparation program. Proposed amendments in Section 25.720(b) reflect this change. Other changes in the rules specific to TAP address the following:

- Identification of the process to determine a minimum score for the ACT® or SAT® writing component that is comparable to the minimum passing score on the TAP writing, which responds to an agreement the agency had with the Joint Committee on Administrative Rules (JCAR) resulting from the 2012 rulemaking.

- Elimination of the restriction on the number of times a candidate or applicant may take a licensure test. This change in Section 25.720(b)(5)(D) and (6) and Sections 25.720(i) and 25.755(f) addresses concerns expressed to the State Board at its August 2013 meeting about the difficulty certain candidates have experienced in their attempts to achieve a passing score on each of the four components of TAP.

The following technical changes also have been made in Part 25:

- Section 25.30 (teacher leader endorsement), 25.313 (alternative route to administrative endorsement) and Section 25.442 (Illinois Teacher Corps) are being repealed since their provisions are no longer applicable.

- Section 25.32 (new teacher leader endorsement) is being amended to make clear that the teacher leader endorsement is applicable to prekindergarten through grade 12 assignments.

- Sections 25.65 and 25.67 respond to PA 98-38, effective June 28, 2013, which changes the dates by which candidates may be admitted to certain alternative teaching endorsement programs and by when those candidates must complete the programs and be "entitled" by the institution to receive their professional educator license endorsed in a teaching field. Due to several changes in the effective dates since 2011, as well as recently signed legislation effective June 1, 2014 (i.e., PA 98-603), a general statement is being placed in the rules to refer the reader to the specific School Code provision that sets forth the timelines.

- Explicit mention has been made in Section 25.100(h) of the ability for a candidate who is seeking a professional educator license for the first time to qualify not only for the teaching endorsement specific to the candidate's program of study but also for a foreign language endorsement if the candidate has 24 semester hours of college credit in the language and passes the applicable content-area test.

- Various Sections in Subpart D (School Support Personnel) have been changed to align their provisions to PA 98-581, effective August 27, 2013, which requires passage of the content-area test before licensure rather than before the start of the second semester of an internship.

- Section 25.425 incorporates modifications in Article 21B of the School Code resulting from PA 98-581 specific to educational requirements for out-of-state applicants for professional educator licenses endorsed in a school support personnel field.

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

Kellee Sullivan, Division Administrator
Educator Licensure
Illinois State Board of Education
100 North First Street, E-310
Springfield IL 62777

217/557-6763

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

PART 25
EDUCATOR LICENSURE

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STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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AUTHORITY: Implementing Articles 21 and 21B and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, Art. 21B, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22

Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; peremptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; peremptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; peremptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744, effective March 21, 2003; amended at 27 Ill. Reg. 8071, effective April 28, 2003; emergency amendments at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 12523, effective July 21, 2003; amended at 27 Ill. Reg. 16412, effective October 20, 2003; emergency amendment at 28 Ill. Reg. 2451, effective January 23, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 8556, effective June 1, 2004; emergency amendments at 28 Ill. Reg. 12438, effective August 20, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1212, effective January 4, 2005; amended at 29 Ill. Reg. 10068, effective June 30, 2005; amended at 29 Ill. Reg. 12374, effective July 28, 2005; emergency amendment at 29 Ill. Reg. 14547, effective September 16, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 15831, effective October 3, 2005; amended at 30 Ill. Reg. 1835, effective January 26, 2006; amended at 30 Ill. Reg. 2766, effective February 21, 2006; amended at 30 Ill. Reg. 8494, effective April 21, 2006; amended at 31 Ill. Reg. 10645, effective July 16, 2007; amended at 32 Ill. Reg. 3413, effective February 22, 2008; amended at 32 Ill. Reg. 13263, effective July 25, 2008; emergency amendment at 32 Ill. Reg. 18876, effective November 21, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 5462, effective March 24, 2009; amended at 34 Ill. Reg. 1582, effective January 12, 2010; amended at 34 Ill. Reg. 15357, effective September 21, 2010; amended at 35 Ill. Reg. 4315, effective February 23, 2011; peremptory amendment at 35 Ill. Reg. 14663, effective August 22, 2011; amended at 35 Ill. Reg. 16755, effective September 29, 2011; amended at 36 Ill. Reg. 2191, effective January 24, 2012; amended at 36 Ill. Reg. 12455, effective July 23, 2012; emergency amendment at 36 Ill. Reg. 12903, effective July 24, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 199, effective December 19, 2012; amended at 37 Ill. Reg. 8379, effective June 12, 2013; amended at 37 Ill. Reg. 16729, effective October 2, 2013; amended at 38 Ill. Reg. 11261, effective May 6, 2014.

SUBPART B: LICENSES

Section 25.30 Endorsement in Teacher Leadership (Through December 31, 2012) (Repealed)

~~Beginning July 1, 2007, endorsement as a teacher leader shall be available to persons who fulfill the requirements of this Section. The teacher leader endorsement shall be an optional, advanced credential and shall not be subject to the provisions of Section 25.100 of this Part, except that payment of the fee specified in Section 21B-40 of the School Code [105 ILCS 5/21B-40] shall be required. In order to qualify for the teacher leader endorsement under this Section, a candidate shall complete all of the program requirements on or before August 31, 2012, to ensure application for and receipt of the endorsement by December 31, 2012. (See 105 ILCS 5/21-7.5.)~~

~~a) The teacher leader endorsement shall include a designation identifying the area of the individual's master's degree in teacher leadership, if any, or reflecting the content area in which the individual holds certification from the National Board for Professional Teaching Standards (NBPTS), holds a master's degree, or has completed a major field of specialization and demonstrates the leadership experience called for in subsection (d) of this Section. Additional subject-specific designations may be added to a teacher leader endorsement in accordance with the provisions of subsection (g) of this Section.~~

~~b) Eligibility of Teachers~~
~~Each applicant for endorsement as a teacher leader shall hold a standard or master early childhood, elementary, secondary, special K-12, or special preschool-age 21 certificate, including an alternative certificate of one of these types, or an administrative certificate that is valid for teaching.~~

~~c) Strand of Coursework~~
~~Only Illinois institutions of higher education that conduct approved teacher preparation programs shall be eligible to offer the "specially designed strand of teacher leadership courses" discussed in Section 21-7.5 of the School Code [105 ILCS 5/21-7.5].~~

~~1) Each institution's strand of coursework shall include a range of graduate-level courses addressing subject-specific content knowledge and pedagogy, as well as professional development and curriculum design and implementation. In order to avoid duplicating an individual's prior preparation or experience in these areas, the institution shall select the specific courses from the approved strand that will make up the required program for that individual.~~

~~2)~~ ~~In order to receive approval for its proposed strand of coursework, an institution shall submit to the State Superintendent of Education, in a format required by the State Superintendent, a program description that:~~

~~A)~~ ~~identifies the group of courses that will make up the strand;~~

~~B)~~ ~~describes the institution's method for selecting coursework and experiences from the approved strand for particular individuals in light of those individuals' prior preparation and achievements, in order to ensure that recipients of the teacher leader endorsement are prepared to understand and interpret research in their individual fields, exercise leadership in curriculum development and implementation, and provide professional development to other teachers to assist them in strengthening their teaching practice; and~~

~~C)~~ ~~indicates how the institution will determine that individuals who complete the teacher leader endorsement program have demonstrated the dispositions necessary to become effective instructional leaders.~~

~~3)~~ ~~The institution may be asked to clarify or revise aspects of its proposal as necessary. The State Superintendent of Education shall seek a recommendation from the State Educator Preparation and Licensure Board regarding approval of the proposal, shall present the recommendation to the State Board of Education, and shall provide a response to the institution within 90 days after receipt of the proposal or the last revisions to it. If the State Board of Education disapproves the proposal, the State Superintendent's response shall identify the specific deficiencies upon which disapproval is based. When the State Board has approved a proposal, the institution shall be authorized to recommend individuals who complete its teacher leadership program for the teacher leader endorsement with the individuals' original subject-area designations, as well as any additional subject-area designations for which individuals qualify under subsection (g) of this Section.~~

~~d)~~ ~~Proven Teacher Leader~~

~~To be considered a "proven teacher leader" for purposes of this Section, an individual shall provide letters signed by the chief administrators or other designated officials of the employing school districts or nonpublic schools~~

~~documenting that the individual has no fewer than four semesters' experience in service in any of the following capacities, in any combination:~~

~~1) department or grade-level chair;~~

~~2) mentor or peer coach;~~

~~3) member of a school improvement team; or~~

~~4) leader of a curriculum development team.~~

~~e) When an institution recommends an individual for the teacher leader endorsement based on his or her completion of an approved strand of coursework, the recommendation shall signify that the institutional representative has also verified:~~

~~1) either:~~

~~A) that the applicant's name appears on the composite list of teachers who hold certification from the National Board for Professional Teaching Standards (NBPTS) that is posted by the NBPTS; or~~

~~B) that an official transcript or, in the case of an individual prepared at an institution outside the United States, a statement from an evaluation service approved under Section 25.425 of this Part, shows that the applicant holds a master's degree in any field and that the individual has presented evidence that he or she qualifies as a "proven teacher leader" under subsection (d) of this Section; and~~

~~2) that the candidate has successfully completed all the requirements of Section 21-7.5 of the School Code and this Section.~~

~~f) Master's Degree in Teacher Leadership~~
~~An individual seeking the teacher leader endorsement based on completion of a master's degree program in teacher leadership on or before August 31, 2012 shall submit an application accompanied by the required fee and an official transcript showing that he or she holds an advanced degree in teacher leadership from an Illinois teacher preparation institution or a comparable degree granted by an out-of-state institution that prepares teachers.~~

~~g)~~ ~~Additional Designations~~
~~An individual who earns a teacher leader endorsement in one subject area by meeting the applicable requirements of this Section may add further designations denoting those additional subject areas in which he or she is considered "highly qualified" pursuant to Appendix D to this Part. For additional designations sought by application to the State Superintendent of Education after issuance of the original teacher leader endorsement, the fee required by Section 21B-40 of the School Code shall apply.~~

(Source: Repealed at 38 Ill. Reg. 11261, effective May 6, 2014)

Section 25.32 Teacher Leader Endorsement (Beginning September 1, 2012)

The Section establishes the requirements for the receipt of a teacher leader endorsement valid for prekindergarten through grade 12 and for approval of educator~~education~~ preparation programs to provide the program required for receipt of the endorsement. The teacher leader endorsement is intended to increase the quality of leadership, as well as teaching and learning practices, and recognize the critical importance that leadership by teachers brings to the overall school improvement mission of the school and its personnel. The teacher leader endorsement will create a career path to retain and develop high-performing teachers for leadership roles; formalize, define, and build the competencies necessary for high-quality leadership to improve student learning; and recognize and encourage shared leadership and decision-making in schools to maximize outcomes for children.

a) For the purposes of this Section, a teacher leader is defined as an individual with the capacity and skills to:

1) harness the collective knowledge of teachers to have a positive impact on teaching and learning and school and student success;

2) promote shared governance and leadership in schools by working effectively with the principal and other adults in the school, with a consistent focus on student learning and achievement;

3) model excellence in teaching with a strong foundation in improving the climate of the school and classroom, curriculum, instruction, assessment and intervention;

4) provide guidance, coaching, mentoring, influence, direction and support to teachers to improve the effectiveness of teaching and learning; and

5) promote and influence change to improve school and student outcomes.

b) A teacher leader may serve in a variety of roles within the school district, including but not limited to:

1) curriculum specialist (i.e., identifying, designing and implementing curriculum and school and district improvement);

2) coach (i.e., providing coaching to other teachers and staff on instructional practice and methods);

3) mentor teacher (i.e., providing mentoring to new teachers or others in need of assistance);

4) department chair or lead teacher;

5) content specialist (i.e., leading instructional programs in a specific content area);

6) teacher leaders responsible for supervising others, provided that a supervisory endorsement is not required pursuant to 23 Ill. Adm. Code 1.705 (Requirements for Supervisory and Administrative Staff) for the position to which the teacher leader is assigned;

7) program leaders (i.e., relative to the climate of the school and classroom, curriculum, instruction or assessment); and

8) other areas of responsibility as identified by school districts.

c) Beginning September 1, 2012, a teacher leader endorsement on a professional educator license will be available to persons who fulfill the requirements of Section 21B-25(2)(E) of the School Code [105 ILCS 5/21B-25(2)(E)] and this Section. In order to receive a teacher leader endorsement, a candidate holding a professional educator license shall:

1) have obtained a master's degree or higher from a regionally accredited institution; ~~and~~

2) have passed the test of basic skills pursuant to Section 25.720; and

3) have completed a program that meets the requirements set forth in this Section.

d) Only institutions of higher education and not-for-profit entities that have been recognized under Subpart C ~~of this Part~~ to conduct educator preparation programs may apply to the State Board of Education for approval to offer a teacher leader endorsement program. Each program shall address at least the coursework listed in Section 21B-25(2)(E) of the School Code and this subsection (d).

1) Leadership, to address:

A) knowledge of leadership frameworks and models of shared governance;

B) understanding teacher evaluation models and training;

C) ability to hold self and others accountable for results; and

D) ability to lead teams in setting goals and achieving results.

2) Designing professional development to meet teaching and learning needs, to include:

A) understanding, applying, and evaluating the specific needs of new teachers for induction and mentoring;

B) ability to coach teachers and staff;

C) ability to understand, apply~~,~~ and evaluate models of effective professional development; and

D) ability to observe instruction and provide coaching, mentoring or professional development feedback to teachers.

3) Building school culture that focuses on student learning, to address:

A) understanding diverse learners (including students with Individualized Education Programs, English language learners, students who are underrepresented in the school population, and other at-risk students) and their families and communities;

B) ability to analyze and interpret data around school culture, working and learning conditions, and climate;

C) understanding the impact of instructional models and practices on improving learning, as well as the culture and climate of the school and classrooms; and

D) ability to understand and apply to the learning environment the Illinois Social and Emotional Learning Standards set forth at 23 Ill. Adm. Code 555.Appendix A.

4) Using assessments to improve student learning and foster student achievement.

5) Building collaboration with teachers and stakeholders.

e) A request for program approval shall be submitted to the State Superintendent for consideration in accordance to the requirements of Section 25.145~~ of this Part~~.

f) Actions following upon the recommendation of the State Educator Preparation and Licensure Board shall be as described in Section 25.160~~ of this Part~~.

g) An approved teacher leader program shall be subject to the review process set forth in 23 Ill. Adm. Code 25.Subpart C.

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

Section 25.60 Alternative Educator Licensure Program for Teachers (Beginning January 1, 2013)

This Section establishes requirements in addition to those set forth in Section 21B-50 of the School Code [105 ILCS 5/21B-50] for an institution of higher education or a not-for-profit entity recognized and approved to offer educator preparation programs under Subpart C ~~of this Part~~ to provide an alternative approach to obtaining a professional educator license.

a) General Requirements

Each alternative educator licensure program shall:

1) Include a program of study that addresses the content enumerated in Section 21B-50(b)(1) of the School Code. For purposes of this subsection (a)(1), instruction relative to special education and reading shall meet the criteria set forth in Section 25.25(a)(1) of this Part and, for English language learners, the criteria found in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers).

2) Provide two years of residency pursuant to Section 21B-50(b)(2) and (3) of the School Code during which~~whereby~~ the candidate is assigned to teach full time for two school years as the teacher of record or a co-teacher.

A) During the first school year of the residency, the program shall assign a mentor to each candidate. The mentor shall:

i) hold a professional educator license and be employed by the school district where the candidate is serving his or her residency;

ii) have three years of full-time teaching experience in the 10 years immediately preceding his or her assignment as a mentor; and

iii) have achieved a performance evaluation rating of proficient or higher in his or her two most recent evaluations.

B) During the second year of residency, the program shall assign a teacher who meets the requirements of subsection (a)(2)(A) ~~of this Section~~ to serve as a coach for each candidate, providing consultation and support, as needed.

3) Involve a partnership of the institution or not-for-profit entity offering the alternative educator program with a public school district or nonpublic school that meets the criteria set forth in Section 21B-50(d) of the School Code. Candidates also may serve:

A) in the case of early childhood endorsements, in a position for which a professional educator license endorsed for early childhood is required pursuant to the rules of the State Board of Education at 23 Ill. Adm. Code 235 (Early Childhood Block Grant); or

B) in a facility operated by a provider approved by the State Superintendent to contract with school districts for the provision of special education services pursuant to Section 14-7.02 of the School Code [105 ILCS 5/14-7.02] and 23 Ill. Adm. Code 401 (Special Education Facilities Under Section 14-7.02 of the School Code); or

C) in a charter school.

4) At the conclusion of the second year of residency, each program shall administer a comprehensive assessment to gauge the candidate's teaching effectiveness that is conducted by the principal of the school to which the candidate is assigned and the coordinator of the alternative educator program appointed by the institution or not-for-profit entity. (See Section 21B-50(b)(4) of the School Code.)

b) Candidate Qualifications

1) In order to enroll in the program, each candidate shall pass Illinois' test of basic skills and the content-area test for which licensure is sought, as required under Section 21B-30 of the School Code and Section 25.720~~ of this Part~~. (See Section 21B-50(c)(5) of the School Code.)

2) In order to participate in the first year of residency, the candidate shall:

A) apply for an educator license with stipulations endorsed for provisional alternative educator, which shall be issued upon the presentation of evidence of having met the requirements set forth in Section 21B-50(c) of the School Code and payment of the fee required under Section 21B-40 of the School Code; and

B) complete the course of study required under subsection (a)(1)~~ of this Section~~.

3) In order to participate in the second year of residency, the candidate shall:

A) complete any additional coursework relative to the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) and the content-area standards for the teaching field of the endorsement, as required under Section 25.115(e)~~ of this Part~~;

B) pass the Teacher Performance Assessment (TPA~~edTPA~~), except that candidates beginning their second year of residency in the 2015-16 school year shall be required to pass the TPA~~edTPA~~ during that year (also see subsection (c)(5)~~ of this Section~~);

C) pass the Assessment of Professional Teaching (APT) (also see subsection (c)(5)~~ of this Section~~); and

D) be recommended for second year of residency in accordance with the program's process established pursuant to subsection (c)(7)(C) ~~of this Section~~.

c) Proposal Requirements

1) Each proposal shall describe the role and responsibilities of the institution or not-for-profit entity and of the school district or nonpublic school with which the institution or entity will partner. The proposal also shall identify the program coordinator to be assigned by the institution or entity to oversee the candidates in the alternative program.

A) The proposal shall include a plan to ensure that the program coordinator visits the classroom in which each candidate is placed for an average of one day a week during the school year.

B) Any program coordinator assigned to the candidates under this subsection (c)(1) shall have had three years of teaching experience in any of the grades of prekindergarten through grade 12 in the 10 years immediately preceding his or her assignment to the position and meet the requirement for training under subsection (c)(8)~~ of this Section~~.

2) Each proposal shall describe the need for individuals holding the type of endorsements to be awarded upon program completion, including, but not limited to, evidence of a shortage of these types of educators (e.g., special

education, math, science), either across the State or in certain geographical areas. If the shortage is specific to a certain area, describe the steps to be taken to attract candidates from that area of the State or to place candidates in positions in schools located there.

3) Each proposal shall demonstrate how the program will evaluate the congruence of a candidate's baccalaureate education, his or her employment experience in a field requiring application of that education, and the teaching area for which the candidate seeks preparation and licensure.

4) For candidates who have not completed a major in the particular content area of the endorsement sought, as required under Section 21B-50(c) of the School Code, the institution or not-for-profit entity shall describe the process and criteria it will use to determine whether the coursework the candidate completed aligns to the standards for the content area of the endorsement and represents at least 32 semester hours of credit in that content area.

A) Any transcript evaluation the program conducts pursuant to this subsection (c)(4) shall be provided to the State Superintendent for his or her approval.

B) For candidates seeking an endorsement in early childhood, elementary or special education, a *major in the content area of one of the sciences* (Section 21B-50(c)(3) of the School Code) shall be understood to mean any of the physical or social sciences.

5) Each proposal shall provide an assurance that all candidates will be required to:

A) Beginning September 1, 2015, pass TPA~~edTPA~~ prior to beginning the second year of residency, except as otherwise provided in Section 25.60(b)(3)~~ of this Section~~; and

B) pass the APT before proceeding to the second year of residency.

6) Each proposal shall describe the proposed course of study.

A) Each proposal shall demonstrate how candidates will acquire knowledge of content and skills equivalent to the content and skills contained in a preparation program approved pursuant to Subpart C~~ of this Part~~ with regard to:

i) *instructional planning*;

ii) *instructional strategies, including* those meeting the criteria for instruction relative to *special education, reading and English language learning* set forth in Section 25.25(b) of this Part;

iii) *classroom management*; and

iv) *the assessment of students and use of data to drive instruction*. (Section 21B-50(b)(1) of the School Code)

B) Each proposal shall include provisions for determining the amount of time individual candidates will need in order to complete the proposed course of study, based upon ~~such~~ factors, such as their experience and the type of program offered.

C) Each proposal shall describe the field experiences in which candidates will participate before beginning their first year of residency.

D) Each program shall include a preservice assessment of each candidate's performance, to be conducted by the institution or not-for-profit entity responsible for the program at the conclusion of the course of study in order to determine the candidate's readiness for the two-year teaching assignment. Each proposal shall state the criteria for the institution's or entity's determination of candidates' readiness.

7) Each proposal shall describe the proposed arrangements for candidates' teaching assignments under this Section and shall provide for these to be set forth in a formal, written agreement between the participating entity responsible for the program and the school districts, early childhood or nonpublic special education facility, or charter school where candidates will practice. Each agreement shall address:

A) the nature and intensity of the support to be provided to candidates by the mentor, as well as any experienced teachers and other staff members of the district, including:

i) the qualifications and experience of the mentor and any of the assisting teachers and staff;

ii) the estimated amount of time the mentor and any assisting teachers and staff will devote to advising and assisting candidates; and

iii) the specific roles of the mentor and any assisting teachers and staff;

B) provisions enabling candidates to compensate for teaching time lost due to emergencies; and

C) the process and criteria to be used by the principal of the school where the candidate is placed and the program coordinator to recommend the candidate's placement in a second year of residency. (Section 21B-50(b)(2) of the School Code)

8) Each proposal shall describe the proposed method of comprehensively assessing candidates' teaching performance at the conclusion of the second year of residency, which shall at a minimum meet the requirements set forth in 23 Ill. Adm. Code 50.120 (Professional Practice Components for Teachers) and be conducted by an individual who has successfully completed the prequalification process and passed the required assessment authorized by Section 24A-3 of the School Code [105 ILCS 5/24A-3]. The assessment methods shall be set forth in a formal, written agreement between the participating entity responsible for the program and the school districts where candidates will practice. Each agreement shall describe:

A) the roles of the principal and program coordinator who will participate in the evaluation of candidates;

B) assessment methods capable of demonstrating whether a candidate is:

i) knowledgeable about specific subject matter and strategies for teaching that subject matter to students with differing needs; and

ii) skilled in managing and monitoring students' learning; and

C) the professional development process to be used either for those candidates who receive a "needs improvement" rating at the conclusion of the assessment process or in instances when the principal and program coordinator cannot agree, which shall address the candidate's weaknesses and deficiencies identified during the assessment and assist the candidate in making improvement during the third year of residency relative to those weaknesses and deficiencies. The option for professional development and a third year of residency shall not be afforded to any candidate who receives "unsatisfactory" ratings from both the principal and program coordinator or for anyone who receives an "unsatisfactory" rating from either the principal or program coordinator and a "needs improvement" rating from either the principal or program coordinator.

9) Each proposal shall delineate any criteria, in addition to a candidate's receiving a rating of "proficient" or higher at the conclusion of the comprehensive assessment required under subsection (c)(8) ~~of this Section~~, by which candidates will be recommended for the professional educator license endorsed in the content area and grade level of the candidate's residency practice by the participating entity responsible for the program.

10) Proposals shall be submitted to the State Board of Education and addressed as follows:

Alternative Educator Licensure Program
100 North First Street
Springfield, Illinois 62777

d) Program Approval

1) Proposals for the establishment of alternative programs for teacher licensure meeting the specifications of this Section and Section 21B-50 of

the School Code shall be approved by the State Superintendent of Education pursuant to the requirements set forth in Section 25.145~~ of this Part~~, in consultation with the State Educator Preparation and Licensure Board.

2) *Any program offered by a not-for-profit entity also shall be approved by the Board of Higher Education*. [105 ILCS 5/21B-50(b)]

e) *Successful completion of the program shall be deemed to satisfy any other practice or student teaching and content matter requirements established by law*. [105 ILCS 21B-50(b)] A candidate successfully completing the program shall receive a professional educator license endorsed in the content area and grade levels of his or her residency practice upon application and payment of the fee required under Section 21B-40 of the School Code.

f) Each alternative program established pursuant to this Section shall be subject to the review process and reporting requirements described in Subpart C~~ of this Part~~.

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

Section 25.65 Alternative Educator Licensure~~Certification (Through August 31, 2013)~~

~~In accordance with~~ Section 21-5b of the School Code [105 ILCS 5/21-5b] sets forth the admission and completion dates for candidates seeking professional educator licenses endorsed in one or more teaching fields in accordance with the provisions of this Section~~, *no one may be admitted to an alternative certification program established under this Section after September 1, 2013, and those admitted must complete the program before January 1, 2015*~~. Applications for approval of an alternative education program under this Section shall not be accepted after December 31, 2012.

a) Section 21-5b of the School Code [105 ILCS 5/21-5b] provides for the issuance of educator licenses with stipulations endorsed for alternative provisional educator~~alternative teaching certificates and initial alternative teaching certificates~~ to eligible candidates, as defined in that Section, who successfully complete a program consisting of:

1) a course of study approved by the State Board of Education;

2) one year of~~year's~~ full-time teaching on the educator license with stipulations endorsed for alternative provisional educator~~alternative~~

~~certificate~~:

A) in the public schools; or

B) in a nonpublic school, provided that:

i) the nonpublic school meets the recognition criteria set forth in rules governing Voluntary Registration and Recognition of Nonpublic Schools (23 Ill. Adm. Code 425);

ii) as of July 1, 2014, the majority of individuals who provide non-religious instruction to students hold a valid Illinois ~~teaching certificate or~~ professional educator license endorsed in a teaching field in accordance with Article 21B~~21~~ of the School Code [105 ILCS 5/Art. 21B~~21~~] and this Part~~rules governing Certification (23 Ill. Adm. Code 25)~~;

iii) the individual who serves as the principal holds a valid Illinois ~~administrative certificate or~~ professional educator license endorsed either for general administrative or principal in accordance with Article 21B~~21~~ of the School Code and this Part~~rules governing Certification~~; and

iv) as of January 1, 2010, the school has a written policy stating that all new teachers hired to provide non-religious instruction to students will hold a valid Illinois professional educator license endorsed in a teaching field~~certificate~~ in accordance with Article 21B~~21~~ of the School Code and this Part~~rules governing Certification~~; or

C) in the case of the early childhood endorsement~~certificate~~, in a position for which a~~an early childhood certificate or~~ professional educator license endorsed for early childhood was required pursuant to the rules of the State Board of Education at 23 Ill. Adm. Code 235 (Early Childhood Block Grant); or

D) in a facility operated by a provider approved by the State Superintendent to contract with school districts for the provision of special education services pursuant to Section 14-7.02 of the

School Code [105 ILCS 5/14-7.02] and 23 Ill. Adm. Code 401 (Special Education Facilities Under Section 14-7.02 of the School Code); or

E) in a charter school authorized under Article 27A of the School Code; and

3) a comprehensive assessment of the candidate's teaching performance, culminating in a favorable recommendation by the entity responsible for the course of study.

b) Proposals seeking to establish programs meeting the specifications of subsection (a) ~~of this Section~~ shall be addressed as follows:

State Board of Education
Alternative Educator Licensure~~Certification~~ Program
100 North First Street
Springfield, Illinois 62777-0001

c) Each proposal shall indicate the maximum number of teaching candidates to be served by the proposed program in each of its sessions.

d) Each proposal, simultaneously with State Board of Education staff's review, will be reviewed by the State Educator Preparation and Licensure Board, which shall provide its recommendation to the State Board of Education so that the State Board of Education may comply with the timeline set forth in Section 21-5b of the School Code.

e) A proposed course of study will be approved by the State Board of Education if the proposal demonstrates how candidates will acquire the knowledge of the content and the skills equivalent to the content and skills contained in the participating entity's preparation program approved pursuant to Subpart C ~~of this Part~~ with regard to:

1) educational theory;

2) instructional methods; and

3) practice teaching.

f) The assessment of the candidate's teaching performance for the year referred to in this Section shall include components that are designed to demonstrate that the candidate is:

1) knowledgeable about specific subject matter and strategies for teaching that subject matter to students with differing needs; and

2) skilled in managing and monitoring students' learning.

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

Section 25.67 Alternative Route to Teacher Licensure~~Certification (Through August 31, 2013)~~

~~In accordance with~~ Section 21-5c of the School Code [105 ILCS 5/21-5c] sets forth the admission and completion dates for candidates seeking professional educator licenses endorsed in one or more teaching fields in accordance with the provisions of this Section~~, *no one may be admitted to an alternative certification program established under this Section after September 1, 2013, and those admitted must complete the program before January 1, 2015*~~. Applications for approval of an alternative education program under this Section shall not be accepted after December 31, 2012.

a) Section 21-5c of the School Code [105 ILCS 5/21-5c] provides for the issuance of an educator license with stipulations endorsed for alternative provisional educator in a~~alternative~~ teaching field~~certificates~~ to eligible candidates, as defined in that Section, who successfully complete an intensive course of study approved by the State Board of Education.

b) Section 21-5c of the School Code further provides for the issuance of professional educator licenses endorsed in a~~initial~~ teaching field~~certificates~~ to candidates who, after completing the course of study referred to in subsection (a)~~ of this Section~~, complete an alternative program that also includes:

1) one year of~~year's~~ full-time teaching on the educator license with stipulations endorsed for alternative provisional educator~~alternative certificate~~, in accordance with the requirements set forth in Section 25.65(a)(2)(B)~~ of this Part~~; and

2) a comprehensive assessment of the candidate's teaching performance, culminating in a favorable recommendation by the entity responsible for

the course of study.

c) Proposals for the establishment of programs meeting the specifications of subsections (a) and (b)~~ of this Section~~ shall be approved if they comply with Section 21-5c of the School Code and this Section. Proposals shall be addressed as follows:

State Board of Education
Alternative Educator Licensure~~Certification~~ Program
100 North First Street
Springfield, Illinois 62777-0001

d) Proposal Requirements

1) Each proposal shall describe the role and responsibilities of the sponsor of the alternative program.

2) Each proposal shall demonstrate how the program will evaluate the congruence of a candidate's baccalaureate education, his or her employment experience in a field requiring application of that education, and the teaching area for which the candidate seeks preparation and educator licensure~~certification~~.

3) Each proposal shall state that all candidates must:

A) pass the test of basic skills required pursuant to Section 21B-30~~21-1a~~ of the School Code [105 ILCS 5/21B-30~~21-1a~~] and Section 25.720 prior to beginning the proposed course of study; and

B) pass the content-area test required pursuant to Section 21B-30~~21-1a~~ of the School Code and Section 25.720 prior to beginning the teaching assignment that is a part of the alternative program.

4) Each proposal shall describe the proposed course of study.

A) Each proposal shall demonstrate how candidates will acquire knowledge of content and skills equivalent to the content and skills contained in a preparation program approved pursuant to Subpart C~~ of this Part~~ with regard to:

i) educational theory;

ii) instructional methods; and

iii) practice teaching.

B) Each proposal shall include provisions for determining the amount of time individual candidates will need in order to complete the proposed course of study, based upon ~~such~~ factors, such as their experience and the type of program offered. In all cases, the amount of time needed shall be less than that required to complete the entity's preparation program approved pursuant to Subpart C ~~of this Part~~.

C) Each program shall include a preservice assessment of each candidate's performance, to be conducted by the entity responsible for the program at the conclusion of the course of study in order to determine the candidate's readiness for the year-long teaching assignment. Each proposal shall state the criteria for the entity's determination of candidates' readiness.

5) Each proposal shall describe the proposed arrangements for candidates' teaching assignments under this Section and shall provide for these to be set forth in a formal, written agreement between the participating entity responsible for the program and the school districts where candidates will practice. Each ~~such~~ agreement shall address:

A) the nature and intensity of the support to be provided to candidates by experienced teachers and other staff members of the district, including:

i) the qualifications and experience of the assisting teachers and staff;

ii) the estimated amount of time assisting teachers and staff will devote to advising and assisting candidates; and

iii) the specific roles of the assisting teachers and staff; and

B) provisions enabling candidates to compensate for teaching time

lost due to emergencies.

6) Each proposal shall describe the proposed method of assessing candidates' teaching performance for the year referred to in this Section and shall provide for these~~such~~ methods to be set forth in a formal, written agreement between the participating entity responsible for the program and the school districts where candidates will practice. Each ~~such~~ agreement shall describe:

A) the roles of all parties who will participate in the evaluation of candidates; and

B) assessment methods capable of demonstrating whether a candidate is:

i) knowledgeable about specific subject matter and strategies for teaching that subject matter to students with differing needs; and

ii) skilled in managing and monitoring students' learning.

7) Each proposal shall delineate the criteria by which candidates will be recommended for the professional educator license~~initial certification~~ by the participating entity responsible for the program.

e) Each alternative program established pursuant to this Section shall be subject to the requirements set forth in Section 25.115~~ of this Part~~.

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

Section 25.80 Endorsement for Part-time Provisional Career and Technical Educator~~Requirements for the Early Childhood Certificate (Repealed)~~

The requirements of this Section apply to individuals seeking an educator license with stipulations endorsed for part-time provisional career and technical educator pursuant to Section 21B-20(2)(F) of the School Code [105 ILCS 5/21B-20(2)(F)].

a) Each applicant for an educator license with stipulations endorsed for part-time provisional career and technical educator shall present evidence of having met the requirements set forth in Section 25.72(a).

b) At the time application is made for the educator license with stipulations endorsed for part-time provisional career and technical educator, the school district that will employ the individual requesting the license shall verify, in writing, to the State Superintendent that:

1) the district is unable to find a qualified individual holding a professional educator license endorsed for the skill area of instruction or educator license with stipulations endorsed for career and technical educator in the skill area of instruction; and

2) the current circumstances existing in the district require the employment of an individual licensed in the skill area of instruction.

c) The educator license with stipulations endorsed for part-time provisional career and technical educator is valid *until June 30 immediately following five years* after *the endorsement was issued*. (See Section 21B-20(2)(F) of the School Code.)

d) The educator license with stipulations endorsed for part-time provisional career and technical educator may be renewed one time only upon application and payment of the fee required under Section 21B-40 of the School Code to register the license.

(Source: Old Section repealed at 29 Ill. Reg. 15831, effective October 3, 2005; new Section added at 38 Ill. Reg. 11261, effective May 6, 2014)

Section 25.100 Teaching Endorsements on the Professional Educator License

Beginning July 1, 2013, the structure of teaching endorsements available on the Illinois professional educator license is changed. Appendix E ~~to this Part~~ provides a list of the available endorsements and shows for each endorsement the related endorsements that were previously issued. Any semester hours of credit presented toward fulfillment of the requirements of this Section shall be posted on the candidate's official transcript and may be taken in on-line or electronically-mediated courses, provided that college credit is provided for the coursework by a regionally accredited institution of higher education. All professional education and content-area coursework that forms part of an application for licensure, endorsement, or approval that is received on or after February 1, 2012, must have been passed with a grade no lower than "C" or equivalent in order to be counted towards fulfillment of the applicable requirements.

a) Content-specific endorsements (e.g., science − biology, social science − economics) shall be required in conjunction with some endorsements, as shown in Appendix E~~ to this Part~~. Except in the case of foreign language, a licensee shall be authorized to teach all the subjects encompassed by a particular endorsement, regardless of the content-specific endorsement or endorsements received in conjunction with that endorsement. However, a licensee may not teach honors courses, as these are defined by the employing district, or Advanced Placement courses in a subject for which he or she does not hold the content-specific endorsement. For example, a secondary science teacher with a content-specific endorsement for science − biology may not teach honors physics or chemistry unless he or she holds a content-specific endorsement in science − physics or science − chemistry.

b) The provisions of subsection (a)~~ of this Section~~ do not apply to endorsements in a particular content area available prior to July 1, 2004 that were not exchanged for the endorsement currently available. Individuals holding these endorsements shall teach only the specific content encompassed by the endorsement issued. For instance, an individual who holds an endorsement in biology (rather than "sciences" with a content-area endorsement in science − biology) shall teach only biology and no other science content. An individual who wishes to teach other subjects in the same field or grade levels shall be required to apply for the relevant new endorsement in keeping with Section 21B-40 of the School Code and meet the applicable requirements of this Section.

c) Endorsements at Time of Issuance of the Professional Educator License

1) Pursuant to Section 21B-25 of the School Code [105 ILCS 5/21B-25], each professional educator license *shall be specifically endorsed by the State Board of Education for each content area* and grade-level range *for which the holder of the license is qualified* to teach and for which application has been made.

2) The professional educator license issued shall be endorsed in keeping with the program completed and the related content-area test passed by the candidate and for any other subject in which the individual:

A) meets the requirements of subsection (d), (f), (g), (h), (i), (j)~~,~~ or (k) ~~of this Section~~; or

B) has accumulated 24 semester hours of college credit demonstrably related to the subject area, either as a subset of an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education, with at least 12 semester hours at the upper-division or graduate level, as defined by the institution offering the coursework, and has passed the applicable content-area test.

d) Certain endorsements or content-specific endorsements listed in Appendix E ~~to this Part~~ have no corresponding content-area test (see Section 25.710 ~~of this Part~~). The provisions of this subsection (d) shall apply to the issuance of these endorsements and content-specific endorsements.

1) For an applicant who is receiving an Illinois professional educator license endorsed for a teaching field, the institution that offered the approved program completed by the applicant shall indicate that the applicant has met the standards applicable to the endorsement or the particular content-specific endorsement, except that the requirements of subsection (k) ~~of this Section~~ shall apply to the issuance of endorsements in safety and driver education beginning with applications received on or after February 1, 2012.

2) An applicant prepared out of state, or an applicant who is already licensed in Illinois and is seeking to add a new endorsement or a content-specific endorsement in one of these subjects, other than an endorsement in safety and driver education, shall:

A) present verification from an institution with an approved educator preparation program that he or she is prepared in the area covered by the endorsement or content-specific endorsement sought; or

B) present evidence of completion of 24 semester hours of coursework (subject to further limitations as set forth in this Section) in the area covered by the endorsement or content-specific endorsement sought.

3) An applicant prepared out of state or an applicant who is already licensed in Illinois and is seeking to add a new endorsement in safety and driver education shall be subject to the requirements set forth in subsection (k) ~~of this Section~~.

e) Addition of Endorsements to Currently Held Professional Educator Licenses Individuals seeking to endorse currently held professional educator licenses shall apply for the endorsements, using ELIS, and pay the fee required under Section 21B-40 of the School Code [105 ILCS 5/21B-40].

1) When an applicant qualifies for an endorsement, its issuance shall be reflected on ELIS.

2) An endorsement will be issued for any subject in which the individual:

A) meets the requirements of subsection (d), (f), (g), (h), (i), (j)~~,~~ or (k) ~~of this Section~~; or

B) for other content areas not referenced in subsection (e)(2)(A) ~~of this Section~~, has accumulated 24 semester hours of college credit demonstrably related to the subject area, either as a subset of an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education (with at least 12 semester hours at the upper-division or graduate level, as defined by the institution offering the coursework, for secondary endorsements) and has passed the applicable content-area test; any coursework to be considered (whether undergraduate or graduate level) shall be posted on the individual's official transcript.

f) Special provisions shall apply to the issuance of endorsements in the sciences and social sciences. The requirements of subsections (f)(1) through (4) ~~of this Section~~ relate to endorsements and content-specific endorsements in these fields based on the standards found at 23 Ill. Adm. Code 27.140 through 27.260. (See Appendix E ~~of this Part~~.)

1) An individual seeking to add an endorsement and a content-specific endorsement in either of these fields who does not already hold that endorsement with one of its other available content-specific endorsements shall be required to pass the content-area test for the content-specific endorsement sought and either:

A) be recommended for the endorsement and the content-specific endorsement by an institution with an approved program in the

subject area based on having completed coursework sufficient to address the applicable content-area standards; or

B) present evidence of having accumulated 32 semester hours of college coursework in the field, from one or more regionally accredited institutions, that meets the following requirements:

i) at least 12 semester hours of credit must have been earned in the subject area of the content-specific endorsement sought; and

ii) some portion of the coursework completed must have addressed at least two additional content-specific endorsements within the field; and

iii) in the case of the sciences, the coursework completed must have included both biological and physical science.

2) The requirement stated in subsection (f)(1)~~ of this Section~~ shall apply whenever an individual seeks to add his or her first endorsement in one of these fields.

3) An individual may receive a subsequent content-specific endorsement in the same field if he or she has:

A) passed the applicable content-area test and completed 12 semester hours of coursework in the subject area of the content-specific endorsement; or

B) completed a major in the content area of the content-specific endorsement.

4) An individual who holds an endorsement in the sciences or social sciences under the structure that was in effect prior to July 1, 2004~~,~~ may receive an endorsement and a content-specific endorsement in that field under the new structure by passing the content-area test for the content-specific endorsement sought and, effective with applications received on or after February 1, 2012, completing 12 semester hours of coursework in the subject area of the content-specific endorsement. He or she may then

qualify for additional content-specific endorsements in the field pursuant to subsection (f)(3)~~ of this Section~~.

g) Special provisions shall apply to the issuance of endorsements for reading teachers and reading specialists. A reading teacher is a teacher~~one~~ whose assignment involves teaching reading to students. A~~, while a~~ reading specialist is a teacher~~one~~ whose assignment involves the provision of technical assistance and/or professional development to other teachers and may also include teaching reading to students.

1) Reading Teacher
This endorsement shall not be issued alone as an individual's first teaching credential. An individual who holds an Illinois professional educator license and who receives an endorsement for some teaching field other than reading shall be eligible to receive this additional endorsement on that license when he or she presents evidence of:

A) having passed the applicable content-area test (i.e., reading teacher or reading specialist) and having been recommended for the endorsement by virtue of completing an approved reading teacher~~teacher's~~ preparation program based on the standards set forth at 23 Ill. Adm. Code 27.110 that requires at least 24 semester hours of graduate or undergraduate coursework in reading (as posted on the individual's official transcript), including a practicum involving clinical experience with two or more students and at two or more grade levels, at an institution that is recognized to offer teacher preparation programs in Illinois; or

B) having passed the applicable content-area test and having completed 24 semester hours of graduate or undergraduate coursework in reading (as posted on the individual's official transcript), including a practicum, at one or more regionally accredited institutions of higher education, provided that all the following areas were addressed:

i) foundations of reading;

ii) content-area reading;

iii) assessment and diagnosis of reading problems;

iv) developmental and remedial reading instruction and support;

v) developmental and remedial materials and resources; and

vi) literature appropriate to students across all grade ranges.

2) Reading Specialist

A) Each candidate for the reading specialist~~specialist's~~ endorsement shall hold an Illinois professional educator license and have at least two years of teaching experience on that license in an Illinois school. Each candidate shall be eligible to receive this endorsement on the professional educator license when he or she presents evidence of having completed the required teaching experience.

B) Each candidate shall hold a master's degree or higher awarded by a regionally accredited institution of higher education.

C) Each candidate shall have completed a K-12 reading specialist preparation~~specialist's~~ program approved pursuant to Subpart C ~~of this Part~~ that includes clinical experiences with five or more students at both the elementary (i.e., kindergarten through grade 8) and secondary levels and leads to the issuance of a master's or higher degree, provided that a person who holds one master's degree shall not be required to obtain a second one. For purposes of the clinical experiences, a candidate shall work with at least one student enrolled in elementary grades and at least one student enrolled in secondary grades and may work with students one on one or in a group. Each candidate shall have been recommended for the endorsement by the institution offering the program.

D) Each candidate shall be required to pass the content-area test for reading specialist.

h) Special provisions shall apply to endorsements and content-specific endorsements in foreign languages.

1) For individuals who are seeking a professional educator license for the first time, an endorsement for a specific foreign language may be placed on the license when an individual has completed a major area of concentration in the language, totaling 32 semester hours or as otherwise identified by a regionally accredited institution on the individual's official transcript and passed the applicable content-area test.

2) For individuals who currently hold professional educator licenses with at least one endorsement for a foreign language, an endorsement for a different foreign language may be added when an individual has passed the applicable content-area test.

3) For individuals who currently hold professional educator licenses endorsed in teaching fields other than foreign language, an endorsement for a foreign language may be added upon completion of 24 semester hours of college credit in the language, either as an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education, and passage of the applicable content-area test. The endorsement issued shall be for only the grade levels for which the individual's professional educator license currently is endorsed. This subsection (h)(3) also is applicable to candidates seeking a professional educator license for the first time to be endorsed in a teaching field other than foreign language.

4) Section 25.95 ~~of this Part~~ sets forth additional provisions for licensure in foreign languages under specified circumstances.

i) Requirements for Elementary, Middle Grades and Bilingual Education

1) The requirements of Section 25.97 ~~of this Part~~, rather than the requirements ~~of this Section~~, shall apply to credentials and assignments in the elementary grades.

2) The requirements of Section 25.99 ~~of this Part~~, rather than the requirements of this Section, shall apply to credentials and assignments in the middle grades, except that Section 25.99 shall be read in conjunction with this Section with respect to reading and library information specialist assignments in the middle grades.

3) The requirements of 23 Ill. Adm. Code 1.780, 1.781~~,~~ and 1.782, rather than the requirements of this Section, shall apply to credentials and assignments in the areas of bilingual education and English as a Second (New) Language.

j) An additional endorsement for "technology specialist" shall be issued only upon presentation of evidence that the applicant has completed at least 24 semester hours of college coursework demonstrably related to the subject area at one or more regionally accredited institutions of higher education that is aligned to 23 Ill. Adm. Code 27.470 (Technology Specialist), and has passed the relevant content-area test.

k) Beginning with applications received on or after February 1, 2012, an endorsement in safety and driver education shall be issued when the applicant provides evidence of having completed 24 semester hours of college credit in the field, with at least 12 semester hours at the upper-division or graduate level (as posted on the individual's official transcript), as defined by the institution offering the coursework, distributed as follows:

1) 3 semester hours in injury prevention or safety;

2) 12 semester hours in driver education that include:

A) driving task analysis (introduction to driver education);

B) teaching driver education in the classroom;

C) teaching the laboratory portion of the driver education course, including:

i) on-street teaching under the supervision of a qualified driver education teacher;

ii) the equivalent of at least one semester hour of~~hour's~~ preparation in and use of driving simulation; and

iii) the equivalent of at least one semester hour of~~hour's~~ preparation in and use of multiple-car programs; and

D) advanced driver education and emergency evasive driving;

3) 3 semester hours in first aid and cardiopulmonary resuscitation; and

4) 6 semester hours chosen in any combination from:

A) the use of technology in instruction;

B) safety issues related to alcohol and other drugs;

C) driver education for students with disabilities; and

D) any other safety-related area.

l) Special provisions shall apply to the issuance of endorsements for gifted education teachers and gifted education specialists. A gifted education teacher is a teacher~~one~~ whose assignment involves teaching gifted students. A~~, while a~~ gifted education specialist is a teacher~~one~~ whose assignment involves the provision of technical assistance and/or professional development to other teachers and may also include teaching gifted students.

1) Gifted Education Teacher

This endorsement shall not be issued alone as an individual's first teaching credential. An individual who holds a professional educator license endorsed at any of the grade levels of early childhood, elementary, middle, or secondary, or for special K-12, or who receives an endorsement for some field other than gifted education, shall be eligible to receive this additional endorsement on that license when he or she presents evidence of:

A) having passed the applicable content-area test and having been entitled for the endorsement by virtue of completing an approved gifted education teacher~~teacher's~~ preparation program that aligns to the standards set forth at 23 Ill. Adm. Code 27.490 (Gifted Education Teacher) that requires at least 24 semester hours of graduate coursework in gifted education at an institution that is approved to offer teacher preparation programs in Illinois pursuant to Subpart C~~ of this Part~~; or

B) having passed the applicable content-area test and having documented completion of a gifted education seminar offered by the State Board of Education in conjunction with the Illinois Association for Gifted Children or received recognition as a State Board-approved gifted education seminar trainer, and has four years of teaching experience in a public or nonpublic school recognized pursuant to 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools). The requirements of this subsection (l)(1)(B) shall apply to applications received on or before February 1, 2015. Applications submitted on or after February 1, 2015, shall be subject to each of the requirements set forth in subsection (l)(1)(A)~~ of this Section~~.

2) Gifted Education Specialist

Each candidate for the gifted education specialist~~specialist's~~ endorsement shall hold a professional educator license endorsed at any of the grade levels of early childhood, elementary, middle, or secondary, or for special, and have at least two years of teaching experience on that license involving the education of gifted students. Each candidate shall be eligible to receive this endorsement on the professional educator license when he or she presents evidence of having completed the required teaching experience.

A) Each candidate shall hold a master's degree or higher degree awarded by a regionally accredited institution of higher education.

B) Each candidate shall have completed a gifted education specialist preparation~~specialist's~~ program for prekindergarten through grade 12 approved pursuant to Subpart C of this Part that aligns to the standards set forth at 23 Ill. Adm. Code 27.495 (Gifted Education Specialist). The program shall include clinical experiences with five or more students in both prekindergarten through grade 8 and grades 9 through 12 and lead to the issuance of a master's or higher degree, provided that a person who holds one master's degree shall not be required to obtain a second one. For purposes of the clinical experiences, a candidate shall work with at least one student enrolled in prekindergarten through grade 8 and at least one student enrolled in grades 9 through 12 and may work with a student one on one or in a group. The clinical experience shall also

include coaching or mentoring one or more teachers on the topic of gifted education. Each candidate shall have been entitled for the endorsement by the institution offering the program.

C) Each candidate shall be required to pass the content-area test for gifted education specialist.

D) An individual who qualifies for the gifted education specialist~~specialist's~~ endorsement may receive the endorsement on his or her professional educator license for assignment in any of prekindergarten through grade 12.

E) An individual may receive the gifted education specialist endorsement without passing the test required under subsection (l)(2)(C) of the Section if he or she has met the requirements set forth in subsections (l)(2)(A), (B), and (D); has completed a gifted education seminar offered by the State Board of Education in conjunction with the Illinois Association for Gifted Children or received recognition as a State Board-approved gifted education seminar trainer, and has four years of teaching experience in a public or nonpublic school recognized pursuant to 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools), provided that he or she submits an application for the gifted specialist~~specialist's~~ endorsement no later than February 1, 2015. Individuals otherwise meeting the requirements of this subsection (l)(2)(E) whose applications are received on or after February 1, 2015, will be subject to each of the requirements of subsection (l)(2)~~ of this Section~~.

m) Each individual, who is first assigned to teach a particular subject on or after July 1, 2004 based on completion of the minimum requirements for college coursework in that subject that are set forth at 23 Ill. Adm. Code 1.737(b), 1.745(b)(3), or 1.755(c), as applicable, but who has not met the requirements of this Section for an endorsement in that subject area, shall have three years after the date of first assignment to meet those requirements and receive the relevant endorsement. An individual who does not do so shall become ineligible to teach the subject in question in any subsequent semester, unless he or she later receives the endorsement.

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

SUBPART D: SCHOOL SUPPORT PERSONNEL

Section 25.215 Endorsement for School Social Workers

a) Each candidate for the school support personnel endorsement for school social worker shall hold a master's or higher degree in social work with a specialization in school social work awarded by a graduate school of social work accredited by the Council on Social Work Education.

b) Each candidate shall have completed an Illinois program approved for the preparation of school social workers pursuant to Subpart C~~ of this Part~~ or a comparable approved program in another state or country or hold a comparable certificate or license issued by another state or country (see Section 25.425~~ of this Part~~).

c) Each candidate shall have completed both a supervised field experience of at least 400 contact hours, supervised by a field instructor holding a master's or higher degree in social work, and a school social work internship of at least 600 contact hours in a school setting or have one year of~~year's~~ professional experience as a school social worker on a valid out-of-state school social work certificate or license or an Illinois educator license with stipulations for provisional educator with a school support personnel endorsement for school social worker.

d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710~~ of this Part~~), as well as the test of basic skills, subject to the provisions of Section 25.720 and the timeline for the passage of each test set forth in Section 21-B-30 of the School Code~~ of this Part~~. (See also 23 Ill. Adm. Code 23.140.)~~ For the purposes of this subsection (d), a candidate shall pass the content-area test prior to beginning the last semester or term of his or her internship required under subsection (c) of this Section.~~

e) Nothing in this Section is intended to preclude the candidate from seeking the issuance of an educator license with stipulations endorsed for provisional educator under Section 21B-20 of the School Code [105 ILCS 5/21B-20] in the event that the individual has failed to meet one or more of the requirements for a professional educator license endorsed for school social worker.

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

Section 25.225 Endorsement for School Counselors

a) Each applicant for the school support personnel endorsement for school counselor shall hold a master's or higher degree awarded by a regionally accredited institution of higher education in school counseling, another counseling or related field (e.g., social work or psychology), or an educational field.

b) Each applicant shall have completed an Illinois program approved for the preparation of school counselors pursuant to Subpart C~~ of this Part~~ or a comparable approved program in another state or country or hold a comparable certificate or license issued by another state or country (see Section 25.425~~ of this Part~~).

c) Each candidate shall have completed a supervised counseling practicum of at least 100 clock hours that provided interaction with individuals and groups of school age and included at least 40 hours of direct service work. Except as provided in subsection (e)~~ of this Section~~, each applicant shall have completed a structured and supervised internship that is part of an approved program.

1) The internship shall be of a length that is determined by the approved program to be adequate to enable candidates to meet the standards set forth at 23 Ill. Adm. Code 23.110 but shall entail at least 600 hours and last no less than one semester, during which the candidate shall engage in the performance of various aspects of the counseling role and shall be gradually introduced to the full range of responsibilities associated with that role. However, the internship for an individual with at least two years of teaching experience may, at the discretion of the institution offering the approved program, consist of no fewer than 400 hours. In each case at least 240 hours of the internship shall involve direct service work with individuals and groups of school age.

2) The internship shall occur in a school setting except that, at the discretion of the institution, a maximum of one-third of the hours required may be credited for experiences in other related settings such as hospitals or day care settings that, in the judgment of the institution, expose the candidate to the needs of school-aged children and prepare the candidate to function as a school counselor.

d) Except as provided in subsections (e) and (f)~~ of this Section~~, each applicant shall either:

1) hold or be qualified to hold a professional educator license endorsed for teaching; or

2) have completed, as part of an approved program, coursework addressing:

A) the structure, organization and operation of the educational system, with emphasis on P-12 schools;

B) the growth and development of children and youth, and their implications for counseling in schools;

C) the diversity of Illinois students and the laws and programs that have been designed to meet their unique needs; and

D) effective management of the classroom and the learning process.

e) An applicant who holds another state's certificate~~certification~~ or license~~licensure~~ in school counseling shall not be subject to the requirements of subsection (c) or subsection (d) of this Section if he or she presents evidence of at least one year of~~year's~~ full-time experience as a school counselor on a valid out-of-state school counseling certificate or license or on an Illinois educator license with stipulations endorsed for provisional educator with a school support personnel endorsement for school counselor.

f) An applicant who has completed an approved school counseling program in another state that includes an internship meeting the requirements of subsection (c)~~ of this Section~~ shall not be subject to the requirements of subsection (d)~~ of this Section~~.

g) Each candidate shall be required to pass the applicable content-area test (see Section 25.710~~ of this Part~~), as well as the test of basic skills, subject to the provisions of Section 25.720 and the timeline for the passage of each test set forth in Section 21B-30 of the School Code~~of this Part~~. (See also 23 Ill. Adm. Code 23.110.) ~~For the purposes of this subsection (g), a candidate shall pass the content-area test prior to beginning the last semester or term of his or her internship required under subsection (c) of this Section.~~

h) Nothing in this Section is intended to preclude the candidate from seeking the issuance of an educator license with stipulations endorsed for provisional

educator under Section 21B-20 of the School Code [105 ILCS 5/21B-20] in the event that the individual has failed to meet one or more of the requirements for a professional educator license endorsed for school counselor.

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

Section 25.235 Endorsement for School Psychologists

a) Each candidate for the school support personnel endorsement for school psychologist shall hold a master's or higher degree in psychology or educational psychology with a specialization in school psychology.

b) Each candidate shall have completed an Illinois program approved for the preparation of school psychologists pursuant to Subpart C~~ of this Part~~ or a comparable approved program in another state or country or hold a comparable certificate or license issued by another state or country (see Section 25.425~~ of this Part~~).

c) Each candidate shall have completed both a supervised field experience of at least 250 hours in a school setting and/or child study center and either a one-year, full-time internship under the direction of an intern supervisor or one year of~~year's~~ full-time work experience as a school psychologist on a valid out-of-state school psychology certificate or license or on an Illinois educator license with stipulations endorsed for provisional educator with a school support personnel endorsement for school psychologist.

d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills, subject to the provisions of Section 25.720 and the timeline for the passage of each test set forth in Section 21B-30 of the School Code~~ of this Part~~. (See also 23 Ill. Adm. Code 23.130.) ~~For the purposes of this subsection (d), a candidate shall pass the content-area test prior to beginning the last semester or term of his or her internship required under subsection (c) of this Section.~~

e) Nothing in this Section is intended to preclude the candidate from seeking the issuance of an educator license with stipulations endorsed for provisional educator under Section 21B-20 of the School Code [105 ILCS 5/21B-20] in the event that the individual has failed to meet one or more of the requirements for a professional educator license endorsed for school psychologist.

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

Section 25.245 Endorsement for School Nurses

a) Each candidate for the school support personnel endorsement for school nursing shall hold a bachelor's degree.

b) Each candidate shall be licensed as a registered professional nurse in Illinois pursuant to the Nursing and Advanced Practice Nursing Act [225 ILCS 65].

c) Each candidate shall have completed an Illinois program approved for the preparation of school nurses pursuant to Subpart C~~ of this Part~~ or a comparable approved program in another state or country or hold a comparable certificate or license issued by another state or country.

d) Each candidate shall have met the requirements of either subsection (d)(1) or subsection (d)(2)~~ of this Section~~.

1) Completion of an internship that:

A) was determined by the approved program to be sufficient in length for the candidate to meet the standards set forth at 23 Ill. Adm. Code 23.120, but in no case consisted of fewer than 300 hours of experiences; and

B) was supervised by a school nurse who holds an endorsement issued under this Section with at least two full school years of full-time experience as a school nurse and at least one full school year of full-time experience with the current employer.

2) Completion of two years of experience as a school nurse prior to July 1, 1972.

e) Each candidate shall be required to pass the applicable content-area test (see Section 25.710~~ of this Part~~), as well as the test of basic skills, subject to the provisions of Section 25.720 ~~of this Part~~ and the timeline for the passage of each test set forth in Section 21B-30 of the School Code. (See also 23 Ill. Adm. Code 23.120.)~~ For the purposes of this subsection (e), a candidate shall pass the content-area test prior to beginning the last semester or term of his or her internship required under subsection (d) of this Section.~~

f) Nothing in this Section is intended to preclude the candidate from seeking the issuance of an educator license with stipulations endorsed for provisional educator under Section 21B-20 of the School Code [105 ILCS 5/21B-20] in the event that the individual has failed to meet one or more of the requirements for a professional educator license endorsed for school nurse.

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

Section 25.252 Endorsement for Non-Teaching Speech-Language Pathologists

Certain individuals may qualify for a school support personnel endorsement for a non-teaching speech-language pathologist, as provided in Section 14-1.09b of the School Code [105 ILCS 5/14-1.09b].

a) Each applicant shall hold one of the licenses identified in Section 14-1.09b(b)(1) of the School Code [105 ILCS 5/14-1.09b(b)(1)].

b) Each applicant shall hold a master's or doctoral degree earned through completion of a program that meets the requirements of Section 14-1.09b(b)(2) of the School Code [105 ILCS 5/14-1.09b(b)(2)]. For the purposes of this subsection (b), *a course of study or program approved or accredited* (Section 14-1.09b(b)(2) of the School Code) includes those courses of study or programs that hold either accreditation or the status of "accreditation candidate" issued by the Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association at the time that the applicant completed the program.

c) Each applicant shall have met the requirements of Section 14-1.09b(b)(3) of the School Code [105 ILCS 5/14-1.09b(b)(3)].

1) *A program of study that meets the content-area standards for speech-language pathologists approved by the State Board of Education in consultation with the* SEPLB is a relevant preparation program that has been approved pursuant to Subpart C~~ of this Part~~.

2) A comparable out-of-state program is one that leads to qualification as either a teaching or a non-teaching speech-language pathologist.

3) A comparable out-of-state certificate is one authorizing employment in the public schools in either capacity.

4) The required 150 clock hours of supervised, school-based professional experience shall consist of activities related to the aspects of practice that are addressed in the content-area standards for speech-language pathologists (see Section 25.250~~ of this Part~~ and 23 Ill. Adm. Code 28 (Standards for Certification in Special Education)) with respect to:

A) planning and intervention;

B) the learning environment;

C) service delivery;

D) professional conduct and ethics; and

E) facilitation and advocacy.

5) The required evidence of completion for the 150 clock hours of supervised, school-based professional experience shall be a letter signed by the chief administrator or other designated official of the employing school district or nonpublic school documenting the nature and duration of the individual's experience with students with disabilities in a school setting. This letter shall indicate how the experience related to the knowledge and/or performance aspects of each of the standards identified in subsection (c)(4)~~ of this Section~~.

d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710~~ of this Part~~), as well as the test of basic skills, subject to the provisions of Section 25.720 and the timeline for the passage of each test set forth in Section 21B-30 of the School Code~~of this Part~~. ~~For the purposes of this subsection (d), a candidate shall pass the content-area test prior to beginning the last semester of any internship that may be required by his or her preparation program~~.

e) Nothing in this Section is intended to preclude the candidate from seeking the issuance of an educator license with stipulations endorsed for provisional educator under Section 21B-20 of the School Code[105 ILCS 5/21B-20] in the event that the individual has failed to meet one or more of the requirements for a

professional educator license endorsed for non-teaching speech-language pathologists.

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

SUBPART E: REQUIREMENTS FOR THE LICENSURE OF ADMINISTRATIVE AND SUPERVISORY STAFF

Section 25.313 Alternative Route to Administrative Endorsement (Through August 31, 2013) (Repealed)

~~The purpose of the administrative route established under Section 21-5d of the School Code [105 ILCS 5/21-5d] is to provide an expedited means by which experienced administrators may acquire the knowledge and skill that will enable them to serve as public school administrators in positions other than principal and assistant principal. For purposes of this Section, and beginning with candidates who begin the course of study on or after January 1, 2010, the one year's full-time administrative assignment that makes up the second phase of this program shall not consist of work performed as a principal or assistant principal and must include a range of tasks that are inherent to the roles covered by the endorsement sought. In accordance with Section 21-5d of the School Code, *no one may be admitted to an alternative certification program under this Section after September 1, 2012, and those candidates must complete the program before September 1, 2013*, at which time, conditioned upon successful completion of the program, each would qualify to seek a superintendent's endorsement on the professional educator license upon application and payment of the fee specified in Section 21B-40 of the School Code. Application for the superintendent's endorsement under this Section shall be made no later than September 30, 2013.~~

~~a) Section 21-5d of the School Code provides for the issuance of provisional alternative administrative certificates to eligible candidates, as defined in that Section, who successfully complete a course of study approved by the State Board of Education in consultation with the SEPLB.~~

~~b) Section 21-5d of the School Code further provides for the issuance of standard administrative certificates to candidates who, after completing the course of study referred to in subsection (a) of this Section, complete an alternative program that also includes:~~

~~1) one year's full-time administrative work in a school district's central office;~~

~~2) a comprehensive assessment of the candidate's performance; and~~

~~3) a favorable recommendation by the institution of higher education responsible for the course of study.~~

~~c) Proposals for the establishment of programs meeting the specifications of subsections (a) and (b) of this Section shall be approved if they comply with Section 21-5d of the School Code and this Section. In making this determination, the State Board of Education shall consult with the SEPLB and the advisory panel established pursuant to Section 21-5d of the School Code. Proposals shall be addressed as follows:~~

~~State Board of Education~~
~~Alternative Certification Program~~
~~100 North First Street~~
~~Springfield, Illinois 62777-0001~~

~~d) Proposal Requirements~~

~~1) Each proposal shall describe the roles and responsibilities of the participating university and the school districts in which candidates will be assigned for the year of practice as full-time administrators.~~

~~2) Each proposal shall indicate how candidates who do not possess master's degrees in management shall be determined eligible for the program based on life experience equivalent to a master's degree. In making this determination, institutions shall take into consideration candidates' length and breadth of experience in such areas as:~~

~~A) personnel management, supervision, and evaluation;~~

~~B) long-range planning and evaluation of program effectiveness;~~

~~C) community and public relations;~~

~~D) organizational development and improvement;~~

~~E) finance and budgeting; and~~

~~F) work involving public schools and other educational units.~~

~~3) Each proposal shall describe the proposed course of study.~~

~~A) Each proposal shall describe how individual candidates' education and experience will be used in determining the portions of the course of study he or she will be required to complete.~~

~~B) Each proposal shall demonstrate how candidates will acquire knowledge of content and skills equivalent to the content and skills contained in the participating institution's program approved pursuant to Subpart C of this Part with regard to:~~

~~i) educational management;~~

~~ii) governance and organization; and~~

~~iii) planning.~~

~~C) Each program shall include a preservice assessment of each candidate's performance to be conducted by the institution of higher education at the conclusion of the course of study in order to determine the candidate's readiness for the year-long administrative assignment. Each proposal shall state the criteria for the institution's determination of candidates' readiness.~~

~~4) Each proposal shall describe the proposed arrangements for candidates' assignment to administrative positions under this Section and shall provide for these to be set forth in a formal, written agreement between the participating institution of higher education and the school districts where candidates will practice. Each agreement shall address the nature and intensity of the support to be provided to candidates by experienced district-level administrators, university staff, and/or other professionals with relevant experience, including at least:~~

~~A) the qualifications and experience of these individuals;~~

~~B) the estimated amount of time these individuals will devote to advising and assisting candidates; and~~

~~C) the specific roles of the assisting individuals.~~

~~5) Each proposal shall describe the proposed method of assessing candidates' performance for the year referred to in this Section and shall provide for these to be set forth in a formal, written agreement between the participating institution of higher education and the school districts where candidates will practice. Each agreement shall include:~~

~~A) the roles of all parties who will participate in the evaluation of candidates; and~~

~~B) assessment methods capable of demonstrating whether a candidate has acquired knowledge and skills equivalent to those required of candidates pursuing the respective institution's program approved pursuant to Subpart C of this Part.~~

~~6) Each proposal shall delineate the criteria by which candidates will be recommended for the superintendent's endorsement by the participating institution of higher education.~~

~~e) Each alternative program established pursuant to this Section shall be subject to the review process described in Subpart C of this Part.~~

~~f) The sponsoring institutions of programs established pursuant to this Section shall provide annual reports to the SEPLB that describe the programs offered, the number and categories of the candidates who apply to each program, the completion rate for each program, and data regarding placement of individuals who complete each program.~~

(Source: Repealed at 38 Ill. Reg. 11261, effective May 6, 2014)

Section 25.335 General Administrative Endorsement (Through August 31, 2014)

This endorsement, to be affixed to a professional educator license, is required for principals, assistant principals, assistant or associate superintendents, and staff filling other similar or related positions as indicated in 23 Ill. Adm. Code 1.705. (See also 23 Ill. Adm. Code 29.120.) No candidates currently are being admitted to general administrative endorsement programs (see Section 21B-25(2)(A) of the School Code). For candidates currently enrolled, no general administrative endorsement shall be issued after August 31, 2014.

a) Each candidate for the general administrative endorsement shall hold a master's degree or equivalent awarded by a regionally accredited institution of higher

education and shall have completed the coursework in educational administration and supervision required by Section 21-7.1(e)(2) of the School Code [105 ILCS 5/21-7.1(e)(2)]. For the purposes of this subsection (a), "equivalent" shall mean the completion of a degree beyond the bachelor's degree level (e.g., juris doctor (J.D.), doctor of philosophy (Ph.D.), doctor of education (Ed.D.)).

b) Each candidate shall have completed either:

1) an Illinois program approved for the preparation of administrators pursuant to Subpart C of this Part; or

2) a comparable approved program in another state or country or hold a comparable certificate or license issued by another state or country (see Section 25.425 of this Part).

c) Each candidate shall have two years of full-time teaching or school support personnel experience in public schools, schools under the supervision of the Department of Corrections, schools under the administration of the Department of Human Services, or nonpublic schools recognized by the State Board of Education~~*two years' full-time teaching or school* support *personnel experience in public schools, schools under the supervision of the Department of Corrections, schools under the administration of the Department of Human Services, or nonpublic schools recognized by the State Board of Education*~~, pursuant to 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools), or meeting comparable out-of-state recognition standards~~*or meeting comparable out-of-state recognition standards* (Section 21-7.1(e)(2) of the School Code)~~.

d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710~~ of this Part~~), as well as the test of basic skills pursuant to Section 25.720~~ of this Part~~.

e) A candidate who receives the general administrative endorsement on or before August 31, 2014 may continue to be employed in the positions listed in this Section after September 1, 2014. (Also see Section 25.337(d)~~25.337(c) of this Part~~.)

f) Nothing in this Section is intended to preclude the candidate from seeking the issuance of an educator license with stipulations endorsed for provisional educator under Section 21B-20 of the School Code in the event that the individual has failed to meet one or more of the requirements for a professional educator license

in his or her area of endorsement, subject to the restrictions provided at Section 25.15(a)(2)~~ of this Part~~ regarding employment as a principal or assistant principal. All deficiencies identified shall be satisfied no later than June 30, 2014 and the general administrative endorsement issued no later than August 31, 2014.

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

SUBPART F: GENERAL PROVISIONS

Section 25.425 Individuals Prepared in Out-of-State Institutions

a) In accordance with Section 21B-35 of the School Code, an applicant who has completed *a comparable state-approved education program* of another state or country may be granted an Illinois professional educator license endorsed in the area (i.e., teaching, administrative or school support personnel) that corresponds to the completed program if he or she meets all the generally applicable requirements of Article 21B of the School Code (e.g., age and~~;~~ good character) and the requirements for the license and the endorsement sought, as specified in the applicable Sections of this Part. As used in each of those Sections, a "comparable program" is one that leads to eligibility for service in the same specific capacity in the public schools of the state where the program was completed and is aligned to the standards set forth in Section 25.115(e)~~ of this Part~~. A program completed in the United States shall be considered comparable only if it was offered by a regionally accredited institution of higher education or a not-for-profit entity recognized under Subpart C~~ of this Part~~.

1) The individual shall hold a *degree from a regionally accredited institution of higher education and the degreed major or a constructed major must directly correspond to the license or endorsement sought* and meet the requirements for that endorsement as set forth in Section 25.100~~ of this Part~~. (Section 21B-35(a)(2) of the School Code)

2) Each out-of-state applicant for an Illinois professional educator license endorsed in a teaching field must have completed a program that met the following requirements.

A) For those who have completed traditional preparation programs, these requirements include~~ college coursework in~~:

i) college coursework in professional education, including

pre-student teaching clinical experiences or equivalent experience, and student teaching or equivalent experience;

ii) *a minimum of one* college *course* that is equivalent to at least 3~~three~~ semester hours of credit *in the methods of instruction of the exceptional child* in cross-categorical special education (Section 21B-35(a)(3) of the School Code);

iii) *a minimum of* 6~~*six*~~ *semester hours of* college *coursework in the methods of reading and reading in the content area* (Section 21B-35(a)(4) of the School Code); and

iv) *a minimum of one* college *course* that is equivalent to at least 3~~three~~ semester hours of credit *in instructional strategies for English language learners*, which shall address bilingual education, English as a Second Language or English as a New Language methods (Section 21B-35(a)(5) of the School Code).

B) For those who have completed preparation programs in a school support personnel field listed in Subpart D, these requirements include college coursework in:

i) *the methods of instruction of the exceptional child* in cross-categorical special education (Section 21B-35(a)(3) of the School Code), which shall meet the requirements outlined in Section 25.25(a)(1)(A) of this Part;

ii) *the methods of reading and reading in the content area* (Section 21B-35(a)(4) of the School Code), which shall meet the requirements outlined in Section 25.25(a)(1)(C); and

iii) *instructional strategies for English language learners* (Section 21B-35(a)(5) of the School Code), which shall align to standards for addressing second language acquisition and the diverse learner set forth in the Standards for the Speech-Language Pathologist (23 Ill. Adm. Code 28.230) or, for other school support personnel, the

applicable standards in 23 Ill. Adm. Code 23 (Standards for School Support Personnel Endorsement).

C)~~B)~~ For those who are seeking an~~a principal's~~ endorsement for principal, the applicant's preparation shall be evaluated in accordance with the criteria specified in Section 25.337~~ of this Part~~.

D)~~C)~~ For those who have completed alternative certification or licensure programs, these requirements include graduation from a regionally accredited institution with a bachelor's degree that directly corresponds to the endorsement sought and meets the requirements for that endorsement as set forth in Section 25.100~~ of this Part~~, an intensive course of study approved by that state for this purpose, and student teaching or another structured teaching experience that forms part of the approved alternative program, as well as the coursework specified in subsection (a)(2)(A)~~ of this Section~~.

3) Each out-of-state applicant shall have passed each of the Illinois tests required for the professional educator license and the endorsement sought, as set forth in Section 21B-30 of the School Code [105 ILCS 5/21B-30] and Section 25.720~~ of this Part~~.

4) Beginning July 1, 2015, each out-of-state applicant for a professional educator license endorsed in a teaching field shall pass the TPA~~edTPA~~ (see Section 25.720(e)). If the applicant has not met this requirement, he or she may:

A) apply for an educator license with stipulations endorsed for the grade levels and content area of the endorsement sought, provided he or she holds a valid, comparable certificate or license from another state and has passed the test of basic skills and applicable content-area test required by Section 21B-30 of the School Code and Section 25.720, and complete the TPA~~edTPA~~ while employed as a teacher in an Illinois school district; or

B) enroll in the student teaching portion of an educator preparation program offered by an Illinois institution of higher education approved to offer ~~such~~ a program pursuant to Subpart C of this Part, during which time the TPA~~ edTPA~~ shall be completed; or

C) provide evidence with his or her application of having at least three years of full-time teaching experience and having achieved a "proficient" or higher rating, or the equivalent, on his or her most recent performance evaluation.

b) An individual may receive additional endorsements on a professional educator license endorsed for teaching by meeting the applicable requirements of Sections 25.37 and 25.100~~ of this Part~~.

c) A candidate whose credentials were earned at an institution outside the United States shall submit the documents prepared by the foreign institution to a service whose evaluations are accepted by the State Board pursuant to subsection (d)~~ of this Section~~ to determine if the candidate has met the requirements of Section 21B-35(b) of the School Code, including the coursework required under subsection (a)(2)(A)~~ of this Section~~.

1) After reviewing the documents submitted, the service shall provide to the State Superintendent of Education a statement identifying the degree held by the individual and indicating whether or not the individual has been prepared as an educator. The service shall also provide a list of the courses completed, with the credits earned equated to semester hours.

2) The transcript provided by the service pursuant to subsection (c)(1)~~ of this Section~~ shall be reviewed to determine whether the individual qualifies for a professional educator license and the endorsements for which application was made; if so, he or she shall receive the license and the endorsements indicated by the coursework completed.

3) If the review of the individual's transcript indicates that he or she does not qualify for a professional educator license and the endorsements for which application was made, he or she shall receive a notification of the deficiencies for the license and the endorsement requested.

d) Evaluation services shall be approved to review foreign credentials for purposes of Illinois licensure if they demonstrate experience working on behalf of either the National Association of Foreign Student Affairs or the American Association of Collegiate Registrars and Admissions Officers. However, the State Board of Education may discontinue acceptance of evaluations from any service based on evidence of material inconsistencies in reviews. The State Board shall maintain

an up-to-date list of all organizations whose reviews are being accepted and shall make this list readily available.

e) If either an out-of-state candidate or an applicant from another country has not met one or more of the criteria to receive a professional educator license and endorsements for which he or she has applied, the candidate may apply and qualify for an educator license with stipulations endorsed for provisional educator if he or she meets the requirements of Section 21B-20(2)(A) of the School Code, including passage of the Illinois test of basic skills and any Illinois content-area test required for each endorsement sought, as required by Section 21B-30 of the School Code and Section 25.720~~ of this Part~~.

1) *Out-of-state applicants shall not receive a provisional educator endorsement* on the educator license with stipulations *if the person completed an alternative licensure program in another state, unless the program has been determined to be equivalent to Illinois program requirements*. (Section 21B-20(2)(A) of the School Code)

2) An individual with an educator license with stipulations endorsed for provisional educator shall not serve either as a principal or an assistant principal. (See Section 21B-35 of the School Code.)

3) The educator license with stipulations endorsed for provisional educator shall be issued only once, valid until June 30 immediately following two years after the license being issued. (See Section 21B-20(2)(A) of the School Code.)

4) An applicant may request one or more endorsements when he or she initially applies for the educator license with stipulations endorsed for provisional educator and pay only one fee required under Section 21B-40 of the School Code. Additional endorsements may be requested following issuance of the educator license with stipulations upon application and payment of the fee required under Section 21B-40; however, the date of approval of any additional endorsements shall not extend the validity period of the educator license with stipulations.

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

Section 25.442 Illinois Teacher Corps Programs (Through August 31, 2013) (Repealed)

~~Section 21-11.4 of the School Code [105 ILCS 5/21-11.4] establishes the Illinois Teacher Corps Program to permit school districts, colleges, and universities to enter into collaborative programs to educate and induct qualified professionals into elementary and secondary teaching as a second career. Beginning September 1, 2011, no candidate shall be admitted to an Illinois Teacher Corps Program.~~

~~a)~~ ~~Descriptions of Teacher Corps programs shall be submitted by a recognized teacher education institution or institutions, in collaboration with one or more school districts, to the State Superintendent of Education. The Superintendent, in consultation with the SEPLB, shall approve these programs in accordance with the following requirements:~~

~~1)~~ ~~The participating teacher education institution must have existing approved programs in the areas for which Teacher Corps programs are proposed.~~

~~2)~~ ~~Each Teacher Corps program shall establish the following requirements:~~

~~A)~~ ~~Program participants *must earn a resident teacher certificate as defined in* Section 21-11.3 of the School Code [105 ILCS 5/21-11.3] and must possess the certificate upon entry into the program.~~

~~B)~~ ~~Program participants must possess *a bachelor's degree from a regionally accredited institution of higher education with at least a 3.00 out of a 4.00 grade point average* or its equivalent.~~

~~C)~~ ~~Program participants must:~~

~~i)~~ ~~possess *a minimum of five years of professional experience in the area in which the candidate wishes to teach;* professional experience shall mean experience in the workforce directly related to a teaching field (e.g., five years of professional experience as a chemist would qualify for preparing to teach high school chemistry); or~~

~~ii)~~ ~~participate *in a one-year teacher preparation internship in a school district, which shall be developed collaboratively by the school district and the institution and approved by the* SEPLB.~~

D) Program participants must pass *the test of basic skills required by* Section 21-1a of the School Code [105 ILCS 5/21-1a].

E) Program participants must be enrolled *in a master's of education degree program approved by the State Superintendent of Education in consultation with the* SEPLB.

3) Teacher Corps Program participants must complete a six-week summer intensive teacher preparation program designed by the participating teacher education institution or institutions and the participating school district or districts as the first component of a master's program.

4) *Teacher Corps program participants must obtain a passing score on the* content-area *test required by* Section 21B-30 of the School Code by the time of completing the Teacher Corps Program.

5) The participating school district must provide in a written and signed document the following support to Teacher Corps Program participants:

A) *a salary and benefits package as negotiated through the teacher contracts,*

B) *a certified teacher who will provide guidance to one or more candidates under a program developed collaboratively by the school district and the participating teacher education institution, and*

C) *at least quarterly evaluations of each candidate performed jointly by the mentor teacher and the principal of the school or the principal's designee.*

b) Upon successful completion of the master's degree Teacher Corps Program and passage of the assessment of professional teaching (APT) relevant to the endorsement sought, the participant shall be awarded a professional educator license endorsed in the applicable content area and grade levels.

(Source: Repealed at 38 Ill. Reg. 11261, effective May 6, 2014)

SUBPART G: PARAPROFESSIONALS;
OTHER PERSONNEL

Section 25.510 Endorsement for Paraprofessional Educators

a) The term "paraprofessional" educator shall be used to refer to the noncertificated personnel authorized by Sections 10-22.34 and 34-18 of the School Code [105 ILCS 5/10-22.34 and 34-18] to be employed to assist in instruction and who are required under Section 21B-20(2)(J) of the School Code to hold an educator license with stipulations endorsed for paraprofessional educator, except that the following individuals are not subject to this Section:

1) Any individual whose paraprofessional approval was continued after June 30, 2013, in accordance with the provisions of Section 25.15 (Types of Licenses; Exchange), subject to any limitations of his or her approval;

2) Any individual who holds an educator license indicative of completion of at least a bachelor's degree; and

3) Any individual who holds an educator license with stipulations endorsed for career and technical educator (see Section 25.70).

b) Beginning July 1, 2013, each paraprofessional educator shall be of good character, as defined in Section 21B-15 of the School Code. Each paraprofessional educator shall be subject to that portion of Section 24-5 of the School Code [105 ILCS 5/24-5] that requires physical fitness and freedom from communicable disease, including evidence of freedom from tuberculosis as may be required under rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 696 (Control of Tuberculosis Code). Each paraprofessional educator shall hold a high school diploma or its recognized equivalent. To receive an educator license with stipulations endorsed for paraprofessional educator, an individual shall:

1) present evidence of having completed a minimum of 60 semester hours of college credit at a regionally accredited institution of higher education, which shall not include any remedial or developmental coursework that the applicant has taken; or

2) hold an associate~~associate's~~ degree from a regionally accredited institution of higher education; or

3) pass the ParaPro test offered by the Educational Testing Service (ETS) with at least the score identified by the State Board of Education in consultation with the SEPLB; or

4) pass the WorkKeys® assessment~~Work Keys test~~ offered by ACT with at least the score identified by the State Board of Education in consultation with the SEPLB.

c) Revocation or Suspension of Approval or Licensure or other Permissible Sanction

1) Revocation, suspension or other permissible sanction may be initiated by the State Superintendent with respect to a paraprofessional approval or an educator license with stipulations endorsed for paraprofessional educator for any of the bases set forth in Section 21B-75(b) of the School Code [105 ILCS 5/21B-75(b)] and any of these actions shall be governed by, and conducted in accordance with, 23 Ill. Adm. Code 475 (Contested Cases and Other Formal Hearings). The State Superintendent's decision shall be considered an "administrative decision" for purposes of the Administrative Review Law [735 ILCS 5/Art. III].

2) When the State Superintendent of Education receives information indicating that an individual who holds approval as a paraprofessional or an educator license with stipulations endorsed for paraprofessional educator has been convicted of any offense as defined in Section 21B-80 of the School Code [105 ILCS 5/21B-80], the State Superintendent shall forthwith revoke the individual's approval or license. The State Superintendent's decision shall be considered an "administrative decision" for purposes of the Administrative Review Law.

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

Section 25.520 Substitute Teaching License~~Other Noncertificated Personnel (Repealed)~~

a) A substitute teaching license may be issued to an applicant who has met the requirements of Section 21B-20(3) of the School Code [105 ILCS 5/21B-20(3)].

b) A substitute teaching license is valid until June 30 immediately following five years after the license was issued and may be renewed if the individual has passed a test of basic skills, as authorized under Section 21B-30 of the School Code (see Section 25.720). *An individual who has passed a test of basic skills for* his or her

first licensure renewal is not required to retake the test again for further renewals. (Section 21B-20(3) of the School Code) For purposes of this subsection (b), "a test of basic skills" is either the Illinois test of basic skills, as described in Section 25.720, or the WorkKeys® assessment offered by ACT with at least the score identified by the State Board of Education in consultation with the SEPLB.

(Source: Old Section repealed at 34 Ill. Reg. 1582, effective January 12, 2010; new Section added at 38 Ill. Reg. 11261, effective May 6, 2014)

SUBPART H: CLINICAL EXPERIENCES

Section 25.620 Student Teaching

a) The SEPLB recognizes and accepts student teaching only when it is earned during the candidate's final year of his or her educator preparation program.

b) Student teaching shall be structured as part of comprehensive field experiences and clinical practice, as a supervised part of a teacher preparation program approved pursuant to Subpart C ~~of this Part~~, and in accordance with the standards referred to in Section 25.115(d) ~~of this Part~~.

c) Student teaching shall be completed within the grade range and in the area of specialization appropriate to the endorsement sought on the professional educator license. Additional student teaching may occur in areas for which the candidate meets the relevant requirements related to staff qualifications in 23 Ill. Adm. Code 1.

d) Beginning with student teaching conducted in the 2014-15 school year, student teaching must be done under the active supervision of a cooperating teacher who is licensed and qualified to teach in the area, has three years of teaching experience in a public school or nonpublic school recognized pursuant to 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools), has received a proficient or above performance rating in his or her most recent evaluation and is directly engaged in teaching subject matter or conducting learning activities in the area of student teaching. The requirements of this subsection (d) do not apply in cases in which the student teacher:

1) is serving on an educator license with stipulations endorsed for transitional bilingual educator; or

2) is working in a school that is not legally required to employ teachers with licensure and either has two years of~~years'~~ teaching experience at that school or presents to the employer the evidence described in Section 25.25(b) of this Part documenting that he or she has two years of~~years'~~ teaching experience in one or more other schools in which the chief administrator is required to hold a professional educator license endorsed for either general administrative or principal and the majority of teachers are required to hold a professional educator license endorsed for the grade levels and in the content area in which they are employed; or

3) holds a substitute certificate and is not subject to the limitations of Section 21B-20(3) of the School Code [105 ILCS 5/21B-20(3)].

e) In order for a recognized Illinois teacher education institution to award credit for student teaching, the following requirements must be met:

1) The student teacher must be enrolled in a student teaching course at the institution; and

2) The school district and the institution of higher education shall jointly agree to the student teaching placement and the responsibilities of each person to be involved.

f) An individual may receive credit for student teaching or pre-student teaching clinical experiences that are completed during the time for which the individual is paid as a teacher only when~~, unless~~ the individual:

1) holds no educator license issued pursuant to Article 21B of the School Code [105 ILCS 5/Art. 21B] and~~,~~ performs the student teaching or pre-student teaching clinical experiences in a charter school established under Article 27A of the School Code or a nonpublic school recognized pursuant to 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools)~~ school district~~; or~~,~~

2) ~~and~~ is ~~not~~ subject to the authorization for payment stated in Section 25(g) of the Grow Your Own Teacher Education Act [110 ILCS 48/25(g)]~~ or Section 21-2.1 of the School Code [105 ILCS 5/21-2.1]~~; or

3) has at least one year of experience in a school or community-based early childhood setting and the student teaching is conducted with his or her current employer and meets the requirements of his or her preparation program; or

4) holds an educator license with stipulations endorsed for transitional bilingual educator, career and technical educator, or provisional career and technical educator and works in a school district; or

5)~~2)~~ holds only a substitute teaching license and, as an employee of a school district operating under Article 34 of the School Code [105 ILCS 5/Art. 34], is not subject to the limitations of Section 21B-20(3) of the School Code regarding the number of days a substitute teacher may be employed.

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

SUBPART I: ILLINOIS LICENSURE TESTING SYSTEM

Section 25.710 Definitions

For the purposes of this Subpart, the following definitions apply:

"Passing raw score" is the minimum number of multiple choice items that must be answered correctly on a given test or the combination of required correct responses to multiple choice items and required numerical value of constructed responses.

"Passing score" is the minimum scaled score a person must obtain in order to pass a test.

"Re-scoring" means the process of reviewing an examinee's answers and the scores assigned to them to confirm that a test score reported to an examinee is the score earned by him or her.

"Retake" is the opportunity for a person who has taken a test of the Illinois Licensure Testing System at one test administration to take the test in the same area as given at subsequent administrations.

"Scaled score" is the person's test score after the mathematical transformation of the number of test items the person answered correctly to a scale of numbers on

which the minimum score, the maximum score, and the passing score are set. For the content-area tests and tests of language proficiency, the minimum scaled score is 100, the maximum score 300, and the passing score 240. For the assessment of professional teaching, the basic skills test, and any new content-area test first administered after December 31, 2002, the minimum scaled score is 100, the maximum score 300, and the passing score 240.

"Subarea score" is the scaled score for the subset of test items on a content-area test that measures specific content, and, for any test administration for which scores are reported before September 30, 2010, the "subarea score" is the scaled score for each subset of test items on the basic skills test that~~which~~ measures specific content in reading comprehension, writing, language arts~~,~~ and mathematics.

"Test" or "Tests" refers to the test of basic skills, the assessment of professional teaching, the language proficiency tests, the content-area tests and the teacher performance assessment for the Illinois Licensure Testing System (ILTS).

The Illinois Licensure Testing System shall consist of the following tests. Beginning with score reports issued after September 30, 2010, "test" or "tests" will also refer to subtests (reading comprehension, writing, language arts~~,~~ and mathematics) of the basic skills test.

Agricultural Education
Assessment of Professional Teaching (through August 2014)
- Early Childhood
- Elementary
- Secondary
- Special

Assessment of Professional Teaching (prekindergarten through grade 12) (required beginning September 1, 2014)
Basic Skills (through April 2012)
- Reading Comprehension
- Language Arts
- Mathematics
- Writing

Business, Marketing, and Computer Education
Chief School Business Official
Computer Science

Dance
Director of Special Education (required beginning July 1, 2005)
Drama/Theatre Arts
Early Childhood Education
Early Childhood Special Education
~~edTPA (required beginning September 1, 2013)~~
Elementary/Middle Grades (K-9) (through August 31, 2017)
English Language Arts
English Language Proficiency
English as a New Language
Family and Consumer Sciences
Foreign Languages
- Arabic (available in September 2008)
- Chinese (Cantonese or Mandarin)
- French
- German
- Hebrew
- Italian
- Japanese
- Korean
- Latin
- Russian
- Spanish

General Administrative (Principal) (through June 30, 2014)
Gifted Education Teacher (beginning September 2014)
Gifted Education Specialist (beginning September 2014)
Guidance (through June 30, 2005)
Health Education
Health Careers
Learning Behavior Specialist I
Learning Behavior Specialist II/Behavior Intervention Specialist
Learning Behavior Specialist II/Bilingual Special Education Specialist
Learning Behavior Specialist II/Curriculum Adaptation Specialist
Learning Behavior Specialist II/Deaf/Blind Specialist
Learning Behavior Specialist II/Multiple Disabilities Specialist
Learning Behavior Specialist II/Technology Specialist
Learning Behavior Specialist II/Transition Specialist
Library Information Specialist
Mathematics
Music

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Physical Education
Principal (beginning May 1, 2013)
Reading Teacher
Reading Specialist
School Counselor (beginning July 1, 2005)
School Nurse
School Psychologist
School Social Worker
Sciences
- Biology
- Chemistry
- Earth and Space Science
- Environmental Science
- Physics

Social Sciences
- Economics
- Geography
- History
- Political Science
- Psychology
- Sociology and Anthropology

Special Education General Curriculum (available May 1, 2005)
Speech-Language Pathologist: Nonteaching
Speech-Language Pathologist: Teaching
Superintendent
Teacher of Students who are Blind or Visually Impaired
Teachers of Students who are Deaf or Hard of Hearing
Technology Education
Technology Specialist
Test of Academic Proficiency (i.e., Illinois' test of basic skills) (February 2012)
- Reading Comprehension
- Language Arts
- Mathematics
- Writing

TPA (required beginning September 1, 2015)
Transitional Bilingual Education – Language Proficiency
- Arabic
- Assyrian
- Bosnian

Bulgarian
Burmese
Cantonese
Filipino
Greek
Gujarati
Hindi
Japanese
Korean
Lao
Lithuanian
Malayalam
Mandarin
Nepali
Polish
Russian
Serbian
Spanish
Telegu (Telugu)
Ukrainian
Urdu
Vietnamese
Visual Arts

"Test items" are specific questions asked on a test that require a person either to select the correct response from those alternative responses provided or to produce a written or oral response.

"Test objective" is a statement of the behavior or performance measured by test items.

"Unauthorized aids" are materials and devices that candidates are prohibited from bringing to a test administration. These include notes, calculators, calculator watches, calculator manuals, cellular phones, electronic communication devices, visual or audio recording or listening devices, and any other items whose use may compromise the security or validity of a test. However, any material or device that is permitted as part of an accommodation arranged pursuant to Section 25.740 ~~of this~~ Part shall not be considered an unauthorized aid. Furthermore, a calculator shall not be considered an unauthorized aid when its use is authorized pursuant to the current ILTS registration bulletin and the contractor's web site.

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

Section 25.720 Applicability of Testing Requirement and Scores

a) It is the individual's responsibility to take the appropriate tests. Upon request, the State Board of Education shall assist individuals in identifying appropriate tests.

b) Basic Skills Test
Except as provided in subsections (b)(1) and (2)~~ of this Section~~, each candidate seeking an Illinois license (professional educator license or educator license with stipulations), whether it is his or her first license or a subsequent license, shall be required to pass a test of basic skills authorized under Section 21B-30 of the School Code [105 ILCS 5/21B-30]. Further, Section 21B-30(c) of the School Code requires candidates in teacher preparation or school support personnel preparation programs to pass~~passage of~~ this test prior *to starting their student teaching or starting the final semester of their internship*~~as a prerequisite to a candidate's *being fully admitted to an* Illinois *educator preparation program*~~.

1) A person who has passed the Illinois test of basic skills as a condition of admittance to an Illinois preparation program approved pursuant to Subpart C or as a condition of participation in student teaching or an internship~~of this Part~~ shall not be required to retake that test when seeking any subsequent endorsements or other educator licenses.

2) A person who has passed the Illinois test of basic skills and has been issued an Illinois educator license or any subsequent endorsement on the basis of the test shall not be required to retake the basic skills test when seeking any subsequent endorsements or other educator licenses.

3) A person who has passed another state's test of basic skills as a condition of licensure or admission to a teacher preparation program shall be required to take the Illinois basic skills test before receiving a license. (See Section 21B-35 of the School Code.)

4) The Illinois test of basic skills will be administered as four separate subtests: reading comprehension, language arts, mathematics~~,~~ and writing.

A) Individuals may take all four subtests or any combination of the individual subtests during a single test administration.

B) Scores on basic skills subtests can be "banked", and an individual will not be required to take a subtest again once he or she has achieved a passing score on that subtest.

~~C) Each test administration of the Illinois test of basic skills in which an examinee participates shall count toward the testing limit established under subsection (i) of this Section, regardless of the number of subtests the examinee includes as part of that particular test administration.~~

5) In lieu of passing the Illinois test of basic skills, a candidate in ~~seeking admission to~~ an Illinois educator preparation program or applicant for an educator license may submit for consideration his or her composite score from either the ACT® or the SAT®, provided that either test must include a writing component.

A) The State Superintendent shall announce and post on the State Board's website no later than August 1, 2012 the minimum composite score on each test that will be accepted under this subsection (b)(5). Should any~~either~~ of the minimum scores be modified, the State Superintendent shall inform licensure officers no later than January 1 of the score to be used and shall modify the State Board's website accordingly.

i) The minimum composite score to be used for the ACT® shall be the average of the college-readiness benchmarks established by ACT® and posted at http://www.act.org/solutions/college-career-readiness/college-readiness-benchmarks/ ~~http://www.act.org/ education/benchmarks.html~~, rounded up to the next whole number.

ii) The minimum writing score for the ACT® shall be the combined English/Writing score found at http://www.actstudent.org/writing/combined.html, which will be identified by using the ACT® English score identified as the college-readiness benchmark and posted at http://www.act.org/solutions/college-career-readiness/college-readiness-benchmarks/ and the ACT®

writing score that is the same as the passing score for the writing subtest of the Illinois test of basic skills determined in accordance with Section 25.760.

iii) The minimum composite score for the SAT® shall be the single score identified by ACT® as comparable to the ACT® score identified pursuant to subsection (b)(5)(A)(i) ~~of this Section~~ and posted at http://www.act.org/solutions/college-career-readiness/compare-act-sat/~~http://www.act.org/aap/concordance/~~.

iv) The minimum writing score for the SAT® shall be the single writing score identified by ACT® as comparable to the ACT® English/Writing score identified pursuant to subsection (b)(5)(A)(ii) and posted at http://www.act.org/solutions/college-career-readiness/compare-act-sat/.

B) The candidate or applicant may apply to the State Board of Education for consideration of his or her ACT® or SAT® results, using a form provided by the State Superintendent of Education for this purpose. The candidate or applicant shall direct ACT® or the College Board to send an official score report of his or her composite score and English/Writing or single writing score, as applicable, to the address provided on the application form.

~~C) A composite score meeting the minimum shall be accepted only if the ACT® or the SAT® that the candidate or applicant completed included a writing component or subtest for which a score is provided.~~

~~D) ACT® or SAT® results are subject to the requirements of subsection (i) of this Section only to the extent that an individual who has failed the Illinois test of basic skills five times shall not rely upon achievement of the minimum composite score on the ACT® or SAT® to be admitted to the educator preparation program or to receive an educator license.~~

~~6) An educator preparation program may provisionally admit a candidate who is unable to pass each of the four subtests of Illinois' test of basic skills, provided the following conditions are met:~~

~~1) the candidate has taken Illinois' test of basic skills and has passed at least one of the four subtests of reading comprehension, language arts, mathematics, and writing; and~~

~~2) the educator preparation program provides supports and remediation designed to assist the candidate in passing the remaining subtests; and~~

~~3) the candidate is fully admitted into the educator preparation program at least one semester before he or she is scheduled to begin student teaching.~~

6)~~7)~~ Except as provided in subsections (b)(1) and (b)(2)~~ of this Section~~, no score on the Illinois test of basic skills, including any scores from the ACT® or SAT® permitted to be used under subsection (b)(5)~~ of this Section~~, shall be more than 10 years old at the time a candidate begins student teaching or the second semester of the internship component of~~makes application for full admission into~~ an educator preparation program or applies for any license issued, as may be required under Section 21B-20 of the School Code. ~~For purposes of this subsection (b)(7), "application" shall mean the point in time when the candidate has completed any initial coursework and, as applicable, the institution's process that is required for full admission into the educator preparation program.~~

c) Content-Area Tests

1) Each candidate seeking an Illinois professional educator license or endorsement on that license, whether his or her first license or endorsement or a subsequent license or endorsement, shall be required to pass a content-area test for each endorsement area for which there is an applicable test (see Section 21B-30(d) of the School Code; also see Section 25.710~~ of this Part~~). Further, Section 21B-30(d) of the School Code requires passage of this test before a candidate begins student teaching~~ or an internship or residency required for licensure,~~ or begins serving as a teacher of record. ~~For purposes of internships required for~~

~~licensure under this Part or 23 Ill. Adm. Code 30 (Programs for the Preparation of Principals in Illinois), a candidate shall pass the content area test prior to beginning the last semester or term of his or her internship.~~ No waivers or exemptions are available.

2) A person who has passed a test of language proficiency, authorized under Section 21B-30 of the School Code, in order to qualify for an educator license with stipulations endorsed for transitional bilingual educator, and received that license shall not be required to retake that test in order to qualify for a bilingual education credential on another professional educator license received later. A person who has passed a test of language proficiency as a condition of admission to an Illinois preparation program shall also not be required to retake that test.

d) Assessment of Professional Teaching (APT)
In order to complete an educator preparation program, each candidate seeking his or her first Illinois professional educator license endorsed in a teaching field shall be required to pass the APT relevant to the endorsement sought (see Section 25.710~~ of this Part~~). A candidate seeking a subsequent endorsement on a professional educator license must also pass the APT relevant to the endorsement sought, unless he or she either:

1) has already passed an APT that encompasses the grade levels of the subsequent endorsement sought; or

2) already holds another Illinois professional educator license endorsed in a teaching field that encompasses the grade levels of the endorsement sought.

e) Teacher Performance Assessment (TPA)
Beginning September 1, 2015, each candidate completing an educator preparation program in a teaching field shall be required to pass the TPA (see Section 21B-30(f) of the School Code).

1) Each recognized institution offering approved teacher preparation programs shall administer the TPA during a candidate's student teaching experience.

2) No later than July 1, 2013, each recognized institution offering an approved teacher preparation program shall begin using the TPA with at

least some of its students; however, before September 1, 2015, an institution shall not require passage of the TPA as a condition for program completion for students participating in any limited implementation required under this subsection (e)(2) unless the institution requires that all candidates pass the assessment.

f) Except as provided in subsections (c)(2) and (d)(1)~~ of this Section~~, for each person seeking an Illinois license, no passing score on a content area test or the APT may be more than five years old at the time application is made. (See Section 21B-30 of the School Code.) The five-year period shall be calculated from the date the test was taken to the date of receipt of the application by the State Board of Education. Scores more than five years old will not be accepted as part of an application.

1) The five-year period discussed in this subsection (f) shall apply to each score that forms part of an application received on or after July 1, 2012.

2) The five-year period discussed in this subsection (f) shall also apply to each score that forms part of an application that is pending as of June 30, 2012, and to each score that forms part of an application for which an evaluation is still valid as of that date pursuant to Section 25.427~~ of this Part~~.

g) Subject to registration in accordance with the provisions of this Subpart I and~~,~~ the provisions of Section 25.755(g)(1)~~ of this Part, and the limitations of subsection (i) of this Section~~, an individual who has taken a paper-and-pencil test may retake that test during any subsequent, regularly scheduled administration of that test in paper-and-pencil format and may retake that test by computer during any subsequent computer-based test administration.

h) Subject to registration in accordance with the provisions of this Subpart I and~~,~~ the provisions of Section 25.755(g)(1)~~ of this Part, and the limitations of subsection (i) of this Section~~, an individual who has taken a computer-based test or subtest of the Illinois test of basic skills may retake that test or specific subtest by computer after no fewer than 60 days but also may retake that test or specific subtest during any subsequent, regularly scheduled administration of the test or subtest in paper-and-pencil format.

~~i) Subsequent to January 12, 2010, no individual may attempt to pass the same test more than five times in any combination of the two formats (i.e., computer-based~~

~~test or paper-and-pencil format). A score that is voided or cancelled under Section 25.755 of this Part shall be counted toward this five-time limit.~~

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

Section 25.728 Use of Test Results by Institutions of Higher Education

a) Each institution shall use the content-area tests in the disciplines relevant to individuals' program completion as provided in Section 21B-30(d) of the School Code.

b) An institution shall have the option of using the Illinois Licensure Testing System's assessment of professional teaching (APT) as a requirement for candidates' progression among the components of a program or requiring passage of the TPA~~teacher performance assessment (edTPA)~~ before awarding credit for student teaching. (Also see Section 25.720 ~~of this Part~~ for the requirements that apply.) An institution may also require passage of the Illinois test of basic skills earlier in a preparation program than is required under Section 21B-30(c) of the School Code.

c) In using any test that forms part of the Illinois Licensure Testing System, institutions shall abide by all the rules governing the Testing System set forth in this Subpart, including, but not limited to, passing score, registration, and fees; and shall make no requirement for the use or administration of this test beyond those set forth in this Subpart.

d) Institutions shall be responsible for informing their students of all requirements related to taking the tests and for providing students with any pertinent testing information in a timely manner. Neither the State Board of Education nor its testing contractor shall assume responsibility for any candidate's inability to progress through or complete an approved program because of failure to take one or more licensure tests in a timely manner.

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

Section 25.735 Frequency and Location of Tests

a) The tests of basic skills and content-area knowledge will be administered in paper-and-pencil format no fewer than three times a year and at no fewer than six sites each time at locations throughout the State. The English language

proficiency test and the target language proficiency test in Spanish will be administered in paper-and-pencil format four times per year at one site in the Chicago area. Target language proficiency tests in languages other than Spanish will be administered in paper-and-pencil format twice per year at one site in the Chicago area. Specific tests may be administered in paper-and-pencil format at other additional times and locations as the State Board of Education deems advisable.

b) Each test that is made available as a computer-based test will be offered during no fewer than four "testing windows" annually, and each examinee may register to take an available computer-based test at any of the testing sites in the United States that are operated by the contractor chosen by the State Board of Education. Testing sites and testing windows shall be identified in the registration bulletin and any other published material pertaining to the testing system, as well as on the web sites of the State Board and its testing contractor.

c) Registration deadlines and procedures for paper-and-pencil testing may vary from those stated in Section 25.730 of this Part when testing is conducted outside the fixed schedule set forth in subsection (a)~~ of this Section~~.

d) All test sites will be accessible to persons with disabilities.

e) Information relative to the format of a particular test at any given time may be found on the ILTS website accessible at http://www.isbe.net/licensure/default.htm; choose "Illinois Licensure Testing System".

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

Section 25.755 Cancellation of Scores; Voiding of Scores

a) A person shall have the right to cancel his/her test scores. A cancellation request must be submitted in writing and received by the State Superintendent of Education within seven calendar days after the date of the test. However, a person's right to cancel his or her scores shall be superseded by the right of the State Superintendent of Education to void scores when subsection (b) or (c)~~ of this Section~~ applies.

b) A person's scores will be voided by the State Superintendent of Education due to violation by the person of any of the conditions of testing enumerated in Section

25.750(g) and (k)~~ of this Part~~.

c) The State Superintendent of Education will also void any affected test score in situations such as, but not limited to, the following:

1) any person taking the test violates any of the rules of test participation or terms, conditions, or policies stated in the current ILTS registration bulletin and website, having the purpose or effect of:

A) giving any person taking the test an unfair advantage over other examinees;

B) affecting, either positively or negatively, the performance of any person taking the test; or

C) representing the performance of the named registered examinee by the performance of another person;

2) there is any testing irregularity that calls into question:

A) the accuracy of the test scores as measures of the actual performances of the examinees; or

B) the validity of the test scores as measures of the performances of the examinees in light of the conditions and circumstances under which the test was administered.

d) The State Superintendent of Education shall notify the person of the action taken within six weeks after the test date. If any person's test materials reveal irregularities that warrant further investigation, the State Superintendent shall forward those materials, including the person's thumbprint, fingerprint, or palm print, as applicable, to the appropriate law enforcement authority and shall notify the affected person within ten days after taking that action. The State Superintendent of Education may require the person to provide a thumbprint or alternate print, if applicable, to the appropriate law enforcement authority for comparison with that provided on the personalized answer document and may void the test score earned by a person who refuses to do so.

e) No refund will be given to any person whose score is cancelled or voided.

f) If a score is cancelled or voided for any reason, it will not be reported or entered on any records~~ but shall count toward the testing limit established in Section 25.720(i) of this Part~~. Cancellation of an individual's score shall not limit his or her right to retake the test~~, except as provided in Section 25.720(i) of this Part~~. Voiding of an individual's score shall not limit his or her right to retake the test unless subsection (g)~~ of this Section~~ applies~~ or except as provided in Section 25.720(i) of this Part~~.

g) In some instances, scores are voided for reasons that render individuals ineligible for licensure in Illinois. When an individual is found to have violated a condition of testing with the intent of falsifying his or her identity or unfairly affecting his or her performance in the current or a future test administration, the violation shall be taken as evidence that the individual is not of good character as required by Section 21B-15 of the School Code [105 ILCS 5/21B-15].

1) In addition to voiding of the person's score on the test at which the violation occurred, any other score achieved by the person during the same test administration shall be voided, and the individual shall be ineligible for any future licensure testing in Illinois.

2) A person who is subject to this subsection (g) shall be ineligible to receive any educator license in Illinois.

3) If a person who is the subject to this subsection (g) already holds an Illinois license, the State Superintendent of Education may initiate the suspension or revocation of that license as provided in Section 21B-75 of the School Code [105 ILCS 5/21B-75].

h) In the instances described in subsection (g)~~ of this Section~~, records of the individuals' test responses may be maintained by the testing contractor and by ISBE for further investigation. In all other cases when scores are cancelled or voided, examinees' answer documents, including electronic media, will be destroyed and will be irretrievable.

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

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Section 25.APPENDIX C Exchange of Certificates for Licenses (July 1, 2013)

	Existing Certificate	Description	Exchanged for:
02	Standard Early Childhood (0 to 6, excluding kindergarten)	To Age 6 excluding K	Professional Educator License endorsed for prekindergarten (0 to 6, excluding kindergarten)
04	Initial or Standard Early Childhood (0 to grade 3)	Age 0-Grade 3	Professional Educator License endorsed for early childhood and self-contained general education endorsements (age 0 to grade 3)
04	Master Early Childhood Certificate	Age 0-Grade 3	Professional Educator License with an NBPTS master teacher designation, endorsed for prekindergarten, if applicable, and/or the NBPTS area of endorsement
05	Provisional Early Childhood	Age 0-Grade 3	Educator License with Stipulations endorsed for provisional educator with early childhood and self-contained general education endorsements (age 0 to grade 3)

Elementary Certificates:

03	Initial or Standard Elementary	K-9	Professional Educator License endorsed for self-contained general education (kindergarten to grade 9)

03	Master Elementary Certificate	K-9	Professional Educator License with an NBPTS master teacher designation endorsed for self-continaed general education, if applicable, and/or the NBPTS area of endorsement

High School Certificates:

09	Initial or Standard Secondary	6-12	Professional Educator License with any applicable grade-level and content-area endorsements
09	Master Secondary Certificate	6-12	Professional Educator License with an NBPTS master teacher designation and any grade-level and content-area endorsements, if applicable, and/or the NBPTS area of endorsement
12	Short-Term Emergency	Preschool-Age 21	Professional Educator License endorsed in a teaching field with short-term emergency approval in special education

Special Certificates:

10	Initial or Standard Special	K-12 Field Endorsed or Preschool-Age 21	Professional Educator License with any applicable grade-level and content-area endorsements

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Provisional and Alternative:

22	Initial Alternative Elementary	K-9	Professional Educator License endorsed for self-contained general education (kindergarten to grade 9)
26	Provisional Alternative Administrative	K-12	Educator License with Stipulations endorsed for alternative provisional superintendent
27	Provisional Alternative Special	K-12 Field Endorsed or Preschool-Age 21	Educator License with Stipulations endorsed for alternative provisional educator with any applicable grade-level and content-area endorsements or applicable administrative area (e.g., general administrative)
28	Initial Alternative Special	K-12 Field Endorsed or Preschool-Age 21	Professional Educator License with any applicable grade-level and content-area endorsements

Other Teaching:

29	Transitional Bilingual	K-12 Language Endorsed	Educator License with Stipulations endorsed for transitional bilingual educator with bilingual language and applicable grade-level endorsements
30	Provisional Elementary	K-9	Educator License with Stipulations endorsed for provisional educator with

			self-contained general education endorsement (kindergarten to grade 9)
31	Provisional Secondary	6-12	Educator License with Stipulations endorsed for provisional educator with any applicable grade-level and content-area endorsements
33	Provisional Special	K-12 Field Endorsed or Preschool-Age 21	Educator License with Stipulations endorsed for provisional educator with any applicable grade-level and content-area endorsements
35	Provisional Vocational	7-12 Field Endorsed	Educator License with Stipulations endorsed for career and technical educator with any applicable grade-level and field endorsements
36	Temporary Provisional Vocational	11-12 Field Endorsed	Educator License with Stipulations endorsed for provisional career and technical educator with grade 11-12 and any applicable field endorsements
40	Part-Time Provisional	6-12	None; the credential will no longer be issued and individuals holding this certificate shall not teach on that certificate after June 30, 2013.

43	Provisional Alternative Early Childhood	Age 0-Grade 3	Educator License with Stipulations endorsed for alternative provisional educator with early childhood and self-contained general education (age 0 to grade 3)
44	Initial Alternative Early Childhood	Age 0-Grade 3	Professional Educator License endorsed for early childhood and self-contained general education (age 0 to grade 3)
50	Visiting International Teacher – Special	K-12	Educator License with Stipulations endorsed for visiting international educator with any applicable foreign language, transitional bilingual language and content-area endorsements (kindergarten to grade 12)
53	Visiting International Teacher − Elementary	K-9	Educator License with Stipulations endorsed for visiting international educator with self-contained general education and any applicable foreign language and transitional bilingual language endorsements (kindergarten to grade 9)
54	Visiting International Teacher – Early Childhood	Age 0-Grade 3	Educator License with Stipulations endorsed for visiting international educator with self-contained general education

			and any applicable foreign language and transitional bilingual language endorsements (age 0 to grade 3)
59	Visiting International Teacher – Secondary	6-12	Educator License with Stipulations endorsed for visiting international educator with any applicable foreign language, transitional bilingual language and content-area endorsements (grades 6 to 12)
80	Resident Teacher – Special	K-12	Educator License with Stipulations endorsed for resident teacher with any content-area endorsements (kindergarten to grade 12)
83	Resident Teacher – Elementary	K-9	Educator License with Stipulations endorsed for resident teacher with self-contained general education endorsement (kindergarten to grade 9)
84	Resident Teacher – Early Childhood	Age 0-Grade 3	Educator License with Stipulations endorsed for resident teacher with early childhood and self-contained general education (age 0 to grade 3) endorsements
89	Resident Teacher – Secondary	6-12	Educator License with Stipulations endorsed for resident teacher with any

			applicable grade-level and content-area endorsements
School Support Personnel:			
73	School Service Personnel	K-12	Professional Educator License endorsed for school support personnel with any applicable service area endorsement
74	Provisional School Service Personnel	K-12	Educator License with Stipulations endorsed for provisional educator and school support personnel with any applicable service area endorsement
Administrative:			
75	Administrative	K-12	Professional Educator License endorsed for general administrative, chief school business official, superintendent or special educator director, as applicable
76	Provisional Administrative	K-12	Educator License with Stipulations endorsed for provisional educator and any of general administrative, chief school business official, superintendent or special education director, as applicable
77	Administrative K-12	K-12	Professional Educator License endorsed for

			SuperintendentEducator License with Stipulations endorsed for alternative provisional superintendent
78	Interim School Counselor Intern	K-12	Approval issued by the State Superintendent
79 78	Interim Speech-Language Pathologist Intern	K-12	Approval issued by the State Superintendent

Individuals who receive a professional educator license will receive on that license the endorsements that are comparable to what they currently hold, as well as any applicable endorsements comparable to any other certificates they currently hold.

(Source: Amended at 38 Ill. Reg. 11261, effective May 6, 2014)

Section 25.APPENDIX E Endorsement Structure Beginning July 1, 2013

Section 25.100 of this Part explains the endorsements issued on the professional educator license and the availability of any content-specific endorsements (previously called "designations"). The relevant provisions of Section 25.100(d)25.100(e) of this Part shall apply in cases in which no test is available (see Section 25.710). Any individual holding only an endorsement available prior to July 1, 2004 that was not exchanged for an endorsement available after that date, and, as applicable, content-area endorsement, is limited to teaching only the content encompassed by the endorsement issued prior to July 1, 2004.

Endorsements Currently Available	Content-specific Endorsements Currently Available	Endorsements, with Designations, as applicable, Issued July 1, 2004 until July 1, 2013	Endorsements Issued Prior to July 1, 2004
Fundamental Learning Areas			
English Language Arts	None	English Language Arts	English Journalism Language Arts

Endorsements Currently Available	Content-specific Endorsements Currently Available	Endorsements, with Designations, as applicable, Issued July 1, 2004 until July 1, 2013	Endorsements Issued Prior to July 1, 2004
			Speech
Reading Teacher	None	Reading Teacher	Reading
Reading Specialist	None	Reading Specialist	Reading
Mathematics	None	Mathematics	Mathematics
Science – Content-specific Endorsement Required	Science − Biology Science − Chemistry Science − Earth and Space Science Science − Environmental Science Sciences − Physics	Science endorsement with designations for: Biology Chemistry Earth and Space Science Environmental Science Physics	Biological Science/Biology Botany Physiology Zoology Chemistry Aerospace Astronomy Earth Science Geology Physical Geography/ Physiography Biological Science Physical Science General Science Physics
Social Sciences – Content-specific Endorsement Required	Social Sciences – Economics Social Sciences – Geography Social Sciences – History Social Sciences– Political Science Social Sciences – Psychology Social Sciences – Sociology and	Social Sciences endorsement with designations for: Economics Geography History Political Science Psychology Sociology and Anthropology	Economics Geography U.S. History World History Political Science Psychology Anthropology Sociology

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Endorsements Currently Available	Content-specific Endorsements Currently Available	Endorsements, with Designations, as applicable, Issued July 1, 2004 until July 1, 2013	Endorsements Issued Prior to July 1, 2004
	Anthropology		
Physical Education	None	Physical Education	Physical Education
Health Education	None	Health Education	Health Education
Dance	None	Dance	Dance
Drama/Theatre Arts	None	Drama/Theatre Arts	Theatre and Drama
Music	None	Music	Music Instrumental Music Vocal Music
Visual Arts	None	Visual Arts	Art
Foreign Languages – Content-specific Endorsement Required	Foreign Languages – Arabic Foreign Languages – Chinese (Cantonese or Mandarin) Foreign Languages – French Foreign Languages – German Foreign Languages – Hebrew Foreign Languages – Italian Foreign Languages – Japanese Foreign Languages – Korean Foreign Languages – Latin Foreign Languages – Russian Foreign Languages – Spanish	Foreign Languages endorsement with designations for: Arabic (2008) Chinese (Cantonese or Mandarin) French German Hebrew Italian Japanese Korean Latin Russian Spanish Other foreign languages, provided the candidate completed a major in the foreign language designated.	Arabic Cantonese, Mandarin French German Hebrew Italian Japanese Korean Latin Russian Spanish Other foreign languages, as applicable

Endorsements Currently Available	Content-specific Endorsements Currently Available	Endorsements, with Designations, as applicable, Issued July 1, 2004 until July 1, 2013	Endorsements Issued Prior to July 1, 2004
	Other foreign languages, provided the candidate meets the requirements of Section 25.100(i) ~~of this Part~~.		
Additional Teaching Fields			
Agricultural Education	None	Agricultural Education	Agricultural Business and Management Agriculture Agricultural Power and Machinery Horticulture Agricultural Resources
Business, Marketing, and Computer Education – Content-specific Endorsement Optional	Business Computer Programming	Business, Marketing, and Computer Education endorsement with a designation for: Business Computer Programming	Accounting Basic Business Business Computer Programming Business/Marketing/ Management Information Processing Information Processing/Secretarial Marketing
Computer Applications	None	Computer Applications	Computer Applications
Computer Science	None	Computer Science	Computer Science

Endorsements Currently Available	Content-specific Endorsements Currently Available	Endorsements, with Designations, as applicable, Issued July 1, 2004 until July 1, 2013	Endorsements Issued Prior to July 1, 2004
Family and Consumer Sciences – Content-specific Endorsement Required	Family and Consumer Sciences – Apparel and Textiles Family and Consumer Sciences – Living Environments Family and Consumer Sciences – Nutrition, Wellness, and Hospitality	Family and Consumer Sciences endorsement with designations for: Apparel and Textiles Living Environments Nutrition, Wellness, and Hospitality	Child and Day Care Services Consumer Education and Resource Management Fashion and Clothing Services Food and Nutrition Services Home Economics Institutional and Home Management Services Interior Furnishings Services/Living Environments Interpersonal, Family Relationships, Parenting
Health Careers	None	Health Careers	Health Occupations
Gifted Education Teacher	None	None	None
Gifted Education Specialist	None	None	None
Teacher Leader	None	Teacher Leader	None
Technology Education	None	Technology Education	Industrial Technology Education Construction Electronics Graphic Communications Transportation Manufacturing

Endorsements Currently Available	Content-specific Endorsements Currently Available	Endorsements, with Designations, as applicable, Issued July 1, 2004 until July 1, 2013	Endorsements Issued Prior to July 1, 2004
			Industrial Technology Public Service Drafting/Design Autobody Repair Heating, Ventilation, and Air Conditioning
Technology Specialist	None	Technology Specialist	Computer Technology Instructional Technology
Library Information Specialist	None	Library Information Specialist	Media
Safety and Driver Education	None	Safety and Driver Education	Safety and Driver Education
Bilingual Education	Bilingual Education – Target Language	Bilingual Education endorsement with a designation for: Target Language	Bilingual Education with a Target Language Designation
English as a New Language (ENL) – Content-specific Endorsement Optional (secondary or K-12)	ENL – Bilingual Education (language-specific)	ENL endorsement with a designation for: Bilingual Education (language-specific)	Bilingual Education English as a Second Language
English as a Second Language (ESL)	None	ESL	ESL
Middle School (departmentalized)	Subject-specific	Middle School endorsement with subject specific designations	Middle-Grades Junior High School
Middle Grades	Subject-specific	Middle School	Middle Grades

Endorsements Currently Available	Content-specific Endorsements Currently Available	Endorsements, with Designations, as applicable, Issued July 1, 2004 until July 1, 2013	Endorsements Issued Prior to July 1, 2004
(grades 5-8) (February 2018)		(departmentalized)	Junior High School
Elementary			
Self-Contained General Education (grades K-9)	None	Self-Contained General Education	Self-Contained General Education
Self-Contained General Education (grades 1-6)	None	None	None
Early Childhood			
Early Childhood Special Education	None	Early Childhood Special Education	
Early Childhood Prekindergarten and Self-Contained General Education (kindergarten-grade 3)	None	Early Childhood Self-Contained General Education	Early Childhood
Special Education			
Learning Behavior Specialist I (LBS I)	None	LBS I	LBS I
Learning Behavior Specialist II – Content-specific Endorsement Required	LBS II/Transition Specialist LBS II/Technology Specialist LBS II/Bilingual Special Education Specialist LBS II/Deaf-Blind Specialist	An LBS II endorsement with designations for: LBS II/Transition Specialist LBS II/Technology Specialist	LBS II/Transition Specialist LBS II/Technology Specialist LBS II/Bilingual Special Education Specialist LBS II/Deaf-Blind Specialist

Endorsements Currently Available	Content-specific Endorsements Currently Available	Endorsements, with Designations, as applicable, Issued July 1, 2004 until July 1, 2013	Endorsements Issued Prior to July 1, 2004
	LBS II/Behavior Intervention Specialist LBS II/Curriculum Adaptation Specialist LBS II/Multiple Disabilities Specialist	LBS II/Bilingual Special Education Specialist LBS II/Deaf-Blind Specialist LBS II/Behavior Intervention Specialist LBS II/Curriculum Adaptation Specialist LBS II/Multiple Disabilities Specialist	LBS II/Behavior Intervention Specialist LBS II/Curriculum Adaptation Specialist LBS II/Multiple Disabilities Specialist
Speech-Language Pathologist (teaching)	None	Speech-Language Pathologist	Speech-language impaired
Teacher of Blind or Visually Impaired	None	Blind or Visually Impaired	Blind or partially sighted
Teacher of Deaf or Hard of Hearing	None	Deaf or Hard of Hearing	Hearing Impaired
Administrative			
Chief School Business Official	None	Chief School Business Official	Chief School Business Official
Director of Special Education	None	Director of Special Education	Director of Special Education
General Administrative (through June 30, 2014)	None	General Administrative	General Administrative
Principal (2013)	None	General Administrative	General Administrative
Superintendent	None	Superintendent	Superintendent
Teacher Leader	None	Teacher Leader	None

Endorsements Currently Available	Content-specific Endorsements Currently Available	Endorsements, with Designations, as applicable, Issued July 1, 2004 until July 1, 2013	Endorsements Issued Prior to July 1, 2004
School Support Personnel			
School Counselor	None	School Counselor	Guidance
School Nurse	None	School Nurse	School Nurse
School Psychologist	None	School Psychologist	School Psychologist
School Social Worker	None	School Social Worker	School Social Worker
Speech-Language Pathologist (non-teaching)	None	Non-Teaching Speech-Language Pathologist	Non-Teaching Speech-Language Pathologist
Supervisory − endorsement area (special education only)	None; see Sections 21-4 and 21-25 of the School Code and Section 25.497 of this Part.	Supervisory − endorsement area	Supervisory

(Source: Amended at 37 Ill. Reg. 11261, effective May 6, 2014)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Programs for the Preparation of Principals in Illinois

2) Code Citation: 23 Ill. Adm. Code 30

3)

Section Numbers:	Adopted Action:
30.10	Amendment
30.40	Amendment
30.60	Amendment

4) Statutory Authority: 105 ILCS 5/21B-60

5) Effective Date of Rule: May 6, 2014

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain any incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: January 3, 2014; 38 Ill. Reg. 161

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

11) Differences between Proposal and Final Version: Section 30.40(b) was amended to remove the proposed language making presentation of evidence of student growth optional, rather than required, for principals of schools serving as internship sites.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any other proposed rulemakings pending on this Part? No

15) Summary and Purpose of the Rulemaking: Part 30, promulgated in 2011, sets forth the requirements for principal preparation programs that include admission, curricular and staffing criteria, as well as the standards for program approval and the competencies that candidates should master in order to qualify for receipt of the principal endorsement. The

principal preparation programs and resulting endorsement replace programs established for the receipt of the general administrative endorsement, which no longer will be issued after August 31, 2014. No new candidates have been admitted to general administrative preparation programs since September 2012.

Currently, 26 principal preparation programs are approved. As these programs have been implemented, several challenges specific to their operation have been identified by the institutions of higher education offering the programs. In particular, the institutions suggested that restrictions placed on the individual who could serve as a mentor to a candidate during the internship, as well as on the faculty member who supervises the candidate during this portion of the program, fail to account for the various types of work for which principals have responsibility. Changes specific to these suggestions have been made in Sections 30.10, and 30.40 and (c)(1), although proposed changes to allow for principals of internship sites to present evidence of school leadership other than student growth have been removed in response to public comment.

Section 30.40(d) has been amended in response to PA 98-581, effective August 27, 2013, which eliminated a requirement for candidates to pass the content-area test before entering into the second semester of an internship. Finally, the change in Section 30.60(e) provides additional flexibility for programs to more effectively use an internship site by increasing from two to five the number of candidates assigned to a mentor.

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

Kellee Sullivan, Division Administrator
Educator Licensure
Illinois State Board of Education
100 North First Street, E-310
Springfield, Illinois 62777

217/557-6763

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

PART 30
PROGRAMS FOR THE PREPARATION OF PRINCIPALS IN ILLINOIS

Section

30.10 Definitions
30.20 Purpose and Applicability
30.30 General Program Requirements
30.40 Internship Requirements
30.45 Assessment of the Internship
30.50 Coursework Requirements
30.60 Staffing Requirements
30.70 Candidate Selection
30.80 Program Approval and Review
30.APPENDIX A Internship Assessment Rubric

AUTHORITY: Implementing and authorized by Section 21B-60 of the School Code [105 ILCS 5/21B-60].

SOURCE: Old Part repealed at 29 Ill. Reg. 18439, effective October 31, 2005; new Part adopted at 35 Ill. Reg. 9060, effective June 1, 2011; amended at 36 Ill. Reg. 6819, effective April 23, 2012; amended at 37 Ill. Reg. 4258, effective March 25, 2013; amended at 38 Ill. Reg. 11360, effective May 6, 2014.

Section 30.10 Definitions

As used in this Part:

"Adjunct faculty" means part-time faculty who are not full-time employees of the institution.

"Dispositions" means professional attitudes, values and beliefs demonstrated through both verbal and nonverbal behaviors as educators interact with students, families, colleagues and communities.

"Educational unit" means the college, school, department~~,~~ or division of an institution or not-for-profit entity that is primarily responsible for the initial and continuing preparation of teachers and other education professionals.

"Faculty" means either professional education staff employed at an institution or staff members employed by not-for-profit entities in principal preparation programs who provide instruction to candidates.

"Faculty Supervisor" means a faculty member employed on a full-time or part-time basis in a principal preparation program who supervises candidates during the internship period.

"Internship" means a candidate's placement in public or nonpublic schools for a sustained, continuous, structured and supervised experience lasting no more than 24 months, during which the candidate engages in experiences and leadership opportunities to demonstrate proficiencies in required competencies expected of a principal. (Also see Section 30.40(g)~~ of this Part~~.)

"Institution" means a regionally accredited institution of higher learning as specified in Section 21B-105 of the School Code [105 ILCS 5/21B-105]. (Also see 23 Ill. Adm. Code 25.10 (Accredited Institution).)

"Mentor" means the principal of the public or nonpublic school in which a candidate is placed who works directly with the candidate on the day-to-day activities associated with the principal's role as the school leader. Individuals employed as a superintendent, assistant superintendent or director of special education who hold a valid and current professional educator license endorsed for general administrative, principal, superintendent or director of special education may serve as a mentor for the candidate, provided that the individual is assigned to the location where the internship is conducted and possesses at least two years of experience relevant to the role of a principal.

"Nonpublic school" means a school recognized in accordance with 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools) and meeting the staffing requirements set forth in 23 Ill. Adm. Code 25.65(a)(2)(B) (Alternative Certification).

"Not-for-profit entity" means an entity that is subject to the General Not For Profit Corporation Act of 1986 [805 ILCS 105] or incorporated as a not-for-profit

entity in another state but registered to do business in the State of Illinois pursuant to the Business Corporation Act of 1983 [805 ILCS 5] and that is recognized to provide an educator preparation program in the State of Illinois pursuant to 23 Ill. Adm. Code 25.Subpart C (Approving Programs that Prepare Professional Educators in the State of Illinois).

"Partner" means one or more institutions, not-for-profit entities, school districts or nonpublic schools that jointly design, implement and administer the principal preparation program. For the purposes of this Part, "partners" do not include school districts and their schools or nonpublic schools that serve only as sites for candidates to complete internship requirements or field experiences.

"Program completers" means persons who have met all the requirements of a State-approved principal preparation program established pursuant to Section 21B-60 of the School Code [105 ILCS 5/21B-60] and this Part and who have fulfilled the requirements for receipt of a principal endorsement set forth in Section 21B-25 of the School Code [105 ILCS 5/21B-25] and 23 Ill. Adm. Code 25.337 (Principal Endorsement).

(Source: Amended at 38 Ill. Reg. 11360, effective May 6, 2014)

Section 30.40 Internship Requirements

a) The internship portion of the program shall be conducted at one or more public or nonpublic schools so as to enable the candidate to be exposed to and to participate in a variety of school leadership situations in settings that represent diverse economic and cultural conditions and involve interaction with various members of the school community (e.g., parents, school board members, local school councils or other governing councils, community partners).

1) The internship shall consist of the following components:

A) Engagement in instructional activities that involve teachers at all grade levels (i.e., preschool through grade 12), including teachers in general education, special education, bilingual education and gifted education settings;

B) Observation of the hiring, supervision and evaluation of teachers, other licensed staff, and nonlicensed staff, and development of a professional development plan for teachers; and

C) Participation~~Participating~~ in leadership opportunities to demonstrate that the candidate meets the required competencies described in Section 30.45~~ of this Part~~.

2) The internship shall not include activities that are not directly related to the provision of instruction at the school (e.g., supervision of students during lunch or recess periods, completion of program coursework).

3) The internship shall require the candidate to work directly with the mentor observing, participating in, and taking the lead in specific tasks related to meeting the critical success factors and essential competencies referenced in Section 30.30(b)(3)~~ of this Part~~.

b) A public or nonpublic school may serve as an internship site if:

1) the principal of the school:

A) holds a valid and current professional educator license endorsed for general administrative or principal issued pursuant either to 23 Ill. Adm. Code 25.335 or 25.337 or, in the case of an individual serving as both the district superintendent and principal, endorsed for general administrative, principal, or superintendent; or

B) if the internship site is located in another state, holds a valid and current license that is comparable to the required Illinois professional educator license endorsed for general administrative or principal issued by the state in which the internship site is located; or

C) in the case of a nonpublic school, either holds a valid and exempt Illinois professional educator license that is registered and endorsed for general administrative or principal or meets the requirements of subsection (b)(1)(B)~~ of this Section~~.

2) In all cases, the principal shall have two~~three~~ years of successful experience as a building principal as evidenced by relevant data, including data supporting student growth in two of the principal's previous five years, and formal evaluations or letters of recommendation from current or former supervisors.

c) Each program shall assign a faculty member to serve as faculty supervisor for the internship portion of the program~~, provided that the individual assigned meets the requirements of subsection (b) of this Section~~.

1) Each faculty supervisor shall meet the following qualifications:

A) hold a valid and current professional educator license endorsed for general administrative or principal or a valid and current license that is comparable to the required Illinois professional educator license endorsed for general administrative or principal issued by the state in which the internship site is located; and

B) have two years of successful experience as a building principal as evidenced by relevant data (which may include data supporting student growth in two of the individual's last five years serving as a principal) and formal evaluations or letters of recommendation from current or former supervisors.

2) Faculty supervisors shall:

A)~~1)~~ conduct at least four face-to-face meetings with the mentor at the internship site of each candidate;

B)~~2)~~ observe, evaluate and provide feedback at least four times a year to each candidate about the candidate's performance;

C)~~3)~~ host three seminars each year for candidates to discuss issues related to student learning and school improvement arising from the internship; and

D)~~4)~~ work in collaboration with site mentors to complete the assessment of the candidate's performance during the internship as required pursuant to Section 30.45~~ of this Part~~.

d) Programs shall ensure that each candidate:

1) successfully completes the training and passes the assessment required under Section 24A-3 of the School Code [105 ILCS 5/24A-3] before receipt of endorsement~~beginning his or her internship~~; and

2) passes the applicable content-area test (see 23 Ill. Adm. Code 25.710 (Definitions)) prior to receipt of endorsement~~beginning the last semester of his or her internship~~.

e) Programs may charge fees of candidates, in addition to tuition, to be used to reimburse schools for the costs of employing substitute teachers for candidates who are full-time teachers and must be absent from their classrooms in order to complete internship activities.

f) Programs may provide monetary stipends for candidates while they are participating in their internship.

g) A program may extend the length of an internship beyond 24 months for any candidate who has to discontinue the internship portion of the program due to unforeseen circumstances, such as a medical or family emergency, provided that the program adopts procedures for requesting the exemption, the specific reasons under which the exemption would be granted, and the length of time within which a candidate must resume the internship. A copy of the policy shall be provided to each candidate who enrolls in the program.

(Source: Amended at 38 Ill. Reg. 11360, effective May 6, 2014)

Section 30.60 Staffing Requirements

a) At a minimum, each program shall allocate two faculty members on a full-time basis to the program if 100 candidates or fewer are enrolled on a part-time or a full-time basis, and one additional faculty member shall be allocated on a full-time basis for each increment of 50 or fewer candidates enrolled on a part-time or a full-time basis.

1) For the purposes of this subsection (a), "enrolled" means enrollment in one or more courses required for completion of the program.

2) A faculty member may include time spent teaching in other educational leadership programs (e.g., superintendent, chief school business official) offered by the institution when determining "full-time basis".

b) No candidate shall receive more than one-third of his or her coursework from the same instructor.

c) No more than 80 percent of the coursework in a program shall be taught by adjunct faculty. For each adjunct faculty member employed, the program shall maintain evidence that the individual has demonstrated expertise in the area of his or her assignment.

d) A faculty supervisor shall have no more than 36 candidates assigned to him or her during any one 12-month period of an internship. However, when a university requires faculty to supervise at least 48 candidates in order to have a full course load, these faculty shall have no more than 48 candidates assigned to them.

e) No mentor shall have more than five~~two~~ candidates assigned to him or her at any period during the internship, except that the State Educator Preparation and Licensure Board (SEPLB) may make an exception for a sixth~~third~~ candidate if the SEPLB finds the explanation and accompanying documentation submitted by the program supports granting of the exception (i.e., there is only one qualified mentor available in sparsely populated areas of the State). Approval under this subsection (e) is granted for the duration of the mentor's participation in the program and need not be renewed.

f) Each full-time faculty member in the program and each faculty supervisor shall successfully complete the training and pass the assessment required for evaluation of licensed personnel under Section 24A-3 of the School Code.

(Source: Amended at 38 Ill. Reg. 11360, effective May 6, 2014)

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: State Toll Highway Rules

2) Code Citation: 92 Ill. Adm. Code 2520

3)

Section Numbers:	Adopted Action:
2520.410	Amendment
2520.420	Amendment

4) Statutory Authority: 605 ILCS 10/10, 625 ILCS 5/11-601, 625 ILCS 5/11-603

5) Effective Date of Rule: May 9, 2014

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 37 Ill.Reg. 20630; December 27, 2013

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

11) Differences between Proposal and Final Version: JCAR's Second Notice Changes, consisting of minor clarifications, were recommended to be incorporated into the rules for purposes of establishing language consistency.

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 an emergency rule currently in effect? Yes

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: The rulemaking is the result of 2013 legislation permitting an increase in speed limits to 70 miles per hour on interstate highways outside of Urban Districts.

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

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

Robert T. Lane
Senior Assistant Attorney General
2700 Ogden Avenue
Downers Grove, IL 60515

630/241-6800 x1530
fax: 630/271-7559

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

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER IV: ILLINOIS STATE TOLL HIGHWAY AUTHORITY

PART 2520
STATE TOLL HIGHWAY RULES

SUBPART A: AUTHORITY AND DEFINITIONS

Section
2520.100 Authority
2520.110 Authority Rulemaking
2520.120 Related Statutes
2520.130 Definitions

SUBPART B: GENERAL TRAFFIC RULES AND REGULATIONS

Section
2520.200 Illinois Vehicle Code
2520.203 Use of Tollway Prohibited or Restricted
2520.206 Vehicles Excepted from Provisions of Section 2520.203
2520.209 Transportation of Hazardous Materials
2520.212 Special Usage Toll
2520.215 Loading or Unloading of Vehicles
2520.218 Full Stop at All Toll Plazas
2520.221 Entering and Leaving the Tollway
2520.224 "U" Turns, Etc.
2520.227 Backing Up of Vehicles
2520.230 Parking, Standing or Stopping
2520.233 Relocating of Vehicles
2520.236 Pushing or Towing of Vehicles
2520.239 Stopping or Halting Vehicles by the Authority
2520.242 Destruction of Authority Property
2520.245 Picnics
2520.248 Aircraft
2520.251 Sale of Goods and Services
2520.254 Solicitation of Rides
2520.257 Loitering or Interfering with Traffic
2520.260 Approaching/Departing a Toll Plaza
2520.263 Compliance with Orders or Directions of State Troopers, Etc.

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

2520.266 Duty Upon Striking Fixtures, Structures or Other Property on Tollway
2520.269 Payment of Tolls
2520.272 I-Pass Registration
2520.275 Prohibited and Restricted Lanes
2520.278 Traffic Control Devices
2520.281 Penalty for Violation

SUBPART C: TRESPASS

Section
2520.300 Authority
2520.310 Restriction of Vehicles Using the Tollway
2520.320 Restriction on Nature of Use of Tollway
2520.340 Persons and Vehicles Excepted from the Requirements of Subpart C
2520.350 Penalties

SUBPART D: SPEED RESTRICTIONS

Section
2520.410 Maximum Speed Limits for Passenger Cars
2520.420 Maximum Speed Limits for Trucks, Buses, Passenger Cars Towing Trailers, House Trailers and Campers
2520.430 Maximum Speed Limits for Designated I-Pass Lanes, Service Areas, Parking Areas, Access Roads and Ramps, and Barrier Toll Plaza Approaches
2520.440 Road Hazards and Construction Zones
2520.450 Special Road Conditions
2520.460 Minimum Speed Limits

SUBPART E: FINES AND PENALTIES

Section
2520.510 Violations
2520.520 Littering – Penalty
2520.530 Spurious or Counterfeit Tickets, Coupons or Tokens – Penalty
2520.540 Toll Collection Devices – Penalty for Breaking
2520.550 I-PASS Customer − Penalties

SUBPART F: TOLL VIOLATIONS – ADMINISTRATIVE ADJUDICATION SYSTEM

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

Section
2520.700 Authority
2520.705 Notice of Violation to Respondent
2520.710 Effective Date of Notices
2520.715 Establishment of the Toll-Free Telephone Number
2520.720 Timely Request for Hearing
2520.725 Hearing Officers – Appointment, Disqualification, Powers and Duties
2520.730 Discovery
2520.735 Continuance
2520.740 Hearings Format
2520.745 Failure to Respond to Notice of Violation − Default
2520.750 Penalties
2520.755 Liability of Lessor
2520.760 Liability of Registered Owner
2520.765 Enforcement of Final Order
2520.770 Judicial Review

SUBPART G: EMPLOYMENT

2520.800 Tollway Employees

2520.APPENDIX A Rules and Regulations for Overweight and Overdimension Vehicles and Loads

AUTHORITY: Implementing and authorized by the Toll Highway Act [605 ILCS 10].

SOURCE: Filed January 3, 1973; effective February 1, 1973; codified at 8 Ill. Reg. 19884; Part repealed, new Part adopted at 17 Ill. Reg. 8539, effective May 27, 1993; amended at 20 Ill. Reg. 10200, effective July 12, 1996; emergency amendment at 24 Ill. Reg. 2737, effective February 4, 2000, for a maximum of 150 days; emergency expired July 2, 2000; emergency amendment at 24 Ill. Reg. 4234, effective February 29, 2000, for a maximum of 150 days; emergency expired July 27, 2000; amended at 24 Ill. Reg. 16078, effective October 11, 2000; emergency amendment at 26 Ill. Reg. 16325, effective October 31, 2002, for a maximum of 150 days ; amended at 27 Ill. Reg. 6325, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 18238, effective November 6, 2003, for a maximum of 150 days; emergency expired April 5, 2004; emergency amendment at 28 Ill. Reg. 1780, effective January 14, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 6911, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 7688, effective May 24, 2004, for a maximum of 150 days; emergency expired October 20, 2004; amended at 28 Ill. Reg. 14530, effective October 25, 2004; old Part repealed at 30 Ill. Reg.

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

11261 and new Part adopted at 30 Ill. Reg. 11264, effective June 9, 2006; amended at 35 Ill. Reg. 535, effective December 27, 2010; emergency amendment at 38 Ill. Reg. 2433, effective January 7, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4037, effective January 27, 2014; amended at 38 Ill. Reg. 11369, effective May 9, 2014.

SUBPART D: SPEED RESTRICTIONS

Section 2520.410 Maximum Speed Limits for Passenger Cars

The following shall be the maximum speed limits for passenger cars (includes motorcycles) on the Tollway, except as provided by Sections 2520.430 and 2520.440:

a) Tri-State Tollway (I-94 portion north ~~North~~ of Stearns School~~Lake Cook~~ Rd.):

55 miles per hour south of M.P.7.0~~3.0~~

65 miles per hour north of M.P.7.0~~3.0~~

Tri-State Tollway (I-294 portion in its entirety):

55 miles per hour, M.P.0.0 to M.P.52.0

b) Northwest Tollway (I-90):

55 miles per hour east of M.P.27.2 (west of Randall Road)

65 miles per hour west of M.P.27.2 (west of Randall Road) to M.P.17.4 (west of the I-39 Interchange)

70 miles per hour west of M.P.17.4

c) Ronald Reagan Memorial Highway (I-88):

55 miles per hour between the Eisenhower Expressway I-290 M.P.140.4 and M.P.115.0 (east of Orchard Rd. M.P.114.4)

65 miles per hour west of M.P.115.0 (east of Orchard Road M.P.114.4) to M.P.109.0 (west of Rte. 47)

70 miles per hour west of M.P.109.0 (west of Rte. 47)

d) North-South Tollway (I-355):

55 miles per hour north of I-55 (M.P.12.0)

65 miles per hour south of I-55 (M.P.12.0)

(Source: Amended at 38 Ill. Reg. 11369, effective May 9, 2014)

Section 2520.420 Maximum Speed Limits for Trucks, Buses, Passenger Cars Towing Trailers, House Trailers and Campers

The maximum speed for trucks, buses, and passenger cars towing trailers, house trailers and campers is generally 55 miles per hour, but 70~~65~~ miles per hour west of Kane County (M.P.101.0) on I-88 and west of McHenry County (M.P.47.7) on I-90, except as provided by Sections 2520.430 and 2520.440.

(Source: Amended at 38 Ill. Reg. 11369, effective May 9, 2014)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Universities Retirement

2) Code Citation: 80 Ill. Adm. Code 1600

3) Section Number: 1600.415 Emergency Action: New Section

4) Statutory Authority: 40 ILCS 5/15-177 and 40 ILCS 5/15-136(a), as amended by PA 98-599

5) Effective Date of Rulemaking: May 9, 2014

6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which they are to expire: This emergency amendment will expire at the end of the 150-day period, or upon adoption of the permanent rules, whichever comes first.

7) Date Filed with the Index Department: May 9, 2014

8) A copy of this emergency rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for inspection.

9) Reason for Emergency:

- The legislature has passed Public Act 98-599, commonly referred to as a "pension reform" measure.
- The effective date for Public Act 98-599 is June 1, 2014.
- Public Act 98-599 provides that: "Notwithstanding any other provision of this Rule 2, a participant's retirement annuity calculated under this Rule 2 shall not be less than the retirement annuity that participant would have received under this Rule 2 had he or she retired during the fiscal year preceding the effective date of this amendatory Act of the 98th General Assembly." 40 ILCS 5/15-136(a) (as amended by Public Act 98-599, effective June 1, 2014).
- That the foregoing language appears to have required that an individual had to retire during fiscal year 2013 (ending June 30, 2013) in order to have a money purchase annuity calculated under the law as it existed prior to the adoption of Public Act 98-599, despite the fact that the Act was not signed into law by the Governor until December 5, 2013.

- That the Teachers Retirement System has informally interpreted a similar provision [40 ILCS 5/16-133(a)(A)(3)], inserted into Article 16 of the Illinois Pension Code by Public Act 98-599.
- That a number of state legislators have recently stated that their intent was to allow an individual to retire on or after July 1, 2014, and have the Minimum Money Purchase Annuity calculated as of the end of the 2014 fiscal year, as opposed to the end of the 2013 fiscal year.
- That clarifying legislation has been introduced in the Illinois General Assembly (Senate Bill 2005, Amendment 1 and House Bill 6225; however, it appears that neither bill will be passed and signed into law prior to June 1, 2014.
- That the procedure used to calculate a money purchase annuity is a matter of public interest or welfare to a substantial portion of SURS members who are presently eligible to retire using the money purchase formula.
- That the lack of a uniform interpretation with respect to the calculation of a money purchase annuity by the two state pension systems would reasonably constitute a threat to the public interest or welfare in that participants in the State Universities Retirement System might choose to retire for reasons unrelated to their individual readiness to retire.

10) A Complete Description of the Subjects and Issues Involved: Rule 2 of Section 15-136(a) of the Code [40 ILCS 5/15-136(a), Rule 2] calculates the single-life annuity of a participant to be the sum of (i) an annuity that is actuarially equivalent to the participant's accumulated normal contributions (including additional normal contributions made by a police officer or firefighter), (ii) an annuity from employer contributions that is actuarially equivalent to the accumulated normal contributions made by the participant under Sections 15-133.6 and 15-113.7 of the Code plus 1.4 times all other accumulated normal contributions (including additional normal contributions made by a police officer or firefighter), and (iii) an annuity that is actuarially equivalent from the entire contribution made under Section 15-113.3 of the Code. This Section implements changes to Rule 2 of Section 15-136(a) of the Code under Public Act 98-599, effective June 1, 2014, for retirements having annuity payment periods that begin on or after July 1, 2014.

11) Are there any proposed rulemakings to this Part pending: Yes.

Section Numbers:	Proposed Action:	Illinois Register Citation:
1600.100	Amendment	38 Ill. Reg. 7571; April 4, 2014
1600.110	Amendment	38 Ill. Reg. 7571; April 4, 2014
1600.205	Amendment	38 Ill. Reg. 7571; April 4, 2014
1600.250	Amendment	38 Ill. Reg. 7571; April 4, 2014

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF EMERGENCY AMENDMENT

1600.300	Amendment	38 Ill. Reg. 7571; April 4, 2014
1600.320	Renumbered	38 Ill. Reg. 7571; April 4, 2014
1600.400	Amendment	38 Ill. Reg. 7571; April 4, 2014
1600.450	Amendment	38 Ill. Reg. 7571; April 4, 2014
1600.550	Renumbered/New Section	38 Ill. Reg. 7571; April 4, 2014
1600.130	Amendment	38 Ill. Reg. 7863; April 11, 2014
1600.405	New Section	38 Ill. Reg. 7863; April 11, 2014
1600.720	Amendment	38 Ill. Reg. 7863; April 11, 2014
1600.725	Amendment	38 Ill. Reg. 7863; April 11, 2014
1600.730	Amendment	38 Ill. Reg. 7863; April 11, 2014

12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate or effect units of local government.

13) Information and questions regarding these emergency amendments shall be directed to:

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

217/378-8825

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

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF EMERGENCY AMENDMENT

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

PART 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

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF EMERGENCY AMENDMENT

1600.310 Dependency of Beneficiaries
1600.320 Disability Claims Procedures

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
1600.415 Calculation of Money Purchase Annuity
EMERGENCY
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 − 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

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF EMERGENCY AMENDMENT

1600.665 Providing Benefit Information for Divorce Purposes

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 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 38 Ill. Reg. 5659, effective February 11, 2014; emergency amendment at 38 Ill. Reg. 11376, effective May 9, 2014, for a maximum of 150 days.

Section 1600.415 Calculation of Money Purchase Annuity
EMERGENCY

a) Purpose. Rule 2 of Section 15-136(a) of the Code [40 ILCS 5/15-136(a), Rule 2] calculates the single-life annuity of a participant to be the sum of (i) an annuity that is actuarially equivalent to the participant's accumulated normal contributions (including additional normal contributions made by a police officer or firefighter), (ii) an annuity from employer contributions that is actuarially equivalent to the accumulated normal contributions made by the participant under Sections 15-133.6 and 15-113.7 of the Code plus 1.4 times all other accumulated normal contributions (including additional normal contributions made by a police officer or firefighter), and (iii) an annuity that is actuarially equivalent from the entire contribution made under Section 15-113.3 of the Code. This Section implements changes to Rule 2 of Section 15-136(a) of the Code under Public Act 98-599, effective June 1, 2014, for retirements having annuity payment periods that begin on or after July 1, 2014.

b) Minimum Money Purchase Annuity. The "Minimum Money Purchase Annuity" (or "MMPA") is set forth under Section 15-136(a) of the Code as follows: *Notwithstanding any other provision of this Rule 2, a participant's retirement annuity calculated under this Rule 2 shall not be less than the retirement annuity that participant would have received under this Rule 2 had he or she retired during the fiscal year preceding the effective date of this amendatory Act of the 98th General Assembly.* [40 ILCS 5/15-136(a), Rule 2]. Solely for purposes of the MMPA, the System shall treat the participant as if "he or she [had] retired during the fiscal year preceding the effective date of this amendatory Act of the 98th General Assembly" by treating the participant as if he or she had retired with an annuity payment period commencing on June 30, 2014.

(Source: Added by emergency rulemaking at 38 Ill. Reg. 11376, effective May 9, 2014, for a maximum of 150 days)

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 May 6, 2014 through May 12, 2014. The HFS and DHS rulemakings are scheduled for review at the Committee's May 20, 2014 meeting. The CMS rulemaking is scheduled for the Committee's June 17, 2014 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.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
6/20/14	Department of Healthcare and Family Services, Reimbursement for Nursing Costs for Geriatric Faiclities (89 Ill Adm. Code 174)	1/17/14 38 Ill. Reg. 1590	5/20/14
6/21/14	Department of Human Services, Mental Health Reporting for Firearm Owner's Identification Card (59 Ill. Adm. Code 150)	1/17/14 38 Ill. Reg. 1791	5/20/14
6/22/14	Department of Central Management Services, State Vehicles and Garage (44 Ill. Adm. Code 5040)	1/31/14 38 Ill. Reg. 3241	6/17/14

EXECUTIVE ORDER

2014-7
CREATION OF THE STATE BICENTENNIAL COMMISSION

WHEREAS, December 3, 2018 will mark the 200th anniversary of Illinois' admission to the Union as a state; and

WHEREAS, after thousands of years of native settlement and centuries as a French and British territory, the Illinois Territory was created out of the former Northwest Territory by an Act of the United States Congress on February 3, 1809; and

WHEREAS, Illinois was named by French explorers after the Illiniwek tribe, a group of Native American tribes that occupied the upper Mississippi River valley of North America, including much of the land that is Illinois today; and

WHEREAS, in 1818, Illinois became the 21st state admitted to the Union, with Kaskaskia as the first capital; in 1819, Vandalia became the capital of Illinois; and in 1837, the capital was moved to Springfield, where it remains to this day; and

WHEREAS, the State of Illinois grew steadily throughout the 19th century, with Illinois citizens becoming leaders in agriculture, business, finance, technology, higher education, and science; the 19th century also saw the rise of the City of Chicago and saw Chicago's increasing importance in the national labor movement and the economy; and

WHEREAS, with the coming of the 20th century, the State of Illinois became a vital agricultural and industrial power in the nation; and

WHEREAS, the State of Illinois has cultivated many political leaders, including Abraham Lincoln, Ulysses S. Grant, Adlai Stevenson II, Ronald Reagan, Hillary Rodham Clinton and Barack Obama, who have had a great impact on national and world affairs; and

WHEREAS, the State's official slogan "Land of Lincoln" is named after the nation's most beloved president, Abraham Lincoln, who spent his formative years in Illinois from 1830 to 1861, studying and practicing law, serving as a state legislator and a United States Congressman, marrying and raising a family and winning election as the 16th President of the United States; and

WHEREAS, Illinois was the first state to ratify the 13th Amendment to the United States Constitution abolishing slavery and was among the early states in ratifying the 14th and 15th constitutional amendments addressing citizenship and voting rights; and

WHEREAS, for two centuries, Illinois has been a first American home to uncounted immigrants from all parts of the world, which has enriched our State's cultural diversity; and

EXECUTIVE ORDER

WHEREAS, Illinois is home to the nation's first African American President, Barack Obama, who was elected in 2008 and reelected in 2012; and

WHEREAS, the State of Illinois continues to serve as a world leader in the 21st century in the fields of science, finance, higher education, agriculture, and industry, a position made possible by the great industriousness of the citizens of this State; and

WHEREAS, Illinois has been home to many influential people including authors, educators, artists, entertainers, poets, athletes, social reformers, entrepreneurs and scientists who have made significant contributions to the history and culture of our nation and have improved the quality of life of its citizens; and

WHEREAS, Illinois has always been a crossroads for the nation, historically linking North, South, East and West, and a destination for millions of people from all backgrounds who seek a fair chance and an equal opportunity in life; and

WHEREAS, when Illinois entered statehood it had a population of less than 35,000 people, and currently is the 5th most populous state in the country, with approximately 12.8 million people; and

WHEREAS, as the State of Illinois approaches its bicentennial, it is in the public interest to ensure that this occasion is properly celebrated throughout the State;

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, pursuant to the supreme executive authority vested in me by Article V of the Illinois Constitution, do hereby order as follows:

I. CREATION

a. There shall be established the State Bicentennial Commission (the "Commission").

   i. Members of the Commission shall represent the diversity of Illinois and shall include the following individuals or their respective designees: Governor, President of the Senate, Senate Minority Leader, Speaker of the House, House Minority Leader, Attorney General, Lieutenant Governor, Treasurer, Comptroller, Secretary of State, members of the Illinois Congressional Delegation, Mayor of Chicago, and Mayor of Springfield.

   ii. Membership shall also include one representative from each of the following agencies: the Illinois Historic Preservation Agency, the Department of Commerce and Economic Opportunity, the Illinois Office of Tourism, the Department of Agriculture, the Department of Natural Resources, the Department of Transportation, and the Illinois Arts Council.

b. The Governor may also appoint up to 40 members from the areas of academia, business, labor, military, civil rights, community development, historic preservation, education, philanthropy, the arts, as well as members of the general public.

c. The Governor shall select a chairperson or co-chairpersons.

d. The Commission shall meet as frequently as necessary at the call of the chairperson or co-chairpersons.

e. A majority of the appointed and serving members of the Commission shall constitute a quorum, but the number required for a quorum shall not exceed twenty.

f. Members shall serve without compensation or reimbursement.

g. The Commission may solicit and access donations of labor, services, or other things of value from any public or private agency or person. The Commission may cooperate with a private non-profit entity to hold monetary gifts or grants.

h. The Commission shall be provided assistance and support services, subject to the availability of appropriations, by the Office of the Governor, the Illinois Historic Preservation Agency, the Illinois Arts Council, the Illinois Office of Tourism, the Secretary of State and other agencies of state government in organizing bicentennial celebrations. The Historic Preservation Agency shall provide administrative and technical support for the Commission, including a staff member to serve as the Commission's ethics officer.

i. The Governor may hire an Executive Director and other staff as needed to carry out the planning of the State's Bicentennial commemorations.

II. PURPOSE

The purpose of the Commission is to oversee the planning and execution of a statewide celebration for Illinois' 200th birthday that engages Illinois residents and local communities and leaves a lasting legacy for future generations.

III. DUTIES

The responsibilities of the Commission shall include, but not be limited to, the following:

a. Lead planning efforts to commemorate the significance of the State's contributions to our national history.

b. Research and make prioritized recommendations outlining the most effective and beneficial means for the State of Illinois to commemorate the bicentennial.

c. Identify and secure resources necessary to effectively celebrate the State's bicentennial.

d. Implement recommendations by working with the Office of the Governor, appropriate state and local government agencies, members of the Illinois General Assembly, local elected officials, state and local historical societies and other organizations that are dedicated to commemorating the State of Illinois.

e. Coordinate scheduling of all State bicentennial activities.

f. The Commission shall submit an annual report to the Governor and the General Assembly in January of each year summarizing its activities and accomplishments for the preceding year.

IV. SEVERABILITY

If any provision of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

V. TRANSPARENCY

In addition to any policies or procedures the Commission may adopt, all operations of the Commission shall be subject to the provisions of the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) and the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*). This section shall not be construed so as to preclude other statutes from applying to the Commission and its activities.

VI. DISSOLUTION

The Commission shall be dissolved on December 31, 2018.

VII. EFFECTIVE DATE

This Executive Order shall take effect immediately upon its filing with the Secretary of State.

Issued by Governor: May 12, 2014
Filed with Secretary of State: May 12, 2014

PROCLAMATIONS

2014-194
Kids to Parks Day

WHEREAS, May 17th, 2014 is the fourth annual Kids to Parks Day organized and launched by the National Park Trust; and,

WHEREAS, Kids to Parks Day empowers kids and encourages families to get outdoors and visit America's parks; and,

WHEREAS, it is important to introduce a new generation to our nation's parks because of the decline in Park attendance over the past decades; and,

WHEREAS, we should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes mellitus, hypertension and hypercholesterolemia; and,

WHEREAS, Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and,

WHEREAS, Kids to Parks Day will broaden children's appreciation for nature and the outdoors; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 17, 2014 as **KIDS TO PARKS DAY** and urge Illinois residents to take the children in their lives to a neighborhood, state or national park.

Issued by the Governor April 15, 2014
Filed by the Secretary of State May 6, 2014

2014-195
Summit of Hope Day

WHEREAS, the Summit of Hope is a collaboration between the Illinois Department of Corrections, the HIV/Aids section of the Illinois Department of Public Health, the Center of Minority Health, and the community at large; and,

WHEREAS, the Summit of Hope started in 2010 in Jackson County Illinois, and in 2013 it became the number one re-entry program in the nation for ex-offenders; and,

WHEREAS, the mission of the Summit of Hope is to guide and assist parolees and probationers with available services to better ensure reintegration into the community and thus reduce recidivism; and,

WHEREAS, vendors and service providers are needed at each summit to assist with: state identification, counseling, transportation, food, clothing, shelter, child care/support services, faith-based services/support, primary health care referrals, screening for blood pressure, vision screening, HIV testing and care, veterans' information, social security issues, employment services, education/training services, haircuts, and mock interviews; and,

WHEREAS, since 2012, recidivism is down 16 percent among female offenders in the state of Illinois, and the Summit of Hope event has played a key part in this effort. The Illinois Department of Public Health has administered over 4,000 HIV/AIDS tests at the Summit of Hope events to ensure that all returning citizens are able to receive treatment if they are infected; and,

WHEREAS, the Illinois Department of Corrections and numerous community leaders have demonstrated a strong commitment to helping men and women after they leave incarceration; and,

WHEREAS, on May 8, 2014, the Illinois Department of Corrections, along with the Illinois Department of Public Health, will collaborate with Alderman JoAnn Thompson to host a women's only Summit of Hope event at Kennedy King College in Chicago, Illinois; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 8, 2014, as **SUMMIT OF HOPE DAY** in Illinois, in recognition of today's event, and in support of the mission of the Summit of Hope.

Issued by the Governor April 15, 2014
Filed by the Secretary of State May 6, 2014

2014-196
Asian Pacific American Heritage Month

WHEREAS, in June 1977, Congressmen Frank Horton of New York and Norman Y. Mineta of California introduced a House resolution calling upon the President to proclaim the first 10 days of May as Asian/Pacific Heritage Week. The following month, Senators Daniel Inouye and Spark Matsunaga introduced a similar bill in the Senate. Both were passed; and,

WHEREAS, on October 5, 1978, President Jimmy Carter signed a joint resolution designating the annual celebration; and,

WHEREAS, in May 1990, the holiday was further expanded when President George H.W. Bush designated May to be Asian Pacific American Heritage Month; and,

WHEREAS, May was chosen to commemorate the immigration of the first Japanese immigrants to the United States in 1843; and,

WHEREAS, many immigrants of Asian heritage came to the United States during the nineteenth century to work in the transportation, mining, and other industries; and,

WHEREAS, in 1869, laboring under very difficult conditions, Asian immigrants helped construct the transcontinental railroad, which vastly expanded economic growth and development across the country; and,

WHEREAS, Asian Pacific American Heritage Month is celebrated annually with community festivals, government-sponsored events, cultural programming, and educational activities for students; and,

WHEREAS, Asian Pacific Americans have made valuable contributions to the history and growth of the United States and have achieved at a high level in a variety of disciplines, including government, business, science, technology and the arts; and,

WHEREAS, Illinois' Asian American residents first appeared in the 1870 Census, though the Chinese lived here long before then. In the 1890s, Japanese immigrants arrived, followed by Filipinos, Koreans and Indians.

WHEREAS, Illinois is now home to people with roots in Pakistan, Vietnam, Cambodia, Laos, Thailand, Tibet, Nepal, Taiwan, Burma (Myanmar), Indonesia, Sri Lanka, Bhutan, Bangladesh, and Malaysia; and,

WHEREAS, people of Asian heritage now comprise over five percent of our state's population, and has been its fastest growing segment, and it is critically important that we recognize their accomplishments; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2014 as **ASIAN PACIFIC AMERICAN HERITAGE MONTH** in Illinois, in recognition of the contributions made to our economy and culture by Asian Pacific Americans, and in tribute to all Asian Pacific Americans who call Illinois home.

Issued by the Governor April 17, 2014
Filed by the Secretary of State May 6, 2014

2014-197
Correctional Officers Week

WHEREAS, every day, the men and women who work in our state and county correctional facilities face great risks and in many cases, put their safety on the line as they perform their duties; and,

WHEREAS, correctional officers are skilled professionals who must act as counselors, communicators and crisis intervention experts. In addition, they must maintain their professional demeanor while often facing hostile, aggressive and intimidating behavior from prison inmates; and,

WHEREAS, correctional officers must possess the intuitive sense to resolve conflicts and save lives, while also possessing the physical ability to restrain persons representing a danger to themselves and others; and,

WHEREAS, we could not operate Illinois' prisons, correctional camps, transitional houses and county facilities without the hard work and sacrifices made each day by our correctional officers and their families; and,

WHEREAS, the State of Illinois is pleased to join with the International Association of Correctional Officers and the American Correctional Association in celebrating Correctional Officers Week and in recognizing correctional officers for playing an integral role in this state by working hard to ensure the safety of inmates and of citizens in our communities:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 4 – 10, 2014 as **CORRECTIONAL OFFICERS WEEK** in Illinois, and encourage all citizens to pay special tribute to these men and women who serve faithfully, often with little thanks or recognition in serving to protect others.

Issued by the Governor April 17, 2014
Filed by the Secretary of State May 6, 2014

2014-198
Punjabi Cultural Society of Chicago Day

WHEREAS, the Punjabi Cultural Society of Chicago is a non-profit organization dedicated to promoting education, good citizenship, community development, civic involvement, performing arts, and athletics for the people from the North Indian State of Punjab who live in Illinois and across the Midwest; and,

WHEREAS, since its inception, the Punjabi Cultural Society of Chicago has organized a number of events, including the Punjabi Sports Festival, PCS Night, International Bhangra Competition, Catering to the Seniors classes, and Art and Culture Exhibitions; and,

WHEREAS, the Punjabi Cultural Society of Chicago takes a holistic approach to improving communities and offers programming in a wide variety of areas; and,

WHEREAS, in order to best serve the Punjabi community, the Punjabi Cultural Society of Chicago has partnered with many Indian and Asian American organizations; and,
WHEREAS, the City of Chicago is home to 10,000 Punjabi people who make countless economic and cultural contributions every day; and,

WHEREAS, showcasing local talent in Punjabi music, songs, dances, short plays, and poetry, the Rangla Punjab event is hosted by the Punjabi Cultural Society of Chicago every April to celebrate the traditional harvest festival- Vaisakhi; and,

WHEREAS, this year's Rangla Punjab event will take place on Saturday, April 19, 2014, and is especially significant this year because the 20th anniversary of the Punjabi Cultural Society of Chicago and the 30th anniversary of the Rangla Punjab will be celebrated; and,

WHEREAS, the success and longevity of the Punjabi Cultural Society of Chicago is a testament to the commitment of its volunteers, staff, and board members; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 19, 2014, as **PUNJABI CULTURAL SOCIETY OF CHICAGO DAY** in Illinois, in recognition of this organization's 20th anniversary and dedication to the Punjabi community.

Issued by the Governor April 17, 2014
Filed by the Secretary of State May 6, 2014

2014-199
Vascular Nurses Week

WHEREAS, there are 3.1 million licensed registered nurses in the United States and vascular nurses comprise an important part of this healthcare group; and,

WHEREAS, in addition to providing excellence in direct patient care, vascular nurses participate in vascular research and serve as a valuable resource for policy makers; and,

WHEREAS, the Society of Vascular Nursing (SVN) is a professional community of vascular nurses, who advance the care for those persons living with vascular disease through excellence in clinical practice, education, and research; and,

WHEREAS, the core values of SVN are to advocate for both vascular nurses and for those persons who live with complex vascular disease; and,

WHEREAS, PAD (Peripheral Arterial Disease) is a vascular disease in which the arteries supplying a limb (typically one or both legs) are obstructed. Sixty percent of PAD patients have coexisting coronary artery disease (CAD) or cerebrovascular disease; and,

WHEREAS, there are approximately 8 million people in the United States with PAD; 12-20% of American people older than 60 have PAD; and,

WHEREAS, people with vascular disease require an interdisciplinary team approach and the vascular nurse is an integral part of this team providing optimal care and compassion; and,

THEREFORE, I, Pat Quinn, Governor of the state of Illinois, do hereby proclaim June 8-14, 2014 as **VASCULAR NURSES WEEK** in Illinois and ask that citizens of this great state take a moment to acknowledge this important nursing specialty and the patients and families they care for.

Issued by the Governor April 17, 2014
Filed by the Secretary of State May 6, 2014

2014-200
Your Actions Matter Day

WHEREAS, underage alcohol use remains a challenging public health and public safety problem with severe consequences for youth and their families, communities, and society; and,

WHEREAS, the majority of alcohol consumed by teens is provided by their family members; and,

WHEREAS, underage alcohol use is not inevitable, and parents and society are not helpless to prevent it; three in four students in Illinois choose not to drink because they do not want to disappoint their parents; and,

WHEREAS, youth who refrain from drinking alcohol are 81 percent more likely to stay in school, and less likely to develop alcohol-dependency problems later in life; and,

WHEREAS, concerted efforts to combat the availability of alcohol to minors like "Your Actions Matter" should help to reduce the availability of alcohol purchased; and,

WHEREAS, we can affect the amount of alcohol consumed by underage users by changing the environmental factors in each community and throughout the State which permit alcohol to be purchased; and,

WHEREAS, through leadership and support, the State of Illinois can influence public opinion and increase public knowledge about underage drinking; enact and enforce relevant laws that increase understanding of the causes and consequences of underage alcohol use; and monitor trends in underage drinking and the effectiveness of efforts designed to reduce demand, availability, and consumption; and,

WHEREAS, youth at schools such as Villa Grove High School and all the other 2014 "Your Actions Matter" teen video PSA contest participants serve as role models to educate both adults and youth about the importance of underage drinking prevention; and,

WHEREAS, preventing underage drinking is "everyone's" responsibility; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois do hereby proclaim April 23, 2014 as **YOUR ACTIONS MATTER DAY** in Illinois and congratulate Villa Grove High School students for their efforts in protecting Illinois youth from present and future harm.

Issued by the Governor April 17, 2014
Filed by the Secretary of State May 6, 2014

2014-201
Earth Day

WHEREAS, the Illinois Constitution states that each person has the right to a healthful environment, and that the public policy of the state of Illinois and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations; and,

WHEREAS, sustainability must be a top priority in order to protect our environment so that it can be enjoyed for generations to come; and,

WHEREAS, the state is committed to conserving, improving and protecting natural resources and the environment; preventing water, air and land pollution; minimizing greenhouse gas emissions; and enhancing the health and safety of its residents; and,

WHEREAS, the state of Illinois is working to encourage green practices in order to create a healthier, safer state that encourages and implements sustainable growth and maintenance; and,

WHEREAS, the Illinois Green Governments Coordinating Council was established to encourage cost-effective sustainability measures that enhance health and safety, reduce the consumption of energy and fuels, conserve water, minimize emissions and reduce solid and hazardous wastes; and,

WHEREAS, by making sustainable choices, the state of Illinois can lead by example in minimizing potential environmental and health impacts, while saving taxpayer money; and,

WHEREAS, to build a better future for forthcoming generations, we all must work together to develop a greater respect for our environment, to protect our water, land and air, and to maintain environmental stability; and,

WHEREAS, schools, businesses, and government agencies in Illinois are constantly rising to the challenge of leading our state to a greener, cleaner future; and,

WHEREAS, every year on April 22, people in Illinois and across the world will participate in Earth Day activities on behalf of preserving the environment; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 22, 2014, as **EARTH DAY** in Illinois, in support of raising awareness of environmental conservation efforts and having the residents of the Land of Lincoln participate in Earth Day activities.

Issued by the Governor April 18, 2014
Filed by the Secretary of State May 6, 2014

2014-202
Craft Beer Week

WHEREAS, Illinois has a long and vibrant history of brewing beer throughout the state; and,

WHEREAS, the practice of brewing beer in Illinois stretches back to the 19th century and has continued ever since; and,

WHEREAS, the first Illinois craft breweries opened in the late 1980's, paving the way for a surge of small breweries since the year 2000; and,

WHEREAS, the State of Illinois has strived to make itself an accommodating atmosphere for the craft beer industry, by enacting laws such as HB 630, which allows homebrewers in Illinois to legally share their product with friends and family, to enter competitions, and to provide educational courses to the general public; and,

WHEREAS, Illinois has also doubled the amount of beer a craft brewer may manufacture from 15,000 barrels to 30,000, while still allowing such brewers to self-distribute up to 7,500 barrels or simultaneously hold a brew pub retailer license; and,

WHEREAS, Illinois' efforts have made it among the easiest states to produce craft beer in, with new laws ensuring that small breweries can self distribute their products; and,

WHEREAS, Illinois has seen a recent expansion of the brewing industry and a significant increase in the number of craft breweries; and,

WHEREAS, Illinois has seen a recent expansion of the brewing industry and a significant increase in the number of craft breweries, owed in part to the work of organizations such as the Associated Beer Distributors of Illinois and the Illinois Craft Brewers Guild; and,

WHEREAS, Illinois is host to 152-beer distributing establishments that provide over 15,000 jobs and more than $1 billion in wages and salaries; and,

WHEREAS, from May 15-25, Chicago will host its fifth annual Chicago Craft Beer Week, lasting eleven days and showcasing the city's and the state's craft beer through events all over the city; and,

WHEREAS, American Craft Beer Week will take place from May 12-18, 2014; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 12-18, 2014 as **CRAFT BEER WEEK** in the State of Illinois, in recognition of the vital economic contributions this industry makes throughout the Land of Lincoln.

Issued by the Governor April 21, 2014
Filed by the Secretary of State May 6, 2014

2014-203
Older Americans Month

WHEREAS, numbers are increasing of adults reaching retirement age and remaining strong and active for longer than ever before; and,

WHEREAS, the State of Illinois is home to more than two million residents aged 60 years or older; and,

WHEREAS, the older adults of the State of Illinois are a vital part of our nation's demographic makeup; and,

WHEREAS, older adults are members of our community entitled to dignified, independent lives free from fears, myths, and misconceptions about aging; and,

WHEREAS, each community in the United States must strive to recognize, understand and address the evolving needs of older adults, and support their caregivers; and,

WHEREAS, our society is dependent upon intergenerational cooperation and support, and benefits from our collective efforts to serve older adults and the people who love and care for them; and,

WHEREAS, the State of Illinois has worked to develop strategies to get older adults engaged in civic activity in their communities and to encourage interaction between the generations; and,

WHEREAS, older adults in our state deserve to be recognized for the contributions they have made and will continue to make to the culture, economy, and character of our community and our nation; and,

WHEREAS, this year's Older Americans Month theme, Safe Today, Healthy Tomorrow, focuses on injury prevention that emphasizes helping older adults stay active; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2014 as **OLDER AMERICANS MONTH** in Illinois, and encourage all older adults to stay engaged, active and involved in their own lives and in their communities.

Issued by the Governor April 21, 2014
Filed by the Secretary of State May 6, 2014

2014-204
Overdose Awareness Day

WHEREAS, Drug Policy Alliance (D.P.A) statistics indicate that accidental drug overdose is the leading cause of injury-related death in the United States for people between the ages of 35-54 and the second leading cause of injury-related death for young people; and,

WHEREAS, more than 28,000 people die each year of an overdose from heroin, cocaine, prescription drugs and a wide variety of other narcotics; more than are killed by guns, murders or HIV/AIDS; and,

WHEREAS, accidental drug overdose cases have quadrupled since 1990. Between 1999 and 2005, national accidental drug overdose deaths more than doubled with approximately 22,400 people dying from accidental drug overdose in 2005; and,

WHEREAS, International Overdose Awareness Day originally began in Australia as an initiative of the Salvation Army in the year 2001; and,

WHEREAS, International Overdose Awareness Day provides an opportunity for people around the world to publicly mourn loved ones by honoring and remembering those who have lost their lives to an overdose; and,

WHEREAS, numerous participating countries use this occasion to educate policy makers and the public about the growing overdose crisis in the United States and abroad, thereby offering concrete solutions that could possibly save lives; and,

WHEREAS, according to the AIDS Foundation of Chicago, Illinois is one of sixteen states that have a higher fatality rate from drug overdose than car accidents; and,

WHEREAS, in 2009, Illinois enacted the Overdose Protection Law, which allows trained individuals to administer life-saving drugs in the event of an overdose; this law would further save lives by protecting friends and family who seek medical help for those who overdose from arrest or prosecution for possession of small amounts of drugs; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 31, 2014 as **OVERDOSE AWARENESS DAY** in Illinois, in memory of the people who have either lost loved ones, or live with permanent injuries resulting from drug overdose.

Issued by the Governor April 21, 2014
Filed by the Secretary of State May 6, 2014

2014-205
General Aviation Appreciation Month

WHEREAS, general aviation and community airports play a critical role in the lives of our citizens, as well as in the operation of our businesses and farms; and,

WHEREAS, the State of Illinois has a significant interest in the continued vitality of general aviation, aerospace, aircraft manufacturing, educational institutions and aviation organizations and community airports and airport operators; and,

WHEREAS, there are 116 publicly used airports in Illinois, supporting 12,683 pilots and 4,611 registered general aviation aircraft in Illinois; and,

WHEREAS, according to a 2012 Illinois Statewide Aviation Economic Impact Study, general aviation contributes over $4.4 billion to Illinois' economy and supports 54,887 jobs at general aviation airports statewide; and,

WHEREAS, general aviation plays a vital role in the state's response to emergencies and natural disasters; and,

WHEREAS, Illinois is home to 65 charter flight companies, 98 repair stations, and 13 flight schools. In addition, there are 89 fixed-based operators in the state; and,

WHEREAS, organizations like the Illinois Pilots Association, the Alliance for Aviation Across America, National Business Aviation Association, National Association of State Aviation Officials, Aircraft Owners and Pilots Association, and the National Air Transportation Association recognize and promote the interests and importance of aviation in Illinois and throughout the world; and,

WHEREAS, many communities in Illinois depend heavily on general aviation and community airports for the continued flow of commerce, tourists and visitors to our State; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 2014 as **GENERAL AVIATION APPRECIATION MONTH** in Illinois, in recognition of general aviation as a vital strategic resource to our state.

Issued by the Governor April 22, 2014
Filed by the Secretary of State May 6, 2014

2014-206
Wrigley Field Day

WHEREAS, Wrigley Field was built in 1914 and is the second oldest standing ballpark in Major League Baseball; and,

WHEREAS, on April 23, 1914, the Chi-Feds of the Federal League and Kansas City played the first Major League game in the stadium that would become known as Wrigley Field; and,

WHEREAS, Wrigley Field served as home of the Chi-Feds/Chicago Whales of the Federal League through the 1915 season. In 1916 it became home of the Chicago Cubs when the team was purchased by a group led by Charles Weeghman that also included minority stockholder William Wrigley Jr.; and,

WHEREAS, originally known as Weeghman Park, Wrigley Field was built on the grounds of a seminary and served as home to the Chicago Whales of The Federal League until William Wrigley Jr. became the largest stockholder in the team in 1919 and made it their new home calling it Cubs Park; and,

WHEREAS, in 1926, Cubs Park officially became renamed as Wrigley Field in honor of William Wrigley Jr., and has gone through several renovations and expansions since then; and,

WHEREAS, on October 8, 1929, Wrigley Field hosted its first World Series game; and,

WHEREAS, Hall of Famers who played for the Cubs are Ernie Banks, Andre Dawson, Gabby Hartnett, Fergie Jenkins, Ryne Sandberg, Ron Santo, and Billy Williams, and they have inspired loyal Cubs fans with their hitting power, fast balls, and competitive spirit; and,

WHEREAS, Jack Brickhouse, who broadcast more Cub games than anyone in history, became known for his optimism and signature expression "hey-hey!"; and,

WHEREAS, Harry Caray, the Cubs' broadcaster for sixteen years until his passing in 1998, was known for his bold personality and seventh-inning rendition of "Take Me Out to the Ball Game"; and,

WHEREAS, Hall of Famer Lou Boudreau teamed up with the legendary Vince Lloyd to describe thousands of Cubs games to millions of radio listeners; and,

WHEREAS, Wrigley Field served as home for the Chicago Bears until 1970; and,

WHEREAS, many special events have been held at the ballpark, including soccer games, rodeos, circuses, and ski jump tournaments; and,

WHEREAS, the 1992 the film "A League of Their Own" told the story of the All-American Girls Professional Baseball League founded by Philip K. Wrigley in 1943, and used Wrigley Field as a filming location; and,

WHEREAS, Wrigley Field has made vast economic contributions to the neighborhood of Wrigleyville and the City of Chicago; and,

WHEREAS, in April 2014, Wrigley field will begin to celebrate its 100th season as a ballpark and its 98th year as home for The Chicago Cubs; and,

WHEREAS, Wrigley field, the last standing field where the late great Jackie Robinson played a major league game, has witnessed many historic moments in baseball history, including Babe Ruth's famous "called shot" during the 1932 World Series and Kerry Wood's numerous outstanding pitching performances; and,

WHEREAS, on April 23, 2014, the Chicago Cubs will play a 100th birthday game against the Arizona Diamondbacks; and,

WHEREAS, the Chicago Cubs are planning to celebrate Wrigley Field's 100th anniversary all season long and honor each decade of the ballpark's history by wearing retro jerseys, hosting special events and handing out commemorative giveaways to fans; and,

WHEREAS, a commemorative logo will be displayed all throughout the park this season; and,

WHEREAS, we look forward to the next one hundred years and hope that future generations of Cubs fans will continue to enjoy the future of this iconic ballpark; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 23, 2014, as **WRIGLEY FIELD DAY** in Illinois, in recognition of the 100th Anniversary of this world renowned ballpark that is a source of pride for Cubs fans and players as well as a critically important athletic, cultural, and economic institution in the Land of Lincoln.

Issued by the Governor April 22, 2014
Filed by the Secretary of State May 6, 2014

2014-207
Chinese American Service League Day

WHEREAS, since its inception in 1978, the Chinese American Service League (CASL) has grown into the largest, most comprehensive social service agency in the Midwest dedicated to meeting the needs of Chinese Americans; and,

WHEREAS, CASL was founded after 10 Chinese Americans started meeting about providing necessary services to Chinese American immigrants in Chicago; and,

WHEREAS, CASL utilizes a holistic approach to improving communities and offers programming in a wide variety of areas; and,

WHEREAS, every year CASL provides child services, elder services, employment training services, family counseling, and housing and financial education to over 17,000 clients; and,

WHEREAS, throughout its existence, CASL has positively impacted many lives and served as a critically important non-profit organization; and,

WHEREAS, the State of Illinois is home to thousands of Chinese Americans who make countless economic and cultural contributions to our state every day; and,

WHEREAS, CASL will celebrate its 35th anniversary at a dinner gala on May 21, 2014, that will be attended by more than 700 leaders from the business and philanthropic communities of Chicago; and,

WHEREAS, the success and longevity of CASL is a testament to the commitment of its over 700 volunteers, 350 staff members, board members, and many generous donors; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 21, 2014, as **CHINESE AMERICAN SERVICE LEAGUE DAY** in Illinois, in recognition of this organization's 35th anniversary and dedication to the Chinese community in the Land of Lincoln.

Issued by the Governor April 23, 2014
Filed by the Secretary of State May 6, 2014

2014-208
International Internal Audit Awareness Month

WHEREAS, internal auditing is a vital part of strengthening organizations and protecting stakeholders of both the public and private sectors across Illinois and throughout the United States; and,

WHEREAS, internal auditing helps identify and manage the organization's risks and ensure policies, procedures, and controls are in place and working appropriately; and,

WHEREAS, internal auditing is an increasingly sophisticated and complex activity requiring specialized knowledge, training, and education; and,

WHEREAS, internal auditing is an established profession, led by The Institute of Internal Auditors, with a globally recognized code of ethics and International Standards for the Professional Practice of Internal Auditing; and,

WHEREAS, the contributions of internal auditors to the success of organizations and the global economy at large deserves our recognition and commendations; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois do hereby proclaim May 2014 as **INTERNATIONAL INTERNAL AUDIT AWARENESS MONTH** in Illinois, and invite the citizens of this great state to join me in recognizing professional internal auditors for their contributions.

Issued by the Governor April 23, 2014

Filed by the Secretary of State May 6, 2014

2014-209
Children's Day

WHEREAS, children hold a special place in our lives. Raising happy, healthy children is the greatest success any parent can hope to achieve and should be an important goal of every member of society because children are profoundly influenced by the people and the environment around them; and,

WHEREAS, the strongest influence is often a child's family, but good schools and nurturing communities also play a vital role in helping children reach their full potential; and,

WHEREAS, children are the future of Illinois and it is important that we take action to ensure that they are provided a positive start to life; and,

WHEREAS, in Illinois, we place the utmost value on the safety and welfare of our children and we strongly support programs designed to advocate for their best interests; and,

WHEREAS, it is important that all citizens work to promote an environment of hope and love for children; and,

WHEREAS, the State of Illinois is dedicated to ensuring the health, education and well-being of our children, and we pledge to continue our commitment to ensuring a bright future for all of our young people; and,

WHEREAS, Children's Day focuses on inspiring parents to take positive action and serve as role models for society, and encourages individuals to consider how their actions affect future generations; and,

WHEREAS, the second Sunday in June has been set aside as a day to celebrate children and reaffirm our commitment to their needs; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 8, 2014 as **CHILDREN'S DAY** in Illinois, and urge all members of the community to unite in participating in the education, recognition, and inspiration of our state's children.

Issued by the Governor April 25, 2014
Filed by the Secretary of State May 6, 2014

2014-210

PROCLAMATIONS

American Legion and American Legion Auxiliary Poppy Days

WHEREAS, America's freedom has been preserved and protected by the brave men and women of the United States Armed Forces, who in times of distress have fought for our country; and,

WHEREAS, in their efforts to keep our country free, millions who have answered the call to arms have died on the battlefield; and,

WHEREAS, intrigued by the small red flowers that grew in a field in France after a battle in the first World War, Canadian Colonel John McCrae wrote the famous poem, "In Flanders Fields"; and,

WHEREAS, the poem paralleled the battlefield tombs of the honorable soldiers that died there with the red poppy flowers that grew on top of them, thus immortalizing an image in our history that we must never forget; and,

WHEREAS, throughout the years, the red poppy flower has become an international symbol of the lives that have been lost in war; and,

WHEREAS, displaying a small poppy flower is considered a proper tribute to those who have made the ultimate sacrifice in the name of freedom; and,

WHEREAS, both the American Legion and American Legion Auxiliary have pledged to remind America annually of this sacrifice through the distribution of the memorial flower during their Memorial Day fundraising campaign to help disabled veterans; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 22 - 24, 2014 as **AMERICAN LEGION AND AMERICAN LEGION AUXILIARY POPPY DAYS** in Illinois, and encourage all citizens to join the American Legion and American Legion Auxiliary in honoring our fallen heroes by wearing the Memorial Poppy on these days.

Issued by the Governor April 28, 2014
Filed by the Secretary of State May 6, 2014

2014-211
Childhood Drowning Prevention Month

WHEREAS, drowning is the leading cause of accidental death for children ages one through four, accounting for nearly one-third of all accidental deaths of toddlers and pre-school children; and,

WHEREAS, drowning is the second leading cause of death for children ages one through 14 and claims the life of an average of two children per day in the United States; and,

WHEREAS, child drowning can occur in seconds in pools, bathtubs, hot tubs, decorative garden ponds, and even buckets that contain as little as two inches of water; and,

WHEREAS, 21 Illinois children lost their lives to accidental drowning in 2012 including 10 in swimming pools, six in lakes, two in ponds, two in rivers and one in a bathtub; and,

WHEREAS, for every child that drowns, five more are victims of near-drowning that require emergency medical care, often leading to hospitalization and causing long-term brain damage that can include: memory loss, learning disabilities, and permanent loss of basic functioning that results in a permanent vegetative state; and,

WHEREAS, inadequate supervision of children, which includes neglect that results in drowning, is the third-leading cause of all child deaths indicated by the Illinois Department of Children and Family Services; and,

WHEREAS, it is important to recognize that constant adult supervision is needed when children are near or in water; and,

WHEREAS, the state's "Get Water Wise…Supervise!" campaign urges the public to prevent childhood drowning and life-altering near-drowning by providing adult supervision whenever children are near or in water; and,

WHEREAS, the "Get Water Wise…Supervise!" campaign is a collaborative effort of the Illinois Department of Children and Family Services, Prevent Child Abuse Illinois, the American Red Cross Illinois Capital Area Chapter, the Illinois Chapter of the American Academy of Pediatrics, the Illinois Department of Public Health, the Illinois Child Death Review Team, and other community partners that recognize that childhood drowning is preventable if proper adult supervision is provided; and,

WHEREAS, the use of floatation devices and inflatable toys cannot replace parental supervision because such devices can suddenly shift position, lose air, or slip out from underneath, leaving the child in a dangerous situation; and,

WHEREAS, adults need to practice "Reach Supervision" by staying within an arm's length reach of young children and not rely on substitutes; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2014 as **CHILDHOOD DROWNING PREVENTION MONTH** in Illinois, and do hereby encourage all

parents and caregivers to learn and practice proven child water safety precautions, ensuring the safety of all Illinois children.

Issued by the Governor April 29, 2014
Filed by the Secretary of State May 6, 2014

2014-212
Ehlers-Danlos Syndrome Awareness Month

WHEREAS, Ehlers-Danlos Syndrome is a group of genetic disorders involving mutations in connective tissue characterized by looseness, instability, and dislocations of the joints, fragile and often hyperelastic skin that bruises, scars, and tears easily, unpredictable arterial and organ rupture causing acute pain, excessive internal bleeding, shock, stroke, and premature death; and,

WHEREAS, there are six major types of Ehlers-Danlos Syndrome that are characterized by distinctive features with life being shortened for individuals with the vascular type due to arterial or organ rupture. It is estimated the prevalence of all types of Ehlers-Danlos Syndrome is 1 in 5,000-10,000 births worldwide; and,

WHEREAS, a network of worldwide support groups have proved of great benefit to individuals with Ehlers-Danlos Syndrome. Not only do these organizations put people in touch with other individuals managing life with Ehlers-Danlos Syndrome, they are also vital in providing up to date information to the medical profession and public at large; and,

WHEREAS, there is a need for greater research into Ehlers-Danlos Syndrome. By encouraging further studies of Ehlers-Danlos Syndrome, new understanding, interventions, and improved treatments can be acquired, generating a growth in the knowledge base and hope for a cure; and,

WHEREAS, there is neither routine screening nor a cure for Ehlers-Danlos Syndrome, so individuals must seek a diagnosis from a knowledgeable health care provider and individual symptoms must be evaluated and cared for appropriately; physical and occupational therapy evaluation and intervention may be required to address basic life tasks. Early and accurate diagnosis can provide the opportunity to create life-saving emergency medical plans, ensure proper monitoring, and improve quality of life and support for Ehlers-Danlos Syndrome families; and,

WHEREAS, Ehlers-Danlos Syndrome is frequently misdiagnosed or undiagnosed, resulting in greater discomfort and disability for individuals and offspring; improved knowledge of the vascular form can prevent premature and tragic deaths; and,

WHEREAS, increased knowledge of all types of Ehlers-Danlos Syndrome allow earlier and more effective management, thereby increasing hope of a better quality of life, increased participation

in society, reduced disability, pain, and medical expense for Ehlers-Danlos Syndrome families; and,

WHEREAS, the Ehlers Danlos Syndrome Network C.E.D.S.A. is an organization that is dedicated to educating the public and members of the medical profession, as well as supporting research. C.E.D.S.A. has designated the month of May as Ehlers-Danlos Syndrome Awareness Month in memory of those who have died from the syndrome and to raise public awareness; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2014 as **EHLERS-DANLOS SYNDROME AWARENESS MONTH** in Illinois.

Issued by the Governor April 29, 2014
Filed by the Secretary of State May 6, 2014

2014-213
A Safe Haven Day

WHEREAS, this year marks the 20th Anniversary since Neli and Brian Rowland co-founded A Safe Haven to provide housing, services, and employment opportunities for over 55,000 people and for thousands of veterans in need across Illinois; and,

WHEREAS, today, A Safe Haven has grown to include a network of over 34 locations that are a comprehensive community based continuum of care and housing, which includes transitional housing, supportive housing, affordable housing and senior housing; and,

WHEREAS, in Illinois, A Safe Haven provides services for over 5,000 people a year and has created over 4 Social Business Enterprises that collectively employ over 400 people and place them into jobs with hundreds of Illinois employers; and,

WHEREAS, through collaboration with the State of Illinois and other government and private stakeholders, A Safe Haven has become a leading organization committed to serving our most vulnerable people and empowering them to support themselves and their families; and,

WHEREAS, A Safe Haven was named the 2013 Humanitarian Award Winner by Illinois Secretary of State Jesse White; and,

WHEREAS, the longevity of A Safe Haven is a testament to the dedication of its founders, board members, and employees; and,

WHEREAS, on July 13, 2014, A Safe Haven will host its 4th Annual 5k RUN! To End Homelessness and Inaugural Veteran Stand Down, with the proceeds going back to the organization; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 13, 2014, as **A SAFE HAVEN DAY** in Illinois, in support of the Annual 5K RUN! To End Homelessness and Inaugural Veteran Stand Down, and in recognition of the efforts this organization makes to end homelessness.

Issued by the Governor April 30, 2014
Filed by the Secretary of State May 6, 2014

2014-214
American Stroke Month

WHEREAS, stroke is a leading cause of serious long-term disability and the fourth leading cause of death in the United States, killing about 130,000 people nationwide and roughly 5,000 citizens of Illinois each year; and,

WHEREAS, stroke prevalence is projected to increase by 24.9 percent between 2010 and 2030 and the direct medical costs for treating stroke are expected to increase by 238 percent, from $28.3 billion in 2010 to $95.6 billion by 2030; and,

WHEREAS, nearly 78 million Americans have high blood pressure which is a major controllable risk factor for stroke, including 44 percent of African American adults – among the highest prevalence of any population in the world; and,

WHEREAS, more than half (58%) of Americans don't know if they are at risk for stroke; and,

WHEREAS, one in three Americans can't recall any stroke warning signs or symptoms; and,

WHEREAS, the F.A.S.T. warning signs and symptoms of stroke include face drooping, arm weakness, speech difficulty and time to call 9-1-1; and beyond F.A.S.T., additional stroke warning signs and symptoms include sudden numbness or weakness of the face, arm or leg, especially on one side of the body; sudden confusion, trouble speaking or understanding; sudden trouble seeing in one or both eyes; sudden trouble walking, dizziness, loss of balance or coordination; and sudden severe headache with no known cause; and,

WHEREAS, on the American Stroke Month Day of Action May 1, 2014, as well as throughout May and year-round, the American Stroke Association's Together to End Stroke initiative

encourages Americans to learn their personal stroke risk, memorize and share the stroke warning signs, and call 9-1-1 at the first sign of a stroke; and,

WHEREAS, new and effective treatments have been developed to treat and minimize the severity and damaging effect of strokes, but much more research is needed; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2014 as **AMERICAN STROKE MONTH** in Illinois, and urge all the citizens of our state to familiarize themselves with the risk factors associated with stroke, recognize the warning signs and symptoms, and on first sign of a stroke dial 9-1-1 immediately so that we might begin to reduce the devastating effects of stroke on our population.

Issued by the Governor May 1, 2014
Filed by the Secretary of State May 6, 2014

2014-215
Children's Mental Health Awareness Day

WHEREAS, addressing the mental health and wellness of children and youth is essential to ensuring the well-being of Illinois families and our society; and,

WHEREAS, the need for comprehensive, coordinated mental health supports and services is of vital concern to communities across the state; and,

WHEREAS, Children's Mental Health Awareness Day is designated for raising public awareness about the importance of positive mental health as an integral part of a child's healthy development beginning at birth; and,

WHEREAS, it is important to promote awareness regarding the various ways that adults – including parents, educators, support staff, and other caregivers and community members – can strengthen a child's resilience and recovery; and,

WHEREAS, we recognize the ongoing commitment of the Illinois PTA, the Illinois Children's Mental Health Partnership, and other partners in continuing to serve children and their families with the goal of helping all children reach physical, social, emotional, behavioral, and cognitive milestones; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 8, 2014 as **CHILDREN'S MENTAL HEALTH AWARENESS DAY** in Illinois, and urge citizens, organizations as well as state and local agencies committed to advancing the mental well-being of

children and adolescents to come together to raise awareness of this cause and of the importance of sustaining year-round mental health programs for children, youth, and their families.

Issued by the Governor May 1, 2014
Filed by the Secretary of State May 6, 2014

2014-216
Healthcare Technology Management Week

WHEREAS, as medical technology advances, healthcare facilities must keep pace by providing quality, well-trained professionals capable of understanding the complexity of medical equipment operation and applications; and,

WHEREAS, the complexity of medical technology today and in the future makes it essential that those individuals responsible for the care, safety, and accuracy of this equipment are recognized as an invaluable resource to the healthcare industry; and,

WHEREAS, biomedical equipment technicians, clinical engineers, and other medical technology professionals uniquely serve patients, the medical community, and new technology development to improve the quality of today's healthcare; and,

WHEREAS, these professionals research, recommend, install, inspect, and repair medical devices and other complicated medical systems, as well as advise and train others concerning the safe and effective use of medical devices, thereby controlling healthcare costs and improving patient safety; and,

WHEREAS, the Association for the Advancement of Medical Instrumentation (AAMI) is a unique alliance of more than 6,000 members united by a common goal to increase the understanding and beneficial use of medical instrumentation, and,

WHEREAS, AAMI's Technology Management Council (TMC) seeks to advance the interests of biomedical equipment technicians, clinical engineers, and other medical technology professionals; now

THEREFORE, the TMC hereby proclaims May 18-24, 2014, as **HEALTHCARE TECHNOLOGY MANAGEMENT WEEK** in Illinois, and encourage all citizens to recognize these dedicated professionals for their contributions to improving the healthcare system and patient outcomes in our state.

Issued by the Governor May 1, 2014
Filed by the Secretary of State May 6, 2014

2014-217
Public Service Recognition Week

WHEREAS, Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation running; and,

WHEREAS, public employees take not only jobs, but oaths; and,

WHEREAS, many public servants, including military personnel, police officers, firefighters, border patrol officers, embassy employees, health care professionals and others, risk their lives each day in service to the people of the United States; and,

WHEREAS, public servants include teachers, mail carriers, doctors and scientists, train conductors and astronauts, nurses and safety inspectors, laborers, computer technicians and social workers, as well as countless other occupations; and,

WHEREAS, day in and day out, these dedicated public servants provide the diverse services demanded by the American people of their government with efficiency and integrity; and,

WHEREAS, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 4 – 10, 2014 as **PUBLIC SERVICE RECOGNITION WEEK** in Illinois, and encourage all citizens to recognize the accomplishments and contributions of government employees at all levels – federal, state, county and city.

Issued by the Governor May 1, 2014
Filed by the Secretary of State May 6, 2014

ILLINOIS ADMINISTRATIVE CODE
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