

TABLE OF CONTENTS

February 16, 2016 Volume 40, Issue 7

PROPOSED RULES

GAMING BOARD, ILLINOIS

Video Gaming (General)

11 Ill. Adm. Code 1800.....2884

RACING BOARD, ILLINOIS

Medication

11 Ill. Adm. Code 603.....2892

Entries, Subscriptions, and Declarations

11 Ill. Adm. Code 1413.....2907

ADOPTED RULES

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF

Veterinary Medicine and Surgery Practice Act of 2004

68 Ill. Adm. Code 1500.....2913

Certified Veterinary Technicians

68 Ill. Adm. Code 1505.....2936

GAMING BOARD, ILLINOIS

Video Gaming (General)

11 Ill. Adm. Code 1800.....2952

PUBLIC HEALTH, DEPARTMENT OF

Grade A Pasteurized Milk and Milk Products

77 Ill. Adm. Code 775.....2964

STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision

23 Ill. Adm. Code 1.....2990

Programs for the Preparation of Principals in Illinois

23 Ill. Adm. Code 30.....3055

Health/Life Safety Code for Public Schools

23 Ill. Adm. Code 180.....3059

Reading Improvement Program

23 Ill. Adm. Code 260.....3091

Providers of Supplemental Educational Services

23 Ill. Adm. Code 675.....3099

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

State Universities Civil Service System

80 Ill. Adm. Code 250.....3105

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received.....3117

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

Disaster Proclamation

2016-16.....3118

INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2016

Issue#	Rules Due Date	Date of Issue
1	December 21, 2015	January 4, 2016
2	December 28, 2015	January 8, 2016
3	January 4, 2016	January 15, 2016
4	January 11, 2016	January 22, 2016
5	January 19, 2016	January 29, 2016
6	January 25, 2016	February 5, 2016
7	February 1, 2016	February 16, 2016
8	February 8, 2016	February 19, 2016
9	February 16, 2016	February 26, 2016
10	February 22, 2016	March 4, 2016
11	February 29, 2016	March 11, 2016
12	March 7, 2016	March 18, 2016
13	March 14, 2016	March 25, 2016
14	March 21, 2016	April 1, 2016
15	March 28, 2016	April 8, 2016
16	April 4, 2016	April 15, 2016
17	April 11, 2016	April 22, 2016
18	April 18, 2016	April 29, 2016
19	April 25, 2016	May 6, 2016
20	May 2, 2016	May 13, 2016
21	May 9, 2016	May 20, 2016
22	May 16, 2016	May 27, 2016

23	May 23, 2016	June 3, 2016
24	May 31, 2016	June 10, 2016
25	June 6, 2016	June 17, 2016
26	June 13, 2016	June 24, 2016
27	June 20, 2016	July 1, 2016
28	June 27, 2016	July 8, 2016
29	July 5, 2016	July 15, 2016
30	July 11, 2016	July 22, 2016
31	July 18, 2016	July 29, 2016
32	July 25, 2016	August 5, 2016
33	August 1, 2016	August 12, 2016
34	August 8, 2016	August 19, 2016
35	August 15, 2016	August 26, 2016
36	August 22, 2016	September 2, 2016
37	August 29, 2016	September 9, 2016
38	September 6, 2016	September 16, 2016
39	September 12, 2016	September 23, 2016
40	September 19, 2016	September 30, 2016
41	September 26, 2016	October 7, 2016
42	October 3, 2016	October 14, 2016
43	October 11, 2016	October 21, 2016
44	October 17, 2016	October 28, 2016
45	October 24, 2016	November 4, 2016
46	October 31, 2016	November 14, 2016
47	November 7, 2016	November 18, 2016
48	November 14, 2016	November 28, 2016
49	November 21, 2016	December 2, 2016
50	November 28, 2016	December 9, 2016
51	December 5, 2016	December 16, 2016
52	December 12, 2016	December 27, 2016
53	December 19, 2016	December 30, 2016

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3) Section Number: 1800.555 Proposed Action:
Amendment
- 4) Statutory Authority: Authorized by Section 78 (a) (3) and (b) of the Video Gaming Act [230 ILCS 40]
- 5) A Complete Description of the Subjects and Issues Involved: 11 Ill. Adm. Code 1800.555 (Withdrawal of Applications) currently authorizes applicants for licensure to withdraw their applications without leave of the Board, if written notification is received before Board action on licensure, and unless the intended withdrawal is objected to by the Administrator.

The rulemaking amends Section 555 by authorizing the Administrator to approve surrenders of licenses as well as withdrawals. Analogously to withdrawals, a license granted by the Board may be surrendered under the rulemaking without leave of the Board if written notification of surrender is received, unless the intended surrender is objected to by the Administrator. The surrender provision will apply to all categories of licensure under the Act.

- 6) Published studies and reports, and underlying sources of 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 proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1800.260	Amendment	39 Ill. Reg. 14809; November 13, 2015
1800.270	Amendment	39 Ill. Reg. 14809; November 13, 2015
1800.430	Amendment	39 Ill. Reg. 14809; November 13, 2015

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Agostino Lorenzini
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601

fax: 312/814-7253
Agostino.lorenzini@igb.illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any licensee under the Act that qualifies as a small business will be affected by the provisions of this rulemaking if it seeks to surrender its license.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: The proposed rulemaking will impose no additional requirements.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda because it was not anticipated at the time the Agenda was published.

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section	
1800.110	Definitions
1800.115	Gender
1800.120	Inspection

SUBPART B: DUTIES OF LICENSEES

Section	
1800.210	General Duties of All Video Gaming Licensees
1800.220	Continuing Duty to Report Information
1800.230	Duties of Licensed Manufacturers
1800.240	Duties of Licensed Distributors
1800.250	Duties of Licensed Video Terminal Operators
1800.260	Duties of Licensed Technicians and Licensed Terminal Handlers
1800.270	Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section	
1800.310	Grounds for Disciplinary Actions
1800.320	Minimum Standards for Use Agreements
1800.330	Economic Disassociation

SUBPART D: LICENSING QUALIFICATIONS

Section	
1800.410	Coverage of Subpart
1800.420	Qualifications for Licensure
1800.430	Persons with Significant Influence or Control

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

SUBPART E: LICENSING PROCEDURES

Section

1800.510	Coverage of Subpart
1800.520	Applications
1800.530	Submission of Application
1800.540	Application Fees
1800.550	Consideration of Applications by the Board
1800.555	Withdrawal of Applications and Surrender of Licenses
1800.560	Issuance of License
1800.570	Renewal of License
1800.580	Renewal Fees and Dates
1800.590	Death and Change of Ownership of Video Gaming Licensee

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section

1800.610	Coverage of Subpart
1800.615	Requests for Hearing
1800.620	Appearances
1800.625	Appointment of Administrative Law Judge
1800.630	Discovery
1800.635	Subpoenas
1800.640	Motions for Summary Judgment
1800.650	Proceedings
1800.660	Evidence
1800.670	Prohibition on Ex Parte Communication
1800.680	Sanctions and Penalties
1800.690	Transmittal of Record and Recommendation to the Board
1800.695	Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section

1800.710	Coverage of Subpart
1800.715	Notice of Proposed Disciplinary Action Against Licensees
1800.720	Hearings in Disciplinary Actions
1800.725	Appearances
1800.730	Appointment of Administrative Law Judge

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

1800.735	Discovery
1800.740	Subpoenas
1800.745	Motions for Summary Judgment
1800.750	Proceedings
1800.760	Evidence
1800.770	Prohibition on Ex Parte Communication
1800.780	Sanctions and Penalties
1800.790	Transmittal of Record and Recommendation to the Board

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN
LICENSED VIDEO GAMING LOCATIONS

Section	
1800.810	Location and Placement of Video Gaming Terminals
1800.820	Measurement of Distances from Locations
1800.830	Waivers of Location Restrictions

SUBPART I: SECURITY INTERESTS

Section	
1800.910	Approvals Required, Applicability, Scope of Approval
1800.920	Notice of Enforcement of a Security Interest
1800.930	Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION,
AND DISTRIBUTION OF VIDEO GAMING TERMINALS

Section	
1800.1010	Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
1800.1020	Transportation of Video Gaming Terminals into the State
1800.1030	Receipt of Video Gaming Terminals in the State
1800.1040	Transportation of Video Gaming Terminals Between Locations in the State
1800.1050	Approval to Transport Video Gaming Terminals Outside of the State
1800.1060	Placement of Video Gaming Terminals
1800.1065	Registration of Video Gaming Terminals
1800.1070	Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

Section
1800.1110 State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

Section
1800.1210 Definitions
1800.1220 Entities Authorized to Perform Fingerprinting
1800.1230 Qualification as a Livescan Vendor
1800.1240 Fingerprinting Requirements
1800.1250 Fees for Fingerprinting
1800.1260 Grounds for Revocation, Suspension and Denial of Contract

SUBPART M: PUBLIC ACCESS TO INFORMATION

Section
1800.1310 Public Requests for Information

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

Section
1800.1410 Ticket Payout Devices
1800.1420 Redemption of Tickets Following Removal or Unavailability of Ticket Payout Devices

SUBPART O: NON-PAYMENT OF TAXES

Section
1800.1510 Non-Payment of Taxes

SUBPART P: CENTRAL COMMUNICATIONS SYSTEM

Section
1800.1610 Use of Gaming Device or Individual Game Performance Data

AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39 Ill. Reg. 8183, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015; amended at 40 Ill. Reg. 2952, effective January 27, 2016; amended at 40 Ill. Reg. _____, effective _____.

SUBPART E: LICENSING PROCEDURES

Section 1800.555 Withdrawal of Applications and Surrender of Licenses

- a) An application for licensure under the Act may be withdrawn without leave of the Board if written notification of withdrawal is received prior to Board action on licensure under Section 1800.560 and unless the intended withdrawal is objected to by the Administrator.
- b) A license granted by the Board under the Act may be surrendered without leave of the Board if written notification of surrender is received, unless the intended surrender is objected to by the Administrator.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

- c) b) If the Administrator objects to withdrawal of an application for licensure or the surrender of a license issued under the Act, leave of the Board is required ~~for withdrawal~~.
- d) e) If an application for licensure is withdrawn or a license is surrendered, the applicant may not reapply for a license within one year from the date withdrawal is granted or the date of surrender, without leave of the Board.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
603.60	Amendment
603.75	Amendment
603.160	Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: In Section 603.60, threshold levels for cetirizine, cimetidine, guaifenesin, and ranitidine are added to the list of therapeutic medications as approved by the Racing Medication and Testing Consortium (RMTTC), effective October 2015. Methylprednisolone is also being added to the list as approved by the Association of Racing Commissioners International (ARCI), effective April 2, 2013. The references to the ARCI medication guidelines are being updated to December 2015, version 11.00. As approved by the ARCI in 2014, NSAID stacking provisions are added that prohibits the presence of more than one NSAID with the exceptions of phenylbutazone (0.3 mcg/ml of serum or plasma), flunixin (3.0 ng/ml of serum or plasma), and ketoprofen (1.0 ng/ml of serum or plasma). The penalties for excess amounts of phenylbutazone, flunixin, and ketoprofen are being removed because they are consistent with the ARCI medication guidelines.

In Sections 603.75 and 603.160, the references to the ARCI medication guidelines are being updated to December 2015, version 11.00.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: Association of Racing Commissioners International Model Rules.
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending in this Part? No

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 5-700
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: January 2016

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603
MEDICATION

Section

603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.75	Environmental Contaminants
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests
603.190	Erythropoietin and Darbepoietin Antibody Testing Program
603.200	Out of Competition Testing
603.210	Androgenic-Anabolic Steroids (AAS)

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 14371, effective August 21, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18729, effective November 20, 2006; amended at 31 Ill. Reg. 1478, effective January 1, 2007; emergency amendment at 31 Ill. Reg. 6680, effective April 23, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 12982, effective September 1, 2007; amended at 32 Ill. Reg. 7397, effective May 1, 2008; amended at 33 Ill. Reg. 12571, effective August 25, 2009; expedited correction at 34 Ill. Reg. 9551, effective August 25, 2009; emergency amendment at 35 Ill. Reg. 265, effective December 17, 2010, for a maximum of 150 days; emergency amendment at 35 Ill. Reg. 2810, effective February 1, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 7400, effective April 25, 2011; amended at 35 Ill. Reg. 8485, effective May 23, 2011; emergency amendment at 35 Ill. Reg. 15296, effective September 6, 2011, for a maximum of 150 days; emergency rule repealed by emergency amendment at 35 Ill. Reg. 18434, effective October 24, 2011, for the remainder of the 150 days; emergency amendment at 35 Ill. Reg. 18959, effective October 25, 2011, for a maximum of 150 days; amended at 36 Ill. Reg. 330, effective January 1, 2012; emergency amendment at 36 Ill. Reg. 3290, effective February 15, 2012, for a maximum of 150 days; emergency amendment at 36 Ill. Reg. 6057, effective April 6, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 8967, effective June 1, 2012; amended at 36 Ill. Reg. 12815, effective August 1, 2012; amended at 36 Ill. Reg. 17078, effective November 28, 2012; emergency amendment at 36 Ill. Reg. 17131, effective November 28, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 4993, effective April 1, 2013; emergency amendment at 38 Ill. Reg. 9121, effective April 10, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18555, effective August 25, 2014; amended at 39 Ill. Reg. 11492, effective August 1, 2015; amended at 40 Ill. Reg. _____, effective _____.

Section 603.60 Permitted Use of Foreign Substances and Threshold Levels

- a) Non-Steroidal Anti-Inflammatories (NSAID): Threshold Levels
 - 1) Only one non-steroidal anti-inflammatory drug (NSAID) may be present in a horse's body while it is participating in a race. The presence of more

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

than one NSAID, greater than the threshold level, is forbidden and will result in the purse being redistributed.

- 2) Subject to the prohibition contained in Section 603.40 (24 hour ban), the only foreign substances that now meet the criteria established in Section 603.80 are phenylbutazone, flunixin, ketoprofen, pyrilamine, isoxsuprine and the therapeutic medications listed in subsection (f).
- 3) Laboratory reports of phenylbutazone in a concentration greater than or equal to 2 mcg/ml in serum or plasma, flunixin in a concentration greater than or equal to 20 ng/ml in serum or plasma, and ketoprofen in a concentration greater than or equal to 2 ng/ml in serum or plasma shall be treated as Class 4 drugs, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; December 2015 version 11.00; this incorporation includes no later amendments or editions).~~The threshold level of phenylbutazone is 2 mcg/ml of serum or plasma. The level of phenylbutazone shall be less than 2 mcg/ml of serum or plasma.~~
 - A) ~~In the event a post-race sample from a horse contains an amount of phenylbutazone greater than or equal to 2 mcg/ml but less than 5 mcg/ml of serum or plasma, the trainer and any other responsible party shall be subject to the following penalties:~~
 - i) ~~first offense within a 365 day period, minimum penalty of a written warning to a maximum fine of \$500;~~
 - ii) ~~second offense within a 365 day period, minimum penalty of a written warning to a maximum fine of \$750 and the owner shall be notified;~~
 - iii) ~~third or subsequent offense within a 365 day period, minimum fine of \$500 to a maximum fine of \$1,000 and the purse shall be redistributed.~~
 - B) ~~In the event a post-race sample from a horse contains an amount of phenylbutazone greater than or equal to 5 mcg/ml of serum or plasma, the trainer and any other responsible party shall be subject~~

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

~~to the following penalties absent mitigating circumstances:~~

- ~~i) first offense within a 365 day period, minimum fine of \$1,000 and the purse shall be redistributed;~~
- ~~ii) second offense within a 365 day period, minimum fine of \$1,500, a 15-day suspension and the purse shall be redistributed;~~
- ~~iii) third or subsequent offense within a 365 day period, minimum fine of \$2,500, a 30-day suspension, the purse shall be redistributed and the owner shall be fined a minimum of \$5,000.~~

~~4C) A finding by the Board's laboratory of any amount of oxyphenbutazone in the absence of phenylbutazone shall be treated as a Class 4 drug, as defined in the ARCI Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3))(ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; April 2015 version 9.00; this incorporation includes no later amendments or editions).~~

~~4) The threshold level of flunixin shall be less than 20 ng/ml of serum or plasma and the threshold level of ketoprofen shall be less than 2 ng/ml of serum or plasma. In the event a post-race sample from a horse contains an amount of:~~

~~A) flunixin greater than or equal to 20 ng/ml but less than 100 ng/ml or ketoprofen greater than or equal to 2 ng/ml but less than 50 ng/ml, the trainer shall be subject to the following penalties, absent mitigating circumstances:~~

- ~~i) first offense within a 365 day period, minimum penalty of a written warning to a maximum fine of \$500;~~
- ~~ii) second offense within a 365 day period, minimum penalty of a written warning to a maximum fine of \$750 and the owner shall be notified;~~

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- ~~iii) third or subsequent offense within a 365 day period, minimum fine of \$500 to a maximum fine of \$1,000 and the purse shall be redistributed.~~
 - ~~B) flunixin greater than or equal to 100 ng/ml or ketoprofen greater than or equal to 50 ng/ml, the trainer shall be subject to the following penalties, absent mitigating circumstances:~~
 - ~~i) first offense within a 365 day period, minimum fine of \$1,000 and the purse shall be redistributed;~~
 - ~~ii) second offense within a 365 day period, minimum fine of \$1,500, a 15 day suspension and the purse shall be redistributed;~~
 - ~~iii) third or subsequent offense within a 365 day period, minimum fine of \$2,500, a 30 day suspension, the purse shall be redistributed and the owner shall be fined a minimum of \$5,000.~~
- 5) The use of multiple permitted NSAIDs shall be discontinued at least 48 hours prior to post time for the race in which the horse is entered. The presence of more than one NSAID is prohibited with the exceptions of:
 - A) Phenylbutazone – in a concentration less than 0.3 mcg/ml in serum or plasma.
 - B) Flunixin – in a concentration less than 3 ng/ml in serum or plasma.
 - C) Ketoprofen – in a concentration less than 1 ng/ml in serum or plasma.
- 65) If the phenylbutazone, flunixin or ketoprofen overage is due to the negligence of the veterinarian attending the horse, the veterinarian shall be subject to the same penalties as are set forth in the ARCI Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3))~~subsections (a)(3)(A) and (B) and (a)(4)(A) and (B).~~

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 76) Penalties for violations of this Section shall be based on the following criteria:
- A) previous warnings and rulings for violations of this Section;
 - B) the age and experience of the violator;
 - C) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - D) what action, if any, was taken to avoid the violation;
 - E) the purse of the race.
- b) The following foreign substances may be administered externally to a horse entered to a race: Leg paints and liniment that do not contain any "caine" derivatives, pharmacodynamic and/or chemotherapeutic agents, and that can be applied topically without penetrating the skin.
- c) Subject to the prohibition contained in Section 603.40 (24-hour ban), the following foreign substances, commonly referred to as anti-bacterial, anti-fungal or; anti-protozoal ~~or anti-ulcer~~ drugs, may be present in the body of a horse participating in a race.
- 1) Anti-Bacterials
 - Amikacin
 - Ampicillin
 - Ampicillin sodium
 - Azolsulfamide
 - Chloramphenicol
 - Doxycycline
 - Enrofloxacin (Baytril)
 - Erythromycin sulfate
 - Gentamicin sulfate
 - Kanamycin sulfate
 - Methenamine
 - Metronidazole
 - Neomycin sulfate

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Nitrofurantoin
Oxytetracycline
Penicillin G. Benzathine
Penicillin G. Potassium
Sulfadimethozine
Sulfadimethoxine
Sulfamethoxazole
Sulfametranidazole
Sulfapyridine
Sulfathiazole
Tetracycline
Trimethoprim

2) Anti-Fungals

Amphotericin B
Griseofulvin
Neomycin Undecylenate
Nystatin

3) Anti-Protozoals

Nitazoxanide (Navigator)
Ponazuril (Marquis)
Pyrimethamine (Daraprim)

4) ~~Anti-Uleers~~

~~Cimetidine (Tagamet)~~

~~Ranitidine (Zantac)~~

- d) This listing of anti-bacterial, anti-fungal ~~and~~, anti-protozoal ~~and anti-ulcer~~ drugs is all inclusive and shall not include any other anti-bacterial, anti-fungal ~~or~~, anti-protozoal ~~or anti-ulcer~~ drug, except as provided in subsection (f).
- e) A foreign substance of accepted therapeutic value may be administered as prescribed by a veterinarian when threshold levels and guidelines for its use have been approved by the Board and this Part has been duly amended. The Board

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

shall give due consideration to threshold levels and guidelines, when making additions to the permitted list, that have been established by the Association of Racing Commissioners International (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; ~~December~~April 2015 version ~~11.009.00~~; this incorporation includes no later amendments or editions).

- f) Subject to the prohibition contained in Section 603.40 (24 hour ban), the use of the following therapeutic medications shall be permitted. The official test samples may contain the following therapeutic medications in concentrations less than the following threshold levels:
- 1) Acepromazine – 10 ng/ml as 2-(1-hydroxyethyl) promazine sulfoxide (HEPS) in urine.
 - 2) Albuterol – 1 ng/ml in urine.
 - 3) ~~Effective October 4, 2015,~~ Betamethasone – 10 pg/ml in serum or plasma.
 - 4) Butorphanol – 300 ng/ml of total butorphanol in urine.
 - 5) Cetirizine – 6 ng/ml in serum or plasma.
 - 6) Cimetidine – 400 ng/ml in serum or plasma.
 - 75) Clenbuterol –140 pg/ml in urine in thoroughbred and quarter horse breeds; and Limit of Detection (which is not less than 10 pg/ml) in serum or plasma in the standardbred breed.
 - 86) Dantrolene –100 pg/ml of 5-hydroxydantrolene in serum or plasma.
 - 97) Detomidine – Level of Detection for detomidine in serum or plasma.
 - 108) ~~Effective October 4, 2015,~~ Dexamethasone – ~~Level of Detection (which is not less than~~ 5 pg/ml) in serum or plasma.
 - 119) Diclofenac – 5 ng/ml in serum or plasma.
 - 1210) Dimethyl sulfoxide (DMSO) – 10 mcg/ml in serum or plasma.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- ~~1311~~) Firocoxib – 20 ng/ml in serum or plasma.
- ~~1412~~) Furosemide – 100 ng/ml in serum or plasma.
- ~~1513~~) Glycopyrrlate – 3 pg/ml in serum or plasma.
- ~~16~~) Guaifenesin – 12 ng/ml serum or plasma.
- ~~1714~~) ~~Effective October 4, 2015,~~ Isoflupredone – 100 pg/ml in serum or plasma.
- ~~1815~~) Lidocaine – 20 pg/ml of total 3-hydroxylidocaine in serum or plasma.
- ~~1916~~) Mepivacaine – 10 ng total hydroxymepivacaine/ml in urine.
- ~~2017~~) Methocarbamol – 1 ng/ml in serum or plasma.
- ~~21~~) Methylprednisolone – 100 pg/ml in serum plasma.
- ~~2218~~) Omeprazole sulfide – 1 ng/ml in urine.
- ~~2319~~) ~~Effective October 4, 2015,~~ Prednisolone – 1 ng/ml in serum or plasma.
- ~~2420~~) Procaine penicillin – 25 ng/ml of procaine in serum or plasma. Procaine penicillin must be reported to the Board at time of administration and shall not be administered after the horse is entered to race.
- ~~25~~) Ramitidine – 40 ng/ml in serum or plasma.
- ~~2621~~) ~~Effective October 4, 2015,~~ Triamcinolone acetonide – 100 pg/ml in serum or plasma.
- ~~2722~~) Xylazine – 10 pg/ml in serum or plasma.
- g) Laboratory reports of the therapeutic medications listed in subsection (f) greater than or equal to their respective threshold level shall be treated as they are defined and classified in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; ~~December~~April 2015 version 11.009.00; this incorporation includes no later amendments or editions).

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- h) Official test samples may contain the following drug substance, or its metabolites, in a concentration less than the threshold level:
 - 1) Isoxsuprine – shall be less than 1,000 ng/ml in urine.
 - 2) Pyrilamine – shall be less than 50 ng/ml of O-desmethyl pyrilamine in urine.
- i) The provisions of this Section shall be applied retroactively when substantively applicable, including all actions pending before the Board without regard to when the cause of action accrued; provided, however, that this subsection shall not operate to affect rights of individuals that have fully vested.
- j) To help licensees determine the test levels of substances contained in this Section, the Board laboratory will test, at the sole expense of the licensee for the actual cost of processing the sample, all equine urine, serum or plasma samples submitted to it that are accompanied by a certification indicating time, method and route of administration.

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

Section 603.75 Environmental Contaminants

The following drugs are recognized as substances that unavoidably become part of the food supply or environment of the horse, or are recognized as substances of human use and addiction and that could be found in the horse due to its close association with humans:

- a) Benzoyllecgonine (a metabolite of cocaine):
 - 1) Each time the laboratory reports benzoyllecgonine in a concentration less than 150 ng/ml in urine, the Stewards shall conduct an inquiry. The presence of benzoyllecgonine in the horse shall be considered reasonable cause to order a drug screen on the trainer, groom or any other licensed person who cares for the horse pursuant to 11 Ill. Adm. Code 508.50.
 - 2) Laboratory reports of benzoyllecgonine in a concentration greater than or equal to 150 ng/ml in urine shall be treated as a Class 1 drug, as defined in the Association of Racing Commissioners International Uniform

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; ~~December~~April 2015 version ~~11.009.00~~; this incorporation includes no later amendments or editions).

- b) Caffeine:
Laboratory reports of caffeine in a concentration greater than or equal to 100 ng/ml in urine shall be treated as a Class 2 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; ~~December~~April 2015 version ~~11.009.00~~; this incorporation includes no later amendments or editions).
- c) Theobromine:
Laboratory reports of theobromine in a concentration greater than or equal to 2 mcg/ml in urine shall be treated as a Class 4 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; ~~December~~April 2015 version ~~11.009.00~~; this incorporation includes no later amendments or editions).

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

Section 603.160 Penalties

- a) Any person who administers or conspires to administer any foreign substance to any horse in violation of this Part shall be subject to a fine and/or license suspension or revocation and the purse money won may be ~~redistributed~~re-distributed.
- b) Penalties for violations of this Part shall be based on the following criteria:
- 1) the nature of the foreign substance; e.g., cough medicine, steroid, narcotic, stimulant, depressant, etc.;
 - 2) the accessibility of the drug; e.g., can be purchased over the counter, only with a prescription, only with a license for controlled substances, cannot be purchased in this country;
 - 3) the age and experience of the violator;

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 4) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - 5) what action, if any, was taken by the violator to avoid the violation;
 - 6) the purse of the race.
- c) Any person who violates any provision of this Part for which no specific penalty is provided may be penalized by the stewards or the Board in accordance with the provisions for penalties contained elsewhere in this Chapter or in the Illinois Horse Racing Act of 1975. When imposing penalties, the stewards or the Board shall consider all relevant factors including, but not limited to those specified in this Part.
- d) In harness racing, any trainer suspended for a violation of this Part shall, upon notice of the violation, submit to the Stewards a current stable list on a form provided by the Board.
- 1) The horses on the stable list shall be placed on the Steward's List unless:
 - A) The owner of each horse on the stable list secures the services of a trainer approved by the Stewards; and
 - B) The approved trainer stables the horses on the stable list on the grounds of an organization licensee for the full term of the penalized trainer's suspension;
 - 2) Horses on the stable list shall be permitted to leave to race in other racing jurisdictions or for medical reasons.
- e) Penalties for Class 4 and 5 drug violations:
- 1) Class 4 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; [December 2015/January 2014](#) version [11.007.00](#); this incorporation includes no later amendments or editions). Except as provided in Sections 603.60 and 603.70 of this Part, upon finding of a Class 4 substance, the trainer shall

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).

- 2) Class 5 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances. Except as provided in Sections 603.75 and 603.60(c) of this Part, upon finding of a Class 5 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).
- 3) In determining a disqualification and purse redistribution under this subsection (e), the Stewards shall use the following criteria:
 - A) A recommendation by the Board veterinarian and/or Board chemist regarding the significance of the concentration of the drug or metabolite present and the estimated withdrawal time.
 - B) A recommendation by industry experts, including equine pharmacologists and equine physiologists, regarding the effect of the drug on the horse in the concentration found and/or estimated withdrawal times.
 - C) Repeat violations of these medication and prohibited substance rules by the same trainer or with respect to the same horse.
 - D) Prior violations of similar rules in other racing jurisdictions by the same trainer or with respect to the same horse.
 - E) The criteria set forth in subsection (b).
- 4) The provisions of this subsection (e) shall be applied retroactively when substantively applicable, including all actions pending before the Board, without regard to when the cause of action accrued; provided, however, that this subsection (e)(4) shall not operate to affect rights of individuals that have fully vested prior to April 23, 2007.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Entries, Subscriptions, and Declarations
- 2) Code Citation: 11 Ill. Adm. Code 1413
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1413.130	Repealed
1413.138	Repealed
- 4) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking repeals Sections 130 and 138. Section 130 currently requires the racing secretary to card and run all non-claiming races (with the exception of maiden races) and claiming races with a claiming value of \$20,000 or more having six or more separate interests. However, if scratches reduce the number of interests in a race to less than six, the track may run the race as a non-wagering race and card and run a substitute race for wagering purposes.

Repeal of this Section will allow the racing secretary to use his discretion in substituting claiming races with a value of \$20,000 or more and allowance races with a field size of six with other races and substitute them with a quality race that has more horses entered. This will attract more wagering and allow the track to better manage the purse account and will help reduce the likelihood of a purse account overpayment and/or purse reductions.

Section 138 currently requires that whenever a posted race is cancelled, the racing secretary shall first use the substitute races in the order listed in the condition book and then use the extra races in the order listed. When an Illinois conceived and foaled race fails to fill, the substitute Illinois race shall be scheduled if possible. When a posted Illinois conceived and foaled race fills, the substitute or extra Illinois race need not be considered in making up other cancelled races.

Repeal of this Section will allow the racing secretary to use his discretion in establishing an order of preference of substitute races to fill the race program if a posted race does not fill. The repeal will allow the racing secretary to construct a race program of the highest quality to attract more wagering, to allow the track to better manage the purse account and will help reduce the likelihood of a purse account over-payment and or purse reductions. Illinois races with similar conditions and field size will be used as a first

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

preference but gives the discretion to the racing secretary to replace that race if the field sizes in other races are greater and higher quality.

- 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 rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 5-700
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking may affect thoroughbred owners, trainers, breeders and associated small businesses.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 14) Regulatory Agenda on which this rulemaking was summarized: January 2016

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1413

ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS

Section

1413.10	Registration with Jockey Club
1413.20	Registration Rules
1413.30	Eligibility
1413.40	How Entries are Made
1413.42	Number of Entries
1413.44	48- or 72-Hour Entries
1413.46	Also Eligibles Under 48- or 72-Hour Rule
1413.48	Uncoupled Entries (Repealed)
1413.50	Racing Secretary Receives Entries
1413.60	Supervision of Entries
1413.70	When Entries Close
1413.75	Limitation on Purse Increases or Reductions
1413.80	Closing in Absence of Conditions
1413.90	Entry by Telegraph
1413.100	List of Entries
1413.110	Limitations on Entries
1413.114	Uncoupled Entries
1413.118	Further Definition of Coupling (Repealed)
1413.120	Riders Designated
1413.130	Carding Purse and Handicap Races (Repealed)
1413.134	Race Fails to Fill
1413.138	Substitute and Extra Races (Repealed)
1413.140	Right to Declare Out
1413.150	Number of Entries
1413.160	Fee to Enter
1413.170	Refunds
1413.180	Error in Entry
1413.190	Irrevocable Declaration
1413.200	Notice of Declaration

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

1413.210	Entry of Unfit Horse
1413.220	Refusal for Inconsistency
1413.230	Horse Ineligible
1413.240	Who May Enter
1413.250	Medical Reasons for Ineligibility
1413.260	Sweepstakes Entries
1413.265	Receipt for Nomination
1413.270	Previous Engagements
1413.280	Transfer of Engagements
1413.290	Transfer of Sweepstakes Engagements
1413.300	Jockey Club Certificates
1413.305	Transfer of Jockey Club Certificate
1413.310	Number of Races in a Day

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); passed July 11, 1972; amended April 11, 1974, filed and effective April 30, 1974; passed June 11, 1974; amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; amended August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended at 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 15 Ill. Reg. 2730, effective February 5, 1991; amended at 17 Ill. Reg. 1628, effective January 26, 1993; amended at 17 Ill. Reg. 21848, effective December 3, 1993; amended at 18 Ill. Reg. 11612, effective July 7, 1994; amended at 18 Ill. Reg. 17749, effective November 28, 1994; amended at 24 Ill. Reg. 7394, effective May 1, 2000; amended at 24 Ill. Reg. 12725, effective August 1, 2000; amended at 25 Ill. Reg. 178, effective January 1, 2001; amended at 25 Ill. Reg. 15608, effective December 1, 2001; amended at 26 Ill. Reg. 12367, effective August 1, 2002; amended at 31 Ill. Reg. 8530, effective June 1, 2007; amended at 32 Ill. Reg. 10165, effective July 1, 2008; emergency amendment at 35 Ill. Reg. 6605, effective April 4, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 13910, effective July 28, 2011; amended at 36 Ill. Reg. 16344, effective November 1, 2012; emergency amendment at 39 Ill. Reg. 3435, effective February 20, 2015, for a maximum of 150 days; emergency amendment at 39 Ill. Reg. 10465, effective July 2, 2015 through September 30, 2015; amended at 39 Ill. Reg. 10636, effective July 17, 2015; amended at 40 Ill. Reg. _____, effective _____.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 1413.130 Carding Purse and Handicap Races (Repealed)

~~All non-claiming races (with the exception of maiden races) and claiming races with a claiming value of \$20,000 or more, having six or more separate interests must be carded and run. However, if scratches reduce the number of interests in such a race to less than six, the association may run the race as a betless exhibition and card and run a substitute race for wagering purposes.~~

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

Section 1413.138 Substitute and Extra Races (Repealed)

- a) ~~Whenever a posted race is cancelled, the Racing Secretary shall first use the substitute races in the order listed in the Condition Book and then use the extra races in the order listed, except:~~
- ~~1) when a feature or handicap race fails to fill the extra race that can be used as a feature race shall take precedence over the other substitute and extra races, or~~
 - ~~2) when an Illinois conceived and foaled or an Illinois foaled race fails to fill, the substitute Illinois conceived and foaled or Illinois foaled race shall be scheduled if possible, or~~
 - ~~3) when a posted Illinois conceived and foaled or an Illinois foaled race fills, the substitute or extra Illinois race need not be considered in making up other cancelled races, or~~
 - ~~4) when a posted race is split, or~~
 - ~~5) when a substitute or extra race is to be used in the program as a race upon which trifecta wagering is offered.~~
- b) ~~Nothing contained herein shall be deemed an exception to or modification of Rule B-9.6 (11 Ill. Adm. Code 409.60).~~

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Veterinary Medicine and Surgery Practice Act of 2004
- 2) Code Citation: 68 Ill. Adm. Code 1500
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
1500.5	Amendment
1500.10	Amendment
1500.11	Amendment
1500.30	Amendment
1500.35	Amendment
1500.45	Amendment
1500.47	Amendment
1500.48	New Section
1500.50	Amendment
1500.55	Amendment
1500.70	Amendment
- 4) Statutory Authority: Implementing the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) Effective Date of Rules: February 16, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 12677; September 18, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The term "veterinary assistant" and "unlicensed veterinary assistant" in the proposed version has been replaced with "other employees of a licensed veterinarian that are not a licensed certified veterinary technician.". The prohibition on "setting of bones" has been clarified to note that it

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

requires "the skills and training of a veterinarian." and is also now listed as a separate item for prohibited activity for better clarification.

The following activities were removed as prohibited tasks for other employees of a licensed veterinarian that are not certified veterinary technicians (CVTs): docking sheep/pig tails and dehorning calves and instead, allowed these tasks to be permitted under immediate or direct supervision. Also, "humane euthanasia animals" was added to the list of activities that employees of a licensed veterinarian who is not a CVT, may perform with immediate or direct supervision. Also, the requirement that trimming of normal hooves be performed by employees of a licensed veterinarian, that are not a CVT, with direct or immediate supervision has been amended to clarify that equine are excluded.

Section 1500.48 has also been amended to clarify that unlicensed veterinary assistants (now referred to as "other employees of a licensed veterinarian that are not a licensed certified veterinary technician"), do not include individuals exempt from the Act pursuant to 225 ILCS 115/4.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 98-339 was the sunset reauthorization of the Veterinary Medicine and Surgery Practice Act of 2004. These rules implement its provisions. Section 1500.30 corrected the process for application for licensure by endorsement to accurately match the requirements set forth in the Act. Section 1500.48 set forth the appropriate scope of activities and supervision required for unlicensed veterinary assistants and Section 1500.50 removed the provision regarding gross malpractice in light of statutory changes. Technical and clean up changes were also made.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Springfield IL 62786

217/785-0813

fax: 217/557-4451

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1500

VETERINARY MEDICINE AND SURGERY PRACTICE ACT OF 2004

Section

1500.5	Approved Veterinary Medicine and Surgery Programs
1500.10	Application for Examination by Graduates of Approved Programs
1500.11	Application by Graduates of Unapproved Programs
1500.15	Temporary Permit (Repealed)
1500.20	Examination
1500.25	Continuing Education
1500.30	Endorsement
1500.35	Restoration
1500.45	Renewals
1500.47	Fees
<u>1500.48</u>	<u>Employees of a Licensed Veterinarian Who are not Certified Veterinary Technicians</u>
1500.49	Supervision
1500.50	Standards of Professional Conduct
1500.51	Impaired Veterinarian Program of Care, Counseling or Treatment
1500.55	Advertising
1500.60	Conduct of Hearings (Repealed)
1500.65	Annual Report of Board (Repealed)
1500.70	Granting Variances

AUTHORITY: Implementing the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations promulgated for the Administration of the Illinois Veterinary Medicine and Surgery Practice Act, effective January 1, 1984; amended at 2 Ill. Reg. 23, p. 13, effective June 10, 1978; codified at 5 Ill. Reg. 11070; amended at 6 Ill. Reg. 2004, effective January 30, 1982; Part repealed, new Part adopted at 9 Ill. Reg. 16327, effective October 10, 1985; amended at 11 Ill. Reg. 20966, effective December 9, 1987; transferred from Chapter I, 68 Ill. Adm. Code 500 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1500 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1, 1988, at 12 Ill. Reg. 2982; amended at 13 Ill. Reg. 3826, effective March 10, 1989; amended at 15 Ill. Reg. 16702, effective October 30, 1991; amended at 18 Ill. Reg. 11212, effective June 30, 1994; amended at 19 Ill. Reg. 12488, effective August 18, 1995; amended at 22 Ill. Reg. 15353, effective August 10, 1998; amended at 24 Ill. Reg. 653, effective December 31, 1999; amended at 26 Ill. Reg. 12294, effective July 24, 2002; amended at 28 Ill. Reg. 9621, effective June 28, 2004; amended at 31 Ill. Reg. 15767, effective November 13, 2007; amended at 36 Ill. Reg. 13866, effective September 7, 2012; amended at 40 Ill. Reg. 2913, effective February 16, 2016.

Section 1500.5 Approved Veterinary Medicine and Surgery Programs~~a) Approved Veterinary Medicine and Surgery Programs~~

- ~~a)~~ The Department of Financial and Professional Regulation-Division of Professional Regulation (Division) shall approve a veterinary medicine and surgery program as reputable and in good standing if it meets the following minimum criteria:
- ~~1A)~~ The institution is legally recognized and authorized by the jurisdiction in which it is located to confer the Doctor of Veterinary Medicine degree or its equivalent.
- ~~2B)~~ Has a faculty that consists of a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence in their area of teaching as evidenced by appropriate degrees from reputable professional colleges or institutions.
- ~~3C)~~ Has a curriculum of at least 4 academic years, including at least the following subject areas, as applied to the various species of animals:
- ~~A)~~ Anatomy
 - ~~B)~~ Anesthesiology
 - ~~C)~~ Applied Clinical Training
 - ~~D)~~ Clinical Chemistry

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- E) Epidemiology
 - F) Federal and State Laws
 - G) Food Quality and Safety
 - H) General and Special Pathology
 - I) Immunology
 - J) Internal Medicine
 - K) Microbiology
 - L) Nutrition
 - M) Parasitology
 - N) Pharmacology
 - O) Physiology
 - P) Preventive Medicine
 - Q) Professional Ethics
 - R) Radiology
 - S) Surgery and Obstetrics
- 4D) Accepts only persons who have graduated from accredited high schools or who have obtained equivalent education through such programs as the General Education Development Examination, and have successfully completed at least 2 years of pre-veterinary collegiate training in an accredited college or university.
- 5E) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- ~~6F)~~ Maintains or is formally affiliated with a hospital for the care and treatment of animals, which provides a sufficient number and variety of surgical and medical cases for the students' clinical instruction.
- ~~b2)~~ In determining whether a program should be approved, the Division shall take into consideration but not be bound by accreditation or approval by the American Veterinary Medical Association, Council on Education.
- ~~c3)~~ The Division has determined that all veterinary medicine and surgery programs accredited or approved by the American Veterinary Medical Association, Council on Education (AVMA) as of September 1, 2005 meet the minimum criteria set forth in subsection (a)(1) and are, ~~therefore~~, approved.
- ~~b)~~ ~~Withdrawal of Approval~~
- ~~1)~~ ~~The Director of the Division of Professional Regulation (Director), with the authority delegated by the Secretary, may withdraw, suspend or place on probation the approval of a veterinary medicine and surgery program when the quality of the program has been materially affected by any of the following causes:~~
- ~~A)~~ ~~Gross or repeated violations of any provision of the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115] (the Act);~~
- ~~B)~~ ~~Gross or repeated violations of any portion of this Part;~~
- ~~C)~~ ~~Fraud or dishonesty in furnishing documentation for evaluation of the program; or~~
- ~~D)~~ ~~Failure to continue to meet the criteria of an approved program as set out in this Section.~~
- ~~2)~~ ~~The officials in charge of a veterinary medicine and surgery program whose approval is being reconsidered by the Division shall be given written notice prior to action by the Division and those officials may either submit written comments or request a hearing before the Veterinarian Licensing and Disciplinary Board (the Board).~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

e) ~~Program Evaluation~~

- ~~1) An applicant from a program that has not been evaluated will be requested by the Division to provide documentation concerning the criteria in this Section.~~
- ~~2) Once the Division has received the documentation or after 6 months have elapsed from the date of application, whichever is later, the Division will evaluate the program based on all documentation forwarded from the school and any additional information the Division has received that it deems to be reliable.~~

(Source: Amended at 40 Ill. Reg. 2913, effective February 16, 2016)

Section 1500.10 Application for Examination by Graduates of Approved Programs

- a) An applicant for examination for licensure to practice veterinary medicine and surgery who is a graduate of an approved program of veterinary medicine and surgery that meets the requirements set forth in Section 1500.5 shall file an application with the Division or its designated testing service on forms supplied by the Division at least 60 days prior to an examination date. The application shall include:
 - 1) Certification of graduation from an approved program of veterinary medicine and surgery;
 - 2) The required fee specified in Section 1500.47 ~~of this Part~~; and
 - 3) Certification of licensure from all jurisdictions in which the applicant has ever been licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of any disciplinary actions taken or pending.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- b) Examination Prior to ~~Graduation~~Graduation
- 1) An applicant enrolled in an approved veterinary program will be admitted to an examination prior to graduation if he/she provides certification from the college of veterinary medicine from which the applicant is expected to graduate. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination shall be void.
 - 2) The results of the examination shall be made available to the applicant but no license shall be issued until the Division has received certification of the applicant's graduation, within 90 days after the scheduled graduation date specified in subsection (b)(1).
 - 3) In the case of failure of the examination, the applicant must submit his/her certificate of graduation to the Division or its designated testing service prior to taking the next examination.
- c) An applicant who has taken and passed the examination pursuant to Section 1500.20 in another jurisdiction shall file an application in accordance with subsection (a) and have the examination scores submitted to the Division directly from the testing entity.

(Source: Amended at 40 Ill. Reg. 2913, effective February 16, 2016)

Section 1500.11 Application by Graduates of Unapproved Programs

- a) An applicant for examination who is a graduate of an unapproved program of veterinary medicine and surgery shall file an application, on forms supplied by the Division, and shall be accompanied by the following:
- 1) A verification of enrollment in either the Program for the Assessment of Veterinary Education Equivalence (PAVE) from the American Association of Veterinary State Boards or from the American Veterinary Medical Association Educational Commission of Foreign Veterinary Graduates (ECFVG) indicating that the applicant has met all of the requirements for certification except for completion of clinical skills assessment;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 2) The required fee specified in Section 1500.47;
 - 3) Certification of licensure from all jurisdictions in which the applicant has ever been licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
 - 4) For applicants who submit any document in a foreign language, an original, notarized English translation.
- b) An applicant for licensure who is a graduate of an unapproved program of veterinary medicine and surgery must hold a certificate from [ECFVG or PAVE](#)~~the American Veterinary Medical Association Educational Commission of Foreign Veterinary Graduates (ECFVG) or Program for the Assessment of Veterinary Education Equivalence (PAVE)~~. Application shall be filed on forms supplied by the Division and shall be accompanied by the following:
- 1) An original certificate from ECFVG or PAVE indicating completion of the proficiency examination or the completion of 1 year of clinical experience.
 - 2) The required fee specified in Section 1500.47.
 - 3) Certification of licensure from all jurisdictions in which the applicant has ever been licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 4) For applicants who submit any document in a foreign language, an original, notarized English translation.
- c) Examination prior to graduation
- 1) An applicant enrolled in an unapproved veterinary program will be admitted to an examination prior to graduation if he/she provides certification from the college of veterinary medicine from which the applicant is expected to graduate and verification of enrollment from ECFVG or PAVE. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination shall be void.
 - 2) The results of the examination shall be made available to the applicant but no license shall be issued until the Division has received certification of the applicant's graduation and an original certificate from ECFVG or PAVE.
 - 3) In the case of failure of the examination, the applicant must submit his/her certificate of graduation to the Division or its designated testing service prior to taking the next examination.
- d) At the time a foreign graduate obtains the ECFVG or PAVE certificate and applies for licensure in Illinois, the scores shall be sent to the Division directly from the reporting entity. The passing score on the examinations shall be the passing scores established by the testing entity. Prior to January 1994, the passing score on the examination was a converted score of 75 based on 1.5 standard deviations below the mean.

(Source: Amended at 40 Ill. Reg. 2913, effective February 16, 2016)

Section 1500.30 Endorsement

- a) An applicant who is licensed under the laws of another jurisdiction of the United States shall file an application with the Division, together with:
 - 1) A certification from the licensing authority of all jurisdictions in which the applicant has ever been licensed and is currently licensed, stating:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- A) The time during which the applicant was licensed;
 - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
 - ~~C) A brief description of the examination and the grades received;~~
 - 2) Proof of successful completion of a licensing examination substantially equivalent to requirements in force in Illinois on the date of the initial licensure;
 - 3) Certification of graduation from an approved program of veterinary medicine and surgery; and
 - ~~4)3) The required fee set forth in Section 1500.47.~~
- b) The Division shall examine each application to determine compliance with Section 13 of the Act. The applicant may be required to appear before the Board:
- 1) To clarify or explain information contained on the submitted documentation; or
 - 2) To determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State.

(Source: Amended at 40 Ill. Reg. 2913, effective February 16, 2016)

Section 1500.35 Restoration

- a) A licensee seeking restoration of a license that has been expired for 5 years or less shall have the license restored upon payment of the fee specified in Section 1500.47 and proof of completion of the ~~CE~~continuing education requirements set forth in Section 1500.25 for a single renewal period.
- b) A licensee seeking restoration of a license that has been expired or on inactive status for more than 5 years shall file an application, on forms supplied by the Division, together with the fee specified in Section 1500.47 and proof of 40 hours of approved ~~CE~~continuing education (e.g., certificate of attendance or

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

completion) in accordance with Section 1500.25. The licensee shall also submit:

- 1) Sworn evidence of active veterinarian practice in another jurisdiction. This evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice; or
 - 2) An affidavit attesting to military service as provided in Section 15 of the Act; or
 - 3) Other evidence of experience within the profession other than active practice (such as research, teaching or publishing) during the time when the license was expired; or
 - 4) 20 hours of approved ~~CE~~continuing education for each year the license was expired completed during the 2 years proceeding application for restoration. These hours will be in addition to the 40 hours stated in subsection (b).
- c) A licensee seeking restoration of a license that has been on inactive status for 5 years or less shall file an application, on forms provided by the Division, together with proof of completion of ~~CE~~continuing education requirements for a single renewal period and the current renewal fee.
- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section ~~1245~~ of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the ~~CE~~continuing education requirements.
- e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

in information.

(Source: Amended at 40 Ill. Reg. 2913, effective February 16, 2016)

Section 1500.45 Renewals

- a) Every license as a veterinarian issued under the Act shall expire on January 31 of each odd numbered year. The holder of a license may renew the license ~~or certificate~~ during the month preceding the expiration date by paying the required fee and completion of the ~~CE continuing education~~ requirements set forth in Section 1500.25.
- b) It is the responsibility of each ~~licensee registrant~~ to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee.
- c) Practicing after a license has expired shall be considered the unlicensed practice of veterinary medicine and subject an individual to discipline pursuant to Section 25 of the Act.

(Source: Amended at 40 Ill. Reg. 2913, effective February 16, 2016)

Section 1500.47 Fees

The following fees shall be paid to the Department and are not refundable:

- a) **Application Fees.** The fee for application for a veterinary license is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service shall result in the forfeiture of the examination fee.
- b) **Renewal Fees.** The fee for the renewal of a license shall be calculated at the rate of \$50 per year.
- c) **General Fees**

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) The fee for the restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees, but not to exceed \$300.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) ~~The fee to have the scoring of an examination authorized by the Division reviewed and verified is \$20 plus any fees charged by the applicable testing service.~~
- 4)5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 5)6) The fee for a roster of persons licensed as veterinarians in this State shall be the actual cost of producing the roster.

(Source: Amended at 40 Ill. Reg. 2913, effective February 16, 2016)

Section 1500.48 Employees of a Licensed Veterinarian Who are not Certified Veterinary Technicians

As set forth in Section 3 of the Act, supervising veterinarians assume responsibility for the professional care given to an animal by a person working under his or her direction in an immediate, direct or indirect supervision arrangement. This Section sets forth the required levels of supervision for employees of a licensed veterinarian who are not certified veterinary technicians and does not apply to individuals exempt from Section 4 of the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115].

- a) Employees of a licensed veterinarian who are not certified veterinary technicians are prohibited from performing the following:
 - 1) cut down with needle;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 2) central line without cut down;
 - 3) dental extractions;
 - 4) gingival resection;
 - 5) skin closure;
 - 6) cast application;
 - 7) fine needle aspiration;
 - 8) puncture abscess with needle;
 - 9) clamping calves' tails;
 - 10) floating teeth;
 - 11) castrating any animal;
 - 12) blocked male cat urinary catheterization; and
 - 13) setting of bones.
- b) Employees of a licensed veterinarian who are not certified veterinary technicians may perform the following only under the immediate supervision of a veterinarian, as defined in Section 3 of the Act:
- 1) anesthesia induction;
 - 2) anesthesia endotracheal intubation;
 - 3) anesthesia maintenance;
 - 4) anesthesia monitor signs;
 - 5) dental prophylaxis;
 - 6) local nerve blocks;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 7) splint application;
 - 8) female canine urinary catheterization;
 - 8) decapitation for rabies test submission;
 - 9) necropsy – tissue sample collection; and
 - 10) cystocentesis.
- c) Employees of a licensed veterinarian who are not certified veterinary technicians may perform the following under the immediate or direct supervision of a veterinarian, as defined in Section 3 of the Act:
- 1) administer IV catheter;
 - 2) administer chemotherapy;
 - 3) remove sutures, drains or staples;
 - 4) implant microchips;
 - 5) bandage application;
 - 6) male canine urinary catheterization;
 - 7) acquire or process radiological images;
 - 8) venipuncture;
 - 9) obtain objective patient data without diagnosis;
 - 10) administer nonrabies vaccines;
 - 11) intramuscular and subcutaneous injections;
 - 12) intravenous injections into uncatheterized or catheterized veins;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 13) docking sheep/pig tails;
 - 14) dehorning calves; and
 - 15) humane euthanasia of animals.
- d) Employees of a licensed veterinarian who are not certified veterinary technicians may perform the following under the indirect, direct or immediate supervision of a veterinarian, as defined in Section 3 of the Act:
- 1) trim normal hooves, excluding equine;
 - 2) process laboratory samples;
 - 3) bacterial streak and culture; and
 - 4) animal restraint.

(Source: Added at 40 Ill. Reg. 2913, effective February 16, 2016)

Section 1500.50 Standards of Professional Conduct

~~a)~~In determining what constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, the Board or hearing officer shall consider the following standards as they relate to the person who is the subject of the proposed disciplinary action. The standards shall include, but not be limited to:

- ~~a)~~1) Being convicted of any crime, an essential element of which is larceny, embezzlement, obtaining money, property or credit by false pretenses or by means of a confidence game, dishonesty, fraud, misstatement or moral turpitude;
- ~~b)~~2) Wilfully violating or knowingly assisting in the violation of any law relating to the use or dispensing of any medicine or drug as specified in Section ~~2517~~ of the Act;
- ~~c)~~3) Wilfully administering or prescribing illegal drugs for animals;
- ~~d)~~4) Wilfully administering or prescribing prescription drugs illegally. Illegally means:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- ~~1)A)~~ In violation of the rules governing a competition or exhibition of animals, including but not limited to the rules of the Illinois Racing Board (11 Ill. Adm. Code 509), the American Kennel Club and the American Show Horse Association;
- ~~2)B)~~ Contrary to State or federal law with regard to food producing animals;
- ~~e)5)~~ Wilfully preparing or signing false statements in order to induce payment for medical or ancillary services by insurance companies;
- ~~f)6)~~ Wilfully making or causing to be made any false report to the Division of Professional Regulation regarding compliance with ~~CE~~ continuing education requirements;
- ~~g)7)~~ Wilfully omitting to make or file any report or record or wilfully making or filing or causing to be made or filed any false report or record pertaining to a veterinarian's practice as required by any State agency;
- ~~h)8)~~ Failing to possess and apply the knowledge and use the skill and care in treating a condition that is ordinarily used by a reasonably well-qualified veterinarian in the locality in which he/she practices or in similar localities in similar cases and circumstances;
- ~~i)9)~~ Delegating of patient care responsibility to any individual when the veterinarian has reason to believe that the person may not be competent;
- ~~j)10)~~ Misrepresenting as to educational background, training, credentials, competence or veterinary medical staff memberships;
- ~~k)11)~~ Failing to maintain adequate medical records, including but not limited to the following:
- ~~1)A)~~ Patient identification;
- ~~2)B)~~ Client identification;
- ~~3)C)~~ Dated reason for visit and pertinent history;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- ~~4)D)~~ Physical exam findings;
- ~~5)E)~~ Diagnostic, medical, surgical or therapeutic procedures performed;
- ~~6)F)~~ All medical treatment must include identification of each medication given in the practice, together with the date, dosage, and route of administration and frequency and duration of treatment;
- ~~7)G)~~ All medicines dispensed or prescribed must be recorded, including directions for use and quantity;
- ~~8)H)~~ Any changes in medications or dosages, including telephonically or electronically initiated changes, must be recorded;
- ~~9)I)~~ If a necropsy is performed, the record must reflect the findings;
- ~~10)J)~~ Patient records must be maintained for a minimum of 5 years from the date of the last known contact;
- ~~11)K)~~ Copies of patient records must be released to the client upon written request;
- ~~l)12)~~ Failing to properly supervise subordinate health professional and paraprofessional staff under his/her supervision and control in patient care responsibilities; or
- ~~m)13)~~ Committing of any other act or omission that violates veterinarian's responsibility to a client according to accepted veterinary standards of practice.
- b) ~~In determining what constitutes gross malpractice resulting in serious injury or death of a patient, the Board or hearing officer shall consider the following standards as they relate to the person who is the subject of the proposed disciplinary action. The standards shall include but not be limited to:~~
 - ~~1) A consideration whether the act or acts of the person are of a flagrant or glaringly obvious nature, or are repetitiously committed and resulted in a breach of the veterinary standards of practice;~~
 - ~~2) A consideration that the act or acts committed constituted a breach of veterinary standards of practice to possess and apply the knowledge and~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~use the skill and care in treating a condition that is ordinarily used by a reasonably well-qualified veterinarian in the locality in which he/she practices or in similar localities in similar cases and circumstances;~~

- 3) ~~A consideration that the act or acts committed, if committed by a person who holds himself/herself out as a specialist and undertakes service in a particular branch of medical, surgical or other healing service, must possess and apply the knowledge and use the skill and care that reasonably competent specialists in the same field, practicing in the same locality or in similar localities, ordinarily would use in the same or similar cases and circumstances;~~
- 4) ~~A consideration that a mere mistake that is not indicative of a lack of knowledge, skill and care does not constitute malpractice. Nor is a bad or unexpected result evidence of malpractice unless the result would not ordinarily occur in the absence of malpractice.~~

(Source: Amended at 40 Ill. Reg. 2913, effective February 16, 2016)

Section 1500.55 Advertising

- a) ~~Licensees~~Persons licensed to practice veterinary medicine and surgery in the State of Illinois may advertise in any medium or other form of public communication in a manner that is truthful and is not fraudulent, deceptive, inherently misleading or proven to be misleading in practice. Advertising shall contain all information necessary to make the communication not misleading and shall not contain any false or misleading statement or otherwise operate to deceive. The form of communication shall be designed to communicate the information to the public in a direct, dignified and readily comprehensible manner.
- b) Information that may be contained in ~~thesuch~~ advertising shall include:
 - 1) ~~Licensee's~~Registrant's name, address, office hours and telephone number;
 - 2) Schools attended;
 - 3) Announcement of the opening of, change of or return to practice;
 - 4) Announcement of additions to or deletions from professional staff;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 5) ~~Licensee's~~ Registrant's hospital ~~affiliations~~ affiliation(s);
 - 6) Areas of specialization, including Board certification, professional society memberships and any limitations or concentration of practice;
 - 7) Credit arrangements and acceptance of credit cards;
 - 8) Foreign language ability;
 - 9) Usual and customary fees for routine professional services ~~that which~~ must include statement that fees may be adjusted due to complications or unforeseen circumstances;
 - 10) Description of offices in which ~~the licensee~~ registrant practices (e.g., kennel or laboratory facilities on the premises, convenience of parking); and
 - 11) Other information about the ~~licensee~~ registrant, the ~~licensee's~~ registrant's practice, or the types of practice in which the ~~licensee~~ registrant will accept employment, that a reasonable person might regard as relevant in determining whether to seek the ~~licensee's~~ registrant's services.
- c) If an advertisement is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the ~~licensee~~ registrant, and a recording of the actual transmission, including videotape, shall be retained by the ~~licensee~~ registrant for a period of at least ~~five~~ (5) years.
- d) Information that may be untruthful, fraudulent, deceptive, inherently misleading or has proven to be misleading in practice includes that which:
- 1) Contains a misrepresentation of fact or omits a material fact required to prevent deception;
 - 2) Guarantees favorable results or creates false or unjustified expectations of favorable results;
 - 3) Takes advantage of the potential client's fears, anxieties, vanities or other emotions;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 4) Contains testimonials and/or exaggerations pertaining to the quality of veterinarian care;
- 5) Describes as available products or services that are not permitted by the laws of this State and/or applicable federal laws; and
- 6) Advertises professional services that the ~~licensee~~~~registrant~~ is not licensed to render.

(Source: Amended at 40 Ill. Reg. 2913, effective February 16, 2016)

Section 1500.70 Granting Variances

- a) The Director may grant variances from this Part in individual cases when he/she finds that:
 - 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the ~~Veterinary Licensing and Disciplinary~~ Board of the granting of the variance, and the reasons for granting the variance, at the next meeting of the Board.

(Source: Amended at 40 Ill. Reg. 2913, effective February 16, 2016)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Certified Veterinary Technicians
- 2) Code Citation: 68 Ill. Adm. Code 1505
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
1505.10	Amendment
1505.20	Amendment
1505.30	Amendment
1505.40	Amendment
1505.50	Amendment
1505.52	Amendment
1505.55	Amendment
1505.60	Amendment
1505.70	Amendment
- 4) Statutory Authority: Implementing the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) Effective Date of Rules: February 16, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 12699; September 18, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The term "veterinary technician" in the proposed version has been replaced with "certified veterinary technician" (CVT). The prohibition on "setting of bones" has been added as an additional separate item of prohibited activity for CVTs and has been clarified to note that it requires "the skills and training of a veterinarian" and is also now listed as a separate item for prohibited activity for better clarification. Also, the list of supervised tasks for CVTs has also been amended

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

to clarify that it is not an exhaustive list by adding the language that the list "includes but is not limited to".

The following activities were removed as prohibited tasks for CVTs: docking sheep/pig tails, dehorning calves and blocked male cat urinary catheterization. Instead, the rules allow those tasks to be permitted CVTs under immediate or direct supervision. "Humane euthanasia of an animal" was also added to the list of activities a CVT may perform with immediate or direct supervision. Also, the requirement that trimming of normal hooves be performed by CVTs, with direct or immediate supervision has been amended from the proposed version to clarify that equine are excluded.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 98-339 was the sunset reauthorization of the Veterinary Medicine and Surgery Practice Act of 2004. This rulemaking implemented its provisions. Section 1505.30 corrected the process for application for licensure by endorsement to accurately match the requirements set forth in the Act. Section 1505.40 more clearly set forth the requirements for a person seeking restoration of a license following military service. Section 1505.60 set forth the appropriate scope of activities and supervision required for CVTs and clean-up and consistency changes were also adopted.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1505

CERTIFIED VETERINARY TECHNICIANS

Section

1505.10	Application for Examination
1505.20	Examination
1505.30	Endorsement
1505.40	Restoration
1505.50	Renewals
1505.52	Fees
1505.55	Continuing Education
1505.60	Certified Permissible Functions for Veterinary Technicians Functions
1505.70	Granting Variances

AUTHORITY: Implementing the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 10 Ill. Reg. 19500, effective November 5, 1986; transferred from Chapter I, 68 Ill. Adm. Code 505 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1505 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2918; amended at 18 Ill. Reg. 11180, effective June 30, 1994; amended at 24 Ill. Reg. 501, effective December 31, 1999; amended at 26 Ill. Reg. 12300, effective July 24, 2002; amended at 31 Ill. Reg. 15792, effective November 13, 2007; amended at 36 Ill. Reg. 13876, effective September 7, 2012; amended at 40 Ill. Reg. 2936, effective February 16, 2016.

Section 1505.10 Application for Examination

- a) An applicant for a certificate as a certified veterinary technician shall file an application, on forms supplied by the Department of Financial and Professional Regulation-Division of Professional Regulation (Division), at least 60 days prior to an examination date. The application shall include:
 - 1) Certification of graduation from a certified veterinary technician program

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

accredited by the American Veterinary Medical Association, [Committee on Veterinary Technician Education and Activities](#)~~Council on Education~~;

- 2) Certification of licensure from state of original and current licensure, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and
 - 3) The required fee set forth in Section 1505.52.
- b) Examination Prior to Graduation
- 1) An applicant enrolled in an approved [certified](#) veterinary technician program will be admitted to the May or December examination prior to graduation if he/she provides certification from a [certified](#) veterinary technician program from which the applicant is expected to graduate. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination shall be void.
 - 2) The results of the examination shall be made available to the applicant but no [State certification](#)~~license~~ shall be issued until the Division has received certification of the applicant's graduation, within 90 days after the scheduled graduation date specified in subsection (b)(1).
 - 3) In the case of failure of the examination, the applicant must submit his/her certificate of graduation to the Division or its designated testing service prior to taking the next examination.
- c) Applicants who have successfully completed the Veterinary Technician National Examination prepared by the Professional Examination Service in another state will receive credit for that examination if the applicant passed the examination according to the testing entity's standard. The examination score report must be forwarded to the Division from [the American Association of Veterinary State](#)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Boards (AAVSB) or the Veterinary Information Verifying Agency (VIVA) Interstate Reporting Service.

(Source: Amended at 40 Ill. Reg. 2936, effective February 16, 2016)

Section 1505.20 Examination

- a) The written examination for certification as a certified veterinary technician shall be the Veterinary Technician National Examination administered by Professional Examination Service.
- b) The passing grade on the examination shall be the passing score established by the testing entity.
- c) Prior to January 1, 1994, the passing grade on the examination was a standard score of 75.

(Source: Amended at 40 Ill. Reg. 2936, effective February 16, 2016)

Section 1505.30 Endorsement

- a) An applicant who is certified as a certified veterinary technician under the laws of another state or territory of the United States shall file an application with the Division, together with:
 - 1) A certification from the licensing authority of the state or territory of original licensure stating:
 - A) The time during which the applicant was licensed in that state;
 - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
 - ~~C) A brief description of the examination and the grades received. If the examination is the examination prepared by the Professional Examination Service, the grades must be forwarded directly to the Division from Interstate Reporting Service and must reflect the grade received in the state of original licensure;~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 2) [Proof of successful completion of a licensing examination substantially equivalent to requirements in force in Illinois on the date of the examination;](#)
 - 3) Certification of licensure from the state in which the applicant is currently licensed if it is other than the state of original licensure;
 - 4)3) A completed Certification of Education form that must be signed by the dean or registrar of the school from which the applicant received his/her professional training; and
 - 5)4) The required fee set forth in Section 1505.52.
- b) The Division shall examine each application to determine compliance with Section 13 of the Veterinary Medicine and Surgery Practice Act of 2004 (the Act) [225 ILCS 115]. The applicant may be required to appear before the Veterinary Licensing and Disciplinary Board (the Board) to clarify or explain information contained on the submitted documentation in order for the Board to determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State at the time of licensure.

(Source: Amended at 40 Ill. Reg. 2936, effective February 16, 2016)

Section 1505.40 Restoration

- a) A [certified](#) veterinary technician seeking restoration of a certificate that has expired for less than 5 years shall have the certificate restored upon payment of the fees required by Section 1505.52(c)(1) [and proof of completion of the CE requirements set forth in Section 1505.55.](#) ~~However, a veterinary technician seeking restoration of a certification within 2 years after termination of military service as provided in Section 15 of the Act shall, upon submission of an affidavit attesting to such service, be excused from the payment of any fees.~~
- b) A [certified](#) veterinary technician seeking restoration of a certificate that has expired or been on inactive status for more than 5 years shall file an application, on forms supplied by the Division, together with the fee required by Section 1505.52(c)(1) and proof of 15 hours of [CE continuing education](#) (e.g., certificate of attendance or completion) in accordance with Section 1505.55. The [certified](#) veterinary technician shall also submit:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the person was authorized to practice during the term of the active practice; or
 - 2) Two affidavits attesting to the applicant's practice as a certified veterinary technician in a jurisdiction where licensure is not required; or
 - 3) An affidavit attesting to military service as provided in Section 15 of the Act; or
 - 4) Evidence of experience within the profession other than active practice (such as research, teaching or publishing) during the time in which the certificate was expired; or
 - 5) 8 hours of approved CEcontinuing education for each year the certificationlicense was expired completed during the 2 years preceding application for restoration. These hours will be in addition to the 15 hours stated in subsection (b).
- c) A certified veterinary technician seeking restoration of a certificate that has been on inactive status for less than 5 years shall have the certificate restored upon filing an application, on forms provided by the Division, and paying the current renewal fee.
- d) After January 31, 1997, a certified veterinary technician seeking restoration of a certificationlicense shall be required to complete the CEcontinuing education requirements set forth in Section 1505.55 for one renewal period.
- e) Any person seeking restoration of a certification within 2 years after discharge from military service pursuant to Section 12 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the CE requirements.
- f) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain the relevance or sufficiency of course work or experience, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 40 Ill. Reg. 2936, effective February 16, 2016)

Section 1505.50 Renewals

- a) Each ~~certificate as a certified~~ veterinary technician ~~certificate~~ issued under the ~~Veterinary Medicine and Surgery Practice~~ Act shall expire on January 31 of each odd-numbered year. The holder of the certificate may renew the certificate during the month preceding the expiration date by paying the required fee.
- b) For the January 31, 1997 renewal and every renewal thereafter, a ~~certified veterinary technician licensee~~ shall be required to meet the ~~CE continuing education~~ requirements set forth in Section 1505.55.
- c) It is the responsibility of each certified veterinary technician to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee.

(Source: Amended at 40 Ill. Reg. 2936, effective February 16, 2016)

Section 1505.52 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees. The fee for application for a ~~certificate as a certified~~ veterinary technician ~~certificate~~ is \$50. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service shall result in the forfeiture of the examination fee.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- b) Renewal Fees. The fee for the renewal of a certified veterinary technician certificate shall be calculated at the rate of \$25 per year.
- c) General Fees
 - 1) The fee for the restoration of a certified veterinary technician certificate other than from inactive status is \$50 plus payment of all lapsed renewal fees, but not to exceed \$150.
 - 2) The fee for the issuance of a duplicate certificate, for the issuance of a replacement certificate for a certificate that has been lost or destroyed, or for the issuance of a certificate with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate certificate is issued.
 - 3) The fee for a certification of a registrant's record for any purpose is \$20.
 - 4) The fee to have the scoring of an examination authorized by the Division reviewed and verified is \$20 plus any fees charged by the applicable testing service.
 - 5) The fee for a wall certificate showing registration shall be the actual cost of producing the certificate.
 - 6) The fee for a roster of ~~persons~~ certified ~~as~~ veterinary technicians in this State shall be the actual cost of producing the roster.

(Source: Amended at 40 Ill. Reg. 2936, effective February 16, 2016)

Section 1505.55 Continuing Education

- a) Continuing Education Hours Requirements
 - 1) Each person who applies for renewal of a certified veterinary certificate as a veterinarian technician certificate is required to complete 15 hours of CE continuing education (CE) relevant to veterinary medicine and surgery during the prerenewal period.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 2) A prerenewal period is the 24 months preceding the expiration date of the certification~~January 1 in the year of the renewal.~~
 - 3) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the certificate.
 - 4) CE credit hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois.
 - 5) CE credit hours used to satisfy this requirement may be achieved through self study courses offered by an approved provider.
- b) Approved CE Providers
- 1) CE credit may be earned for verified attendance at or participation in any program given by one of the following:
 - A) An approved certified veterinary program, as provided in 68 Ill. Adm. Code 1500.5, or a certified veterinary technician program;
 - B) The American Veterinary Medical Association Committee on Veterinary Technician Education and Activities (CVTEA);
 - C) The Illinois State Veterinary Medical Association or any other state or provincial veterinary medical association or any of its constituent organizations;
 - D) The American Animal Hospital Association;
 - E) National Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB);
 - F) Programs provided by, or appropriate for, veterinary specialty organizations; and
 - G) United States Department of Agriculture (USDA) or any organization approved by USDA to offer the USDA Recertification Course.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 2) Courses Requirements
 - A) All courses or programs shall:
 - i) Be a minimum of 1 hour in duration. An hour is defined as 50 to 60 minutes of contact time;
 - ii) Contribute to the advancement, extension and enhancement of professional skills and/or scientific knowledge in the practice of veterinarian medicine;
 - iii) Provide experiences that contain scientific integrity, relevant subject matter and course materials;
 - iv) Be developed and presented by persons with education and/or experience in the subject matter of the program; and
 - v) Specify the number of CE hours that may be applied toward Illinois CE requirements for [certificate/license](#) renewal.
 - B) The Division may periodically review approved providers to ensure compliance.
- c) The certificate holder shall maintain CE records for 4 years.
- d) Certification of Compliance with CE Requirements
 - 1) Each renewal applicant shall certify, on a renewal application, full compliance with the CE requirements set forth in subsection (a).
 - 2) The Division may require additional evidence demonstrating compliance with CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
- e) Continuing Education Earned in Other Jurisdictions
 - 1) If an individual has earned or is seeking CE hours offered in another

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

jurisdiction for a program not approved by the Division for which the individual will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days prior to expiration of the certificate. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.

- 2) If an individual fails to submit an out-of-state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$50 per hour of CE late fee not to exceed \$250. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.

f) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of a certificate without having fully complied with these CE requirements shall file with the Division a renewal application, a statement setting forth the facts concerning noncompliance, a request for waiver of the CE requirements on the basis of those facts and, if desired, a request for an interview before the Board. If the Division finds from the statement or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Division shall waive enforcement of CE requirements for the renewal period for which the applicant has applied. At that time, the renewal applicant will be requested to submit the required renewal fee.
- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness; or
 - C) Undue hardship (e.g., prolonged hospitalization, being disabled or

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

unable to practice as a certified veterinary technician for a majority of the duration of the renewal cycle) as determined by the Board. Every attempt should be made by the applicant to comply with CE through self-study.

- 3) If an interview is requested at the time the request for waiver is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

(Source: Amended at 40 Ill. Reg. 2936, effective February 16, 2016)

Section 1505.60 Certified Permissible Functions for Veterinary Technicians Functions

- a) A certified veterinary technician (~~technician~~) shall provide veterinary service under the control, direction and supervision of a licensed veterinarian, who is responsible for the services performed by the certified veterinary technician.
- b) The duties of a certified veterinary technician shall not include the making of a diagnosis or prognosis, prescribing or writing prescriptions for drugs, medication or any other material for the care of treatment of any animal or performing any kind of surgery upon any animal.
- c) A certified veterinary technician is prohibited from performing tasks that include, but are not limited to, the following:
 - 1) dental extractions;
 - 2) gingival resection;
 - 3) clamping calves' tails;
 - 4) floating teeth;
 - 5) castrating any animals; and
 - 6) settings of bones.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- d) A certified veterinary technician shall only perform cast application under the immediate supervision of a veterinarian, as defined in Section 3 of the Act. This subsection does not apply to the setting of bones.
- e) A certified veterinary technician shall perform the following tasks only under the direct or immediate supervision of a veterinarian, as defined in Section 3 of the Act:
- 1) anesthesia induction;
 - 2) anesthesia endotracheal intubation;
 - 3) anesthesia maintenance;
 - 4) anesthesia monitor signs;
 - 5) cut down with needle;
 - 6) central line without cut down;
 - 7) dental prophylaxis;
 - 8) skin closure;
 - 9) perform local nerve blocks;
 - 10) splint application;
 - 11) female canine urinary catheterization;
 - 12) fine needle aspiration;
 - 13) puncture abscess with needle;
 - 14) decapitation for rabies tests submission;
 - 15) dehorning calves;
 - 16) docking sheep/pig tails; and

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 17) urinary catheterization for blocked male cat.
- f) A certified veterinary technician shall perform the following tasks only under the indirect, direct or immediate supervision of a veterinarian, as defined in Section 3 of the Act:
- 1) IV catheter;
 - 2) administer chemotherapy;
 - 3) removal of sutures, drains or staples;
 - 4) microchip implant;
 - 5) bandage application;
 - 6) male canine urinary catheterization;
 - 7) trim normal hooves, excluding equine;
 - 8) necropsy – tissue sample collection;
 - 9) acquire or process radiological images;
 - 10) venipuncture;
 - 11) obtain objective patient data without diagnosis;
 - 12) cystocentesis;
 - 13) process laboratory samples;
 - 14) bacterial streak and culture;
 - 15) administer nonrabies vaccines;
 - 16) intramuscular and subcutaneous injections;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 17) intravenous injections into uncatheterized or catheterized veins;
 - 18) animal restraint; and
 - 19) humane euthanasia of animals.
- g) Tasks not listed in subsections (d) and (e) may be delegated to a certified veterinary technician by a supervising veterinarian, as defined in Section 3 of the Act. The level of supervision by the supervising veterinarian shall be based on the skill, experience, and competency of the supervising veterinarian and the certified veterinary technician and in accordance with generally accepted veterinary medicine practice.

(Source: Amended at 40 Ill. Reg. 2936, effective February 16, 2016)

Section 1505.70 Granting Variances

- a) The Director of the Division of Professional Regulation (Director), with the authority granted by the Secretary, may grant variances ~~from this Part~~ in individual cases when he/she finds that:
- 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the ~~Veterinary Licensing and Disciplinary~~ Board of the granting of the variance, and the reasons for granting the variance, at the next meeting of the Board.

(Source: Amended at 40 Ill. Reg. 2936, effective February 16, 2016)

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1800.130	New Section
1800.220	Amendment
1800.330	Amendment
1800.710	Amendment
1800.795	New Section
- 4) Statutory Authority: Authorized by the Video Gaming Act [230 ILCS 40], specifically Section 78(a)(3) of that Act [230 ILCS 40/78(a)(3)]
- 5) Effective Date of Rules: January 27, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation 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*: 39 Ill. Reg. 8363; June 19, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

Standards for economic disassociation: The rulemaking sets forth the circumstances under which the Board may issue an order of economic disassociation. New 1800.330(c) provides that the Board may enter an order of economic disassociation under this Section under any criteria for denial of license set forth in Section 9 of the Riverboat Gambling Act or Section 45 of the Video Gaming Act. Before this rulemaking, Section 1800.330 did not specify the conditions under which the Board could issue orders of disassociation.

Individuals subject to orders of economic disassociation: The rulemaking authorizes the Board to issue orders directing the economic disassociation of "any person for whom a licensee, applicant, or Person with Significant Influence or Control has a continuing duty

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

to report information under Section 1800.220(e)(2)". Section 1800.220(e)(2) requires continuous reporting of information about "[p]ersons who have acted or will act as a sales agent or broker or otherwise engage in the solicitation of business from current or potential licensed video gaming locations." As originally filed, the rulemaking authorized the Board to order the disassociation "of any person connected with video gaming operations."

Right to notice and a hearing: The revised rulemaking applies the provisions of Subpart G of the Video Gaming (General) rules (Disciplinary Actions Against Licensees) to orders of economic disassociation. A new Section (1800.795) within Subpart G provides that persons subject to an order of economic disassociation "shall have the same procedural rights and obligations and shall be subject to the same notice requirements and deadlines as a licensee under this Subpart." Section 1800.795 also provides that the licensee shall be considered a party to a hearing on an order of economic disassociation, and that persons subject to orders of disassociation shall be considered real parties in interest.

Added sections: An amendment to Section 1800.220 was added to the rulemaking to change the phrase "persons with significant influence and control" to "persons with significant influence or control." "Persons with significant influence or control" is the term defined in Section 1800.110 and is the appropriate term to use here.

An amendment to Section 1800.710 was added to the rulemaking to provide that, for purposes of Subpart G, "disciplinary actions" include orders of economic disassociation under Section 1800.330.

New Section 1800.795 was added to the rulemaking. The new Section provides that persons subject to a proposed order of economic disassociation may request a hearing under Subpart G, that these persons shall be considered real parties in interest, and that these persons shall have the same procedural rights and obligations and shall be subject to the same notice requirements and deadlines as a licensee under Subpart G.

Additional changes: The rulemaking makes additional minor technical and stylistic changes.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1800.260	Amendment	39 Ill. Reg. 14809; November 13, 2015
1800.270	Amendment	39 Ill. Reg. 14809; November 13, 2015
1800.430	Amendment	39 Ill. Reg. 14809; November 13, 2015

- 15) Summary and Purpose of Rulemaking: The rulemaking does the following:

Cross-referencing provision (new Section 1800.130): The rulemaking provides that the riverboat gambling rule section regulating the conduct of Board meetings (86 Ill. Admin. Code 3000.105) shall apply to Board meetings under the Video Gaming Act [230 ILCS 40].

Economic disassociation (amendment to Section 1800.330): Before this rulemaking, Section 1800.330 authorized the Board to order the disassociation only of Persons With Significant Influence or Control (as defined in Section 1800.110) and persons holding an ownership interest in a license. New language in Section 1800.330 a) and b) authorizes the Board to direct the disassociation of sales agents or brokers, or persons otherwise engaged in the solicitation of business from current or potential licensed video gaming locations, for whom the licensee has a continuing duty to report under Section 1800.220(e)(2).

New subsection 1800.330(c) provides that the Board may enter an order of economic disassociation under any criteria for denial of license set forth in Section 9 of the Riverboat Gambling Act [230 ILCS 10] or Section 45 of the Video Gaming Act ("VGA" or "Act"). Section 9 of the Riverboat Gambling Act lists specific requirements for an occupational license. These include, for example, a minimum age of 21, no conviction of a felony, and compliance with other standards established by rule of the Board. Section 45 of the Act establishes additional licensure requirements applicable to video gaming licensees. The Section, for example, prohibits licensure where the Board finds that an applicant "poses a threat to public interests of the State or to the security and integrity of video gaming" (230 ILCS 40/45(d)(1)), "creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of video gaming" (230 ILCS 40/45(d)(2)), or "presents questionable business practices and financial arrangements incidental to the conduct of video gaming activities" (230 ILCS 40/45(d)(3)). The Board currently applies the standards contained in Section 9 of the Riverboat Gambling Act and Section 45 of the Act to applicants for licensure under the

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

Act. The proposed rulemaking makes these same standards applicable to orders of economic disassociation.

Procedures for contesting orders of economic disassociation (amendments to Sections 1800.330 and 1800.710, new Section 1800.795): The rulemaking amends Section 1800.330(b) and Section 1800.710 to provide that a person whose economic disassociation has been ordered may contest the order under the provisions of Subpart G of the Video Gaming (General) rules (Disciplinary Actions Against Licensees—Sections 1800.710 through new Section 1800.795). New Section 1800.795 provides that persons subject to an order of economic disassociation under Section 1800.330 may request a hearing on the order. The licensee shall be considered a party to the hearing, and the persons subject to the proposed order of economic disassociation shall be considered real parties in interest. A person subject to an order of economic disassociation who requests a hearing shall have the same procedural rights and protections, and shall be subject to the same notice requirements and deadlines, as a licensee under the Video Gaming Act.

16) Information and Questions regarding these adopted rules may be addressed to:

Agostino Lorenzini
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601

fax: 312/814-7253

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

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARDPART 1800
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section	
1800.110	Definitions
1800.115	Gender
1800.120	Inspection
<u>1800.130</u>	<u>Board Meetings</u>

SUBPART B: DUTIES OF LICENSEES

Section	
1800.210	General Duties of All Video Gaming Licensees
1800.220	Continuing Duty to Report <u>Information Violations</u>
1800.230	Duties of Licensed Manufacturers
1800.240	Duties of Licensed Distributors
1800.250	Duties of Licensed Video Terminal Operators
1800.260	Duties of Licensed Technicians and Licensed Terminal Handlers
1800.270	Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section	
1800.310	Grounds for Disciplinary Actions
1800.320	Minimum Standards for Use Agreements
1800.330	Economic Disassociation

SUBPART D: LICENSING QUALIFICATIONS

Section	
1800.410	Coverage of Subpart
1800.420	Qualifications for Licensure
1800.430	Persons with Significant Influence or Control

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: LICENSING PROCEDURES

Section

1800.510	Coverage of Subpart
1800.520	Applications
1800.530	Submission of Application
1800.540	Application Fees
1800.550	Consideration of Applications by the Board
1800.555	Withdrawal of Applications
1800.560	Issuance of License
1800.570	Renewal of License
1800.580	Renewal Fees and Dates
1800.590	Death and Change of Ownership of Video Gaming Licensee

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section

1800.610	Coverage of Subpart
1800.615	Requests for Hearing
1800.620	Appearances
1800.625	Appointment of Administrative Law Judge
1800.630	Discovery
1800.635	Subpoenas
1800.640	Motions for Summary Judgment
1800.650	Proceedings
1800.660	Evidence
1800.670	Prohibition on Ex Parte Communication
1800.680	Sanctions and Penalties
1800.690	Transmittal of Record and Recommendation to the Board
1800.695	Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section

1800.710	Coverage of Subpart
1800.715	Notice of Proposed Disciplinary Action Against Licensees
1800.720	Hearings in Disciplinary Actions

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

1800.725	Appearances
1800.730	Appointment of Administrative Law Judge
1800.735	Discovery
1800.740	Subpoenas
1800.745	Motions for Summary Judgment
1800.750	Proceedings
1800.760	Evidence
1800.770	Prohibition on Ex Parte Communication
1800.780	Sanctions and Penalties
1800.790	Transmittal of Record and Recommendation to the Board
<u>1800.795</u>	<u>Persons Subject to Proposed Orders of Economic Disassociation</u>

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN
LICENSED VIDEO GAMING LOCATIONS

Section

1800.810	Location and Placement of Video Gaming Terminals
1800.820	Measurement of Distances from Locations
1800.830	Waivers of Location Restrictions

SUBPART I: SECURITY INTERESTS

Section

1800.910	Approvals Required, Applicability, Scope of Approval
1800.920	Notice of Enforcement of a Security Interest
1800.930	Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION,
AND DISTRIBUTION OF VIDEO GAMING TERMINALS

Section

1800.1010	Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
1800.1020	Transportation of Video Gaming Terminals into the State
1800.1030	Receipt of Video Gaming Terminals in the State
1800.1040	Transportation of Video Gaming Terminals Between Locations in the State
1800.1050	Approval to Transport Video Gaming Terminals Outside of the State
1800.1060	Placement of Video Gaming Terminals
1800.1065	Registration of Video Gaming Terminals

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

1800.1070 Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

Section

1800.1111 State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

Section

1800.1210 Definitions
1800.1220 Entities Authorized to Perform Fingerprinting
1800.1230 Qualification as a Livescan Vendor
1800.1240 Fingerprinting Requirements
1800.1250 Fees for Fingerprinting
1800.1260 Grounds for Revocation, Suspension and Denial of Contract

SUBPART M: PUBLIC ACCESS TO INFORMATION

Section

1800.1310 Public Requests for Information

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

Section

1800.1410 Ticket Payout Devices
1800.1420 Redemption of Tickets Following Removal or Unavailability of Ticket Payout Devices

SUBPART O: NON-PAYMENT OF TAXES

Section

1800.1510 Non-Payment of Taxes

SUBPART P: CENTRAL COMMUNICATIONS SYSTEM

Section

1800.1610 Use of Gaming Device or Individual Game Performance Data

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39 Ill. Reg. 8183, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015; amended at 40 Ill. Reg. 2952, effective January 27, 2016.

SUBPART A: GENERAL PROVISIONS

Section 1800.130 Board Meetings

The provisions of 86 Ill. Adm. Code 3000.105 shall apply to Board meetings under the Act.

(Source: Added at 40 Ill. Reg. 2952, effective January 27, 2016)

SUBPART B: DUTIES OF LICENSEES

Section 1800.220 Continuing Duty to Report Information

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

Licenses and applicants for licensure under the Act and persons with significant influence ~~or~~ control have a continuing duty to promptly report all of the following to the Administrator or his or her designee:

- a) A violation of the Act, this Part or any illegal conduct, including, but not limited to, the possession, maintenance, facilitation or use of any illegal gaming device;
- b) Any fact, event, occurrence, matter or action that may affect the conduct of video gaming or the business and financial arrangements incidental to the conduct of video gaming, or the ability to conduct the activities for which the licensee is licensed, including, but not limited to, any change or addition in persons identified as having significant influence or control;
- c) Each arrest, summons, citation or charge for any criminal offense or violation, excluding minor traffic violations;
- d) Any adverse action taken or nonrenewal relative to a liquor license; and
- e) Any changes or additions to all material information provided in an application for a video gaming license, including but not limited to:
 - 1) Use Agreements;
 - 2) Persons who have acted or will act as a sales agent or broker, or otherwise engage in the solicitation of business from current or potential licensed video gaming locations; and
 - 3) Agreements with any individual or business entity related to the sharing of, or allotting, any sums of money derived from the operation of video gaming.

(Source: Amended at 40 Ill. Reg. 2952, effective January 27, 2016)

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section 1800.330 Economic Disassociation

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) Each applicant or licensee shall provide a means for the economic disassociation of any person who, with respect to that applicant or licensee, is a Person With Significant Influence or Control, ~~a~~ holder of an Ownership Interest, or any person for whom a licensee, applicant or Person With Significant Influence or Control has a continuing duty to report information under Section 1800.220(e)(2), in the event ~~thesuch~~ economic disassociation is required by an order of the Board.
- b) Based upon findings from an investigation into the character, reputation, experience, associations, business probity, and financial integrity of a Person With Significant Influence or Control, ~~a~~ holder of an Ownership Interest, or any person for whom a licensee, applicant or Person With Significant Influence or Control has a continuing duty to report information under Section 1800.220(e)(2), the Board may enter an order upon a licensee to require the economic disassociation of ~~thatsuch~~ person. A person whose economic disassociation has been ordered may contest the order under the provisions of Subpart G. A violation of an order of economic disassociation may result in a complaint against the licensee under Subpart G. Any hearing relating to an order of economic disassociation~~concerning such complaint~~ shall be a hearing on the merits of the Board's determination that economic disassociation is warranted. The licensee shall be considered the party to ~~thesuch~~ hearing.
- c) The Board may enter an order of economic disassociation under this Section under any criteria for denial of license set forth in Section 9 of the Riverboat Gambling Act [230 ILCS 10] or Section 45 of the Video Gaming Act.

(Source: Amended at 40 Ill. Reg. 2952, effective January 27, 2016)

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section 1800.710 Coverage of Subpart

The rules contained in this Subpart shall govern all disciplinary actions against licensees including, but not limited to, suspension and revocation of a license. For purposes of this Subpart, "disciplinary actions" shall include orders of economic disassociation under Section 1800.330.

(Source: Amended at 40 Ill. Reg. 2952, effective January 27, 2016)

Section 1800.795 Persons Subject to Proposed Orders of Economic Disassociation

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

Persons subject to a proposed order of economic disassociation under Section 1800.330 may request a hearing on the order under this Subpart. The licensee shall be considered a party to the hearing, and the persons subject to the proposed order of economic disassociation shall be considered real parties in interest. A person requesting a hearing under this Section shall have the same procedural rights and obligations and shall be subject to the same notice requirements and deadlines as a licensee under this Subpart.

(Source: Added at 40 Ill. Reg. 2952, effective January 27, 2016)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Grade A Pasteurized Milk and Milk Products
- 2) Code Citation: 77 Ill. Adm. Code 775
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
775.10	Amendment
775.20	Amendment
775.30	Amendment
775.50	Amendment
775.55	New Section
- 4) Statutory Authority: Authorized by the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635]
- 5) Effective Date of Rules: January 29, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted 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*: 38 Ill. Reg. 18346; September 5, 2014
- 10) Has JCAR issued a State of Objection to this rulemaking? Yes
- 11) Differences between Proposed and Final Version: The following changes reflect amendments during the first notice or public comment period:

New language was added to incorporate amendments adopted effective November 14, 2014 (39 Ill. Reg. 420) related to the certified pasteurizer sealer program.

The following terms and definitions were deleted: "bulk milk pickup tank", "cleaning and sanitizing", "milk hauler-sampler", "milk product", and "milk tank truck", "milk transport tank".

Sections 775.10(e)(5), 775.55(a), and 775.55(d)(2) were deleted.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Subsections within Section 775.55 were renumbered and references to these renumbered subsections were updated.

In Section 775.55(c)(5), the following language was deleted: "which shall be made available to the Department upon request." and "The dairy farm owner shall report consumer complaints received to the Department." The following language was added "The recall procedure and raw milk sale or transaction log shall be made available to the Department upon request in response to a foodborne outbreak for the epidemiologic investigation."

In Section 775.55(c)(6), proposed language was deleted and replaced with "6) The dairy farm owner shall report consumer complaints received to the Department at dph.dairy@illinois.gov within 5 days."

In Section 775.55(c)(7), proposed language was deleted and replaced with "7) A dairy farm shall not make milk products, such as, but not limited to, cheese or yogurt, from raw milk for sale to consumers."

In the first sentence of Section 775.55(d)(1) after "that" added "sells or distributes" and deleted "participates in Tier I sales or distribution of". In the second sentence, replaced "Notice" with "Warning" and deleted "Raw". After the third sentence, added "Raw milk may contain pathogens that cause serious illness, especially in children, the elderly, women who are pregnant and in person with weakened immune systems."

Section 775.55(d)(3) was renumbered to 775.55(d)(2) and before "consumer" replaced "the" with "each new". Deleted "with each sale or transaction" at the end of the first sentence.

In Section 775.55(e)(1), all language was deleted and replaced with "1) All labeling requirements per subsection (d)(2) shall be affixed to the container unless the container is provided by the consumer. If the container is provided by the consumer, then all labeling requirements shall be given to the consumer on a product receipt."

In Section 775.55(e)(2), a new subsection was added "A) The name, address and permit number of the permit holder and product date." All subsections were renumbered accordingly.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

In Section 775.55(f), "Tier I" was deleted from the title. In Section 775.55(f)(1)(B), new language was added "The bedding material, if used, does not contain more manure than has accumulated since the previous milking."

In Section 775.55(f)(1)(C), new language was added "Lactating animal droppings and soiled bedding shall be removed, or clean bedding added, at sufficiently frequent intervals to prevent soiling of the lactating animal's udder and flanks. Manure packs shall be properly drained and shall provide a reasonably firm footing."

In Section 775.55(f)(4)(A), new language was added "When conditions warrant, the Department may approve a barn without four walls, or a shed-type barn provided it is kept clean, and animals and fowl are prohibited from entering the barn"

In Section 775.55(g)(3)(D), "400,000" was changed to "750,000"; "cow" was added to after "raw"; and new language was added at the end as follows: "or 1,000,000 cells per milliliter of raw goat milk".

In Section 775.55(g)(5), the sample was lowered from two to one and the requirement that the second sample be kept in a frozen state and labeled with the date of production was deleted.

The following changes were made in response to comment and suggestions from JCAR and as result of the JCAR Objection:

Section 775.57 Tier II Permit was deleted. All references to Tier II permit were deleted. Additionally, all references to Tier I permit were changed to "Raw Milk Permit".

In Section 775.10, a new definition for "distribution point" was added. The definition of "distribution agreement" was amended to include herd shares.

In Section 775.20 (a)(2), a new incorporated reference was added: (C) "3-A Sanitary Standards and Accepted Practices (January 5, 2015) (3-A Standards), 3-A Sanitary Standards, Inc., 6888 Elm Street, Suite 2D, McLean VA 22101 (<http://www.3-a.org>)."

In Section 775.50(e)(3), (4), and (5), an implementation date of July 1, 2016 was added.

In Section 775.55(a), new language was added: "3) The Department will issue a distribution point permit if there is a distribution point on the premises of the dairy farm where raw milk is being stored for sale or distribution in compliance with the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

requirements of this Section and in accordance with Section 775.50(e)(4). The distribution point shall be accessible for inspection every three months in accordance with the PMO and upon the Department receiving any complaints. The storage place for raw milk shall be protected from contamination, be kept in a sanitary manner, and maintained at a temperature of 41°F or below."

In Section 775.55(b)(1), new language was added: ", with or without a distribution agreement between the dairy farm and the consumer. If the transaction is made pursuant to a distribution agreement, the dairy farm shall keep the agreement on file and make the agreement available to the Department upon request."

In Section 775.55(b)(2), the following language was deleted: "All transactions shall take place physically on the premises of the dairy farm.", and "Distribution agreements, herd shares or any other contractual arrangements or exchanges are prohibited under Tier I permitted dairy farms."

In Section 775.55(b)(5), "90 days" was changed to "6 months"

In Section 775.55(b)(6), "consumer" was changed to "foodborne illness related complaints and consumer product"

In Section 775.55(e)(1)(C), "shall have no" was changed to "to minimize".

In Section 775.55(e)(2), a new subsection was added: "E) Raw milk being transported to a distribution point on the premises of a dairy farm shall be transported in approved single-service containers or containers approved in accordance with Item 12p in the PMO. The containers shall be properly cleaned and shall be protected from contamination in a sanitary manner in accordance with the PMO. The temperature of the product shall be maintained at 41°F or below. The containers shall be labeled in accordance with the PMO."

In Section 775.55(e)(2), a new subsection was added: "F) A raw milk dispenser used for refrigeration of bottled raw milk on the premises of the dairy farm shall be in compliance with the 3-A standards in accordance with PMO Item 9r and Item 11p. A household refrigerator or commercial refrigerator is an option for refrigeration and is exempt from 3-A standards. The dairy farm shall notify the Department before purchasing the raw milk dispenser. The raw milk dispenser must be preapproved by the Department before being used in compliance with 3-A standards in accordance with PMO Item 9r and Item 11p. The raw milk dispenser shall be kept clean, shall protect the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

product from contamination, and shall maintain the raw milk temperature at 41°F or below."

In Section 775.55(e)(4)(C), "a dust-tight" was changed to "an enclosed"

In Section 775.55(f)(3)(A), after "than" , the phrase "or equal to" was added.

In addition, various typographical, grammatical, and form changes were made in response to the comments from JCAR.

- 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 Rulemaking: This rulemaking will address the procedures for permitting and inspecting dairy farms that sell or distribute raw milk from the premises of the dairy farm for use or consumption to consumers.
- 16) Information and questions regarding these adopted rules shall be directed to:

Elizabeth Paton
Assistant General Counsel/Rules Coordinator
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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICSPART 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
775.55	Raw Milk Permit
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].

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.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

11796, effective May 21, 2014; amended at 39 Ill. Reg. 420, effective December 19, 2014; amended at 40 Ill. Reg. 2964, effective January 29, 2016.

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)

"Change of ownership" means a transaction in which a new or different owner takes possession of a specified entity.

"Change of tenant" means a transaction in which a new or different tenant rents or leases a specified entity such as a dairy farm.

"Clarification" means an operational procedure that removes sediment from milk.

"Consumer" means a person or group of people, such as a household or those under a distribution agreement, that purchase raw milk from the dairy farm for consumption.

~~"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)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"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 premises where one or more lactating animals (cows, goats, sheep, water buffalo, or other hoofed mammal) are kept for milking purposes, and from which a part or all of the milk or milk product is provided, sold or offered for sale to a consumer, milk plant, receiving station or transfer station.

~~*"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)

"Distribution agreement" means a herd share or community supported agriculture (CSA) program in which consumers purchase a membership from the dairy farm that entitles them to share the dairy farm's raw milk production, or a buying club in which consumers order raw milk directly from the farm for pick-up by the consumer on the premises of the dairy farm.

"Distribution point" means a physical location on the premises of a dairy farm producing raw milk where the raw milk is collected from the various herd sites and distributed to the consumer.

"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)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"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)

"Herd share" means a consumer-signed agreement with the owner of the dairy farm that offers partial ownership of one or more animals, stipulates the expected quantity of raw milk to be received, and requires ongoing payment by the consumer to the farmer for boarding the animal, animals or herd and the service of milking for the consumer.

"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)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"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.~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Pasteurization" or "pasteurized" or similar terms mean the process of heating every particle of milk or milk products, in properly designed and operated equipment, to one of the temperatures given in the charts in the Pasteurized Milk Ordinance (PMO) (see Section 775.20(a)(1)(A)) and held continuously at or above that temperature for at least the corresponding specified time.

"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.

"Raw milk" means milk that has not been pasteurized.

"Raw milk dispenser" means equipment approved by 3-A standards and used to store, cool and provide a mechanism for self-service of bottled raw milk to the consumer. "Raw milk dispenser" does not mean household refrigerator or commercial refrigerator.

"Raw milk permit" means a permit that allows a dairy farm to sell or distribute raw milk, for use or consumption to consumers, only on the premises of the dairy farm where the animal, animals or herd is located.

"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)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"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 40 Ill. Reg. 2964, effective January 29, 2016)

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 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 (2013 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 (2013 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 (2013 Revision), U.S.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

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, ~~DCD-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, ~~DCD-C~~ 20044). (See Section 775.70(b).)
 - C) [3-A Sanitary Standards and Accepted Practices \(January 5, 2015\) \(3-A Standards\), 3-A Sanitary Standards, Inc., 6888 Elm Street, Suite 2D, McLean VA 22101 \(http://www.3-a.org\).](#)
- 3) Federal regulations:
 - A) 21 CFR 131.110, Milk (2013). (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 (2013). (See Section 775.10, the definition of "violative drug residue".)
 - C) 40 CFR 180, Tolerances and Exemptions from Tolerances for Pesticide Chemicals in Food (2013). (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.)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 3) [Food Service Sanitation Code \(77 Ill. Adm. Code 750\).](#)
- 43) The Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115].
- 54) Illinois Administrative Procedure Act [5 ILCS 100].
- 6) [Food Handling Regulation Enforcement Act \[410 ILCS 625\].](#)
- 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 2013 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 [IL, Illinois](#) 62761.

(Source: Amended at 40 Ill. Reg. 2964, effective January 29, 2016)

Section 775.30 Minimum Requirements

- a) The production, transportation, processing, handling, sampling, examination, grading, labeling and sale of all milk and milk products; the inspection of dairy herds, dairy farms and milk plants, receiving and transferring stations, and cleaning and sanitizing facilities; the suspension of permits to milk producers and haulers, shall be regulated in accordance with the provisions of the PMO and Appendices A through R (with the exception of Sections 16 and 17) of the PMO. (See Section 775.20.)
- b) [The production, handling, sale, distribution, labeling, sampling and testing requirements and quality standards for raw milk, the inspection of dairy farms, and the suspension, revocation and reinstatement of permits of dairy farms shall be regulated in accordance with Sections 775.55 and 775.60.](#)
- cb) The production, manufacture, packaging, labeling and sale of all Grade A

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

condensed milk, Grade A dry milk products, Grade A condensed whey and Grade A dry whey, for use in the commercial preparation of Grade A pasteurized milk products; the inspection of condensing plants and/or drying plants; and the suspension of permits to condensing plants and/or drying plants, shall be regulated in accordance with the provisions of the PMO and Appendices A through R (with the exception of Sections 16 and 17 of the PMO). (See Section 775.20.)

de) In addition to subsections (a), ~~and (b)~~, and (c), the following provisions shall apply:

- 1) In addition to Section 7, item 15p of the PMO:
 - A) All raw milk piping and equipment shall be completely separated from pasteurized milk and milk product piping and equipment during processing. No raw milk piping or fittings shall be interchanged with pasteurized milk piping and fittings unless they have been cleaned and sanitized before use.
 - B) Heat-treated and pasteurized milk or milk products that are not produced at the packaging plant, but that are to be used within a plant for processing pasteurized milk or milk products, shall be re-pasteurized.
 - C) Blending of pasteurized milk or milk products may occur downstream from the HTST flow-diversion device only when approved by the Department in accordance with the following specific requirements:
 - i) All pasteurized milk product lines, raw product lines and cleaning lines within the milk plant shall be labeled so that the lines can be differentiated by visual inspection. The specific configuration of the lines must be verified by a Department on-site inspection prior to the issuance or renewal of a permit. In addition, any segments of lines that are or can be removed for cleaning shall be individually labeled.
 - ii) Cultured dairy products are exempt from this requirement.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 2) In addition to complying with Section 6 of the PMO, each approved milk plant shall retain from each processing day at least one time and date stamped sample from each continuous processing of a specific pasteurized fluid milk product as defined in the PMO (see Section 1 of the PMO). These samples shall be of the pasteurized milk product itself and not of each type of container in which the milk product is packaged. In addition, the samples shall be retained until two days after the guaranteed sale date in accordance with the cooling requirements of the PMO (see Section 7, Table 1 of the PMO).
- 3) In addition to Section 7, items 8r and 7p, of the PMO, the Illinois Plumbing Code shall apply.

(Source: Amended at 40 Ill. Reg. 2964, effective January 29, 2016)

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.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 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 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.
 - 3) Beginning July 1, 2016, a dairy farm with a dairy farm permit may sell or offer for sale for human consumption raw milk on the premises of the dairy farm in accordance with Section 775.55.
 - 4) Beginning July 1, 2016, it is unlawful for any person who does not possess a dairy farm permit in accordance with Section 775.50 or a raw milk permit in accordance with Section 775.55 to produce, process, sell, offer

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

for sale or distribute raw milk for human consumption.

- 5) Beginning July 1, 2016, a dairy farm producing raw milk for consumption only by family members living on the dairy farm shall be exempt from Section 775.55.
- f) Certified Pasteurizer Sealer Permits will be issued in accordance with Section 775.115.

(Source: Amended at 40 Ill. Reg. 2964, effective January 29, 2016)

Section 775.55 Raw Milk Permit

- a) A raw milk permit shall be obtained for a dairy farm to sell or distribute raw milk on the premises of the dairy farm in accordance with Section 775.50(e)(3), (4) and (5) and this Section. The dairy farm owner shall notify the Department when a change of ownership occurs or when a change of tenant occurs. Dairy farms selling or distributing raw milk will be listed on the Department website (www.dph.illinois.gov).
- 1) The Department will inspect a dairy farm for compliance with the Act and this Part prior to issuance of a raw milk permit. Inspections will be in accordance with subsection (e).
- 2) A dairy farm participating in only raw milk sales or distribution of raw milk shall comply with the quality count requirements and standards in subsection (f) and Section 775.50(e)(2) prior to the issuance of the raw milk permit and at all times.
- 3) The Department will issue a distribution point permit if there is a distribution point on the premises of the dairy farm where raw milk is being stored for sale or distribution in compliance with the requirements of this Section and in accordance with Section 775.50(e)(4). The distribution point shall be accessible for inspection every three months in accordance with the PMO and upon the Department's receiving any complaints. The storage place for raw milk shall be protected from contamination, be kept in a sanitary manner and maintained at a temperature of 41°F or below.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- b) Sales or Distribution of Raw Milk Procedures
- 1) Raw milk shall be sold or distributed only on the premises of the dairy farm, with or without a distribution agreement between the dairy farm and the consumer. If the transaction is made pursuant to a distribution agreement, the dairy farm shall keep the agreement on file and make the agreement available to the Department upon request.
 - 2) Raw milk sold on the dairy farm shall not be re-sold or re-distributed.
 - 3) Raw milk shall be offered for sale only within five days after production.
 - 4) Consumers may bring their own containers for their raw milk. If the farm provides the containers for consumer transport, the containers shall meet the requirements of subsection (e)(2).
 - 5) The dairy farm owner shall have a written procedure for recalling products and notifying consumers in accordance with the Illinois Food, Drug and Cosmetic Act. The dairy farm owner shall maintain a log of each raw milk sale or transaction with consumer name, address, phone number and date of sale for six months from the date of sale. The recall procedure and raw milk sale or transaction log shall be made available to the Department upon request in response to a foodborne outbreak for the epidemiologic investigation.
 - 6) The dairy farm owner shall report foodborne illness related complaints and consumer product complaints received to the Department at dph.dairy@illinois.gov within 5 days.
 - 7) A dairy farm shall not make milk products, such as, but not limited to, cheese or yogurt, from raw milk for sale to consumers.
 - 8) The dairy farm shall submit to the Department, upon request, a statement of the total gallons of raw milk sold the previous 12 months.
- c) Signage and Consumer Advisory
- 1) A dairy farm that sells or distributes raw milk shall post a placard at the point of sale or distribution that is noticeable to consumers. The placard

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

shall read: "Warning: Milk that is not pasteurized is sold or distributed here. This dairy farm is not inspected routinely by the Illinois Department of Public Health. Raw milk may contain pathogens that cause serious illness, especially in children, the elderly, women who are pregnant and persons with weakened immune systems." The placard shall be written in a legible font, such as Arial, and in black ink. The size of the letters on the placard shall be no less than 2 inches in height.

- 2) The dairy farm shall provide each new consumer with Department-approved consumer awareness information. The Department will also post the information on the Department website.

d) Department-approved Labeling and Receipt Information

- 1) All labeling requirements (see subsection (d)(2)) shall be affixed to the container unless the container is provided by the consumer. If the container is provided by the consumer, all labeling requirements shall be given to the consumer on a product receipt.
- 2) The following shall be provided to the consumer either through container labeling or product receipt:
 - A) The name, address and permit number of the permit holder and product date.
 - B) The words "not pasteurized" or "unpasteurized" in addition to "raw" preceding the name of the product;
 - C) The quantity of contents;
 - D) The production date and the last date the container may be offered for sale, which shall be within five days after the production date;
 - E) The type of animal preceding the term "raw milk" for example "cow raw milk" or "goat raw milk";
 - F) The statement "WARNING: This product has not been pasteurized and, therefore, may contain pathogens that cause serious illness,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

especially in children, the elderly, women who are pregnant and persons with weakened immune systems."; and

- G) Instructions for the consumer to notify the local health department for the area in which the consumer resides of a consumer complaint or suspected foodborne illness or to notify the Department of a complaint of farm sanitary conditions.

e) Inspection Standards for Permitted Dairy Farms

1) Dairy Animal Health and Cleanliness

- A) Lactating animals that show evidence of the secretion of milk with abnormalities in one or more udders, based upon bacteriological, chemical or physical examination, shall be milked last or with separate equipment, and the milk shall be discarded (not offered for sale or for human consumption).
- B) Clean bedding material shall be provided for all lactating dairy animals. The bedding material, if used, does not contain more manure than has accumulated since the previous milking.
- C) Cow yard and loafing areas adjacent to lactating dairy animal housing shall be graded and drained and to minimize standing pools of water or accumulation of organic waste. Lactating animal droppings and soiled bedding shall be removed, or clean bedding added, at sufficiently frequent intervals to prevent soiling of the lactating animal's udder and flanks. Manure packs shall be properly drained and shall provide a reasonably firm footing.
- D) Swine and fowl shall be kept out of the milking area and not be housed with lactating dairy animals.

2) Equipment Construction and Storage

- A) All multi-use containers, utensils and equipment used in handling, storing or transporting milk shall be made of smooth, nonabsorbent and corrosion-resistant food-grade material. Containers, utensils and equipment shall be in good repair. Multiple-use woven

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

material shall not be used for straining milk. All single-service articles shall have been manufactured, packaged, transported and handled in a sanitary manner. Articles intended for single use shall not be reused.

- B) All multiple-use containers, utensils and equipment that are exposed to milk or milk products, or from which liquids may drip, drain or be drawn into milk or milk products, shall be made of smooth, impervious, nonabsorbent, safe materials of the following types:
- i) Stainless steel of the American Iron and Steel Institute (AISI) 300 series;
 - ii) Equally corrosion-resistant non-toxic metal;
 - iii) Heat-resistant glass; or
 - iv) Plastic or rubber and rubber-like materials that are relatively inert, resistant to scratching, scoring, decomposition, crazing, chipping and distortion under normal use conditions; that are non-toxic, fat resistant, relatively nonabsorbent, and relatively insoluble; that do not release component chemicals or impart flavor or odor to the product; and that maintain their original properties under repeated use conditions.
- C) Milk cans shall have umbrella lids.
- D) All containers, utensils and equipment used in handling or storing milk or transporting milk by the consumer, unless stored in sanitizing solution, shall be stored to assure complete drainage and shall be protected from contamination prior to use. These requirements do not apply to containers furnished by the consumer.
- E) Raw milk being transported to a distribution point on the premises of a dairy farm shall be transported in approved single-service containers or containers approved in accordance with Item 12p of the PMO. The containers shall be properly cleaned and shall be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

protected from contamination in a sanitary manner in accordance with the PMO. The temperature of the product shall be maintained at 41°F or below. The containers shall be labeled in accordance with the PMO.

- F) A raw milk dispenser used for refrigeration of bottled raw milk on the premises of the dairy farm shall be in compliance with the 3-A standards in accordance with PMO Item 9r and Item 11p. A household refrigerator or commercial refrigerator is an option for refrigeration and is exempt from 3-A standards. The dairy farm shall notify the Department before purchasing the raw milk dispenser. The raw milk dispenser must be preapproved by the Department before being used in compliance with 3-A standards in accordance with PMO Item 9r and Item 11p. The raw milk dispenser shall be kept clean, shall protect the product from contamination, and shall maintain the raw milk temperature at 41°F or below.

3) Milking Practices

- A) The flanks, udders, bellies and tails of all lactating dairy animals shall be free from visible dirt. The udders and teats of all lactating dairy animals shall be clean and dry before milking. Teats shall be treated with a sanitizing solution just prior to the time of milking and shall be dry before milking.
- B) The product contact surfaces of all multi-use containers, equipment and utensils used in handling or storing milk shall be cleaned after each use.
- C) The product contact surfaces of all multi-use containers, equipment and utensils used in handling or storing milk and transporting milk by the consumer shall be sanitized before each use by:
- i) Complete immersion in hot water at a temperature of at least 77°C (170°F) for at least five minutes; or exposure to a flow of hot water at a temperature of at least 77°C (170°F), as determined by the use of a calibrated thermometer, at the outlet for at least five minutes; or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 2) The samples shall be collected by a certified sampler in accordance with the Act and this Part.
 - 3) Sampling and testing shall be conducted prior to issuance of a permit in accordance with Section 775.50(e)(2) and at least four times during every six consecutive months. A permit will not be issued until all of the following standards are met.
 - A) Coliform shall be less than or equal to 10 coliforms per milliliter of raw milk.
 - B) Bacteria count shall be less than 20,000 bacteria per milliliter of raw milk.
 - C) The milk supply shall not contain any drug residues.
 - D) The somatic cell count shall be less than or equal to 750,000 cells per milliliter of raw cow milk or 1,000,000 cells per milliliter of raw goat milk.
 - E) The dairy farm water supply shall be free of coliform bacteria.
 - 4) In response to a foodborne outbreak or when a high risk of infection exists, the Department will require pathogen testing to be performed on the raw milk.
 - 5) For every day of a sale or distribution transaction, one raw milk sample shall be kept a minimum of 14 days. The sample shall be stored between 32°F and 40°F in a sanitary container, be at least 6 ounces and be labeled with the date of the production.
- g) Enforcement of Standards and Quality Counts
- 1) The Department will issue a warning when two out of the last four coliform, bacteria or somatic cell counts are in violation of the standards established in subsection (f)(3). The raw milk permit will be suspended when three out of the last five coliform, bacteria or somatic cell counts are in violation of the standards.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 2) The Department will suspend the permit when drug residues are detected in the raw milk supply.
- 3) The Department will suspend the permit when coliforms are detected in the water supply.
- 4) The Department will suspend or revoke the dairy farm permit whenever:
 - A) the Department has reason to believe that a public hazard exists;
 - B) the dairy farm has interfered with the Department in performance of its duties; or
 - C) the dairy farm has violated any of the procedures in subsection (a) or (f)(3); Section 775.60(a), (b), (c), (d) or (e); Section 775.80; Section 775.130; or Section 775.150.
- h) Reinstatement of Permit

The Department will reinstate the permit

 - 1) when an inspection of the dairy farm does not reveal violations; and
 - 2) when the dairy farm is in compliance with subsection (f).
- i) The Department will conduct an inspection of the dairy farm at any time or in response to a consumer complaint, product complaint, or reported suspected foodborne illness pursuant to Section 775.70. The inspection may include collection of samples and notification to consumers. The Department will suspend sales if a confirmation test reveals the presence of a pathogen.
- j) The PMO does not apply to this Section.

(Source: Added at 40 Ill. Reg. 2964, effective January 29, 2016)

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)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
1.310	Amendment
1.420	Amendment
1.425	New Section
1.530	Amendment
1.705	Amendment
1.APPENDIX A	Amendment
1.APPENDIX D	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rules: January 27, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes; see Sections 1.420(s) and Appendix D.
- 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*: 39 Ill. Reg. 13595; October 16, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: An introduction was added to the social science standards, explaining the link between the inquiry standards and the disciplinary standards. Additionally, to align the social science standards to those that the State Board adopted in June, several other modifications were made to the inquiry standards, grades 6-8 and 9-12; civics standards, grade 4; economic standards, grades 6-8; geography standards, grade 5; and history standards, kindergarten.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Changes in Section 1.425(g) provide an earlier cross-reference to where free materials may be downloaded (subsection (g)(1)), and replace the spelling of "FitnessGram®" with the registered name.

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

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1.540	Amendment	39 Ill. Reg. 14480; November 6, 2015

- 15) Summary and Purpose of the Rulemaking: PA 98-859, effective August 4, 2014, charged the Enhance Physical Education Task Force with identifying an assessment to be used in schools to measure "aerobic capacity, body composition, muscular strength, muscular endurance and flexibility" of students in order to ascertain the effectiveness of Goal 20 of the Illinois Learning Standards (ILS) for Physical Development and Health, which is to:

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

The law further required that "health-related fitness testing" be part of a school's curriculum for students in grades 3 and above and that rules pertaining to fitness testing be adopted by the State Board no later than December 31, 2015.

New Section 1.425 consolidates requirements now stated in Section 1.420(p) of the rules regarding physical education, with the recommendations of the Task Force. Section 1.425(a) through (f) represents existing requirements. New Section 1.425(g) requires the use of the FitnessGram® or, for students with disabilities whose Individualized Education Program, or IEP, identifies the FitnessGram® as not appropriate, the Brockport Physical Fitness Testing. Schools must begin using the assessments in the 2016-17 school year, and electronically report results about the fitness testing to the State Board by May 1, 2017, and annually thereafter.

PA 99-245, effective August 3, 2015, added Section 22-80 to the School Code that requires school districts to adopt policies and procedures related to concussions or head injuries in student athletes to ensure that these injuries are "properly evaluated and

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

managed". The law sets forth specific procedures that both public and private schools must follow, and while none of these procedures are reiterated in the rules, the rule at Section 1.530(b) and (c) has been made more complete and useful by:

- stating the law's requirement that parents or guardians of student athletes receive and read information about concussions and acknowledge by written signature that they received and reviewed the information; and
- acknowledging that school emergency procedures must now address student athletes and meet the requirements of Section 22-80 of the School Code.

PA 99-58, effective July 16, 2015, created a new credential for chief state school business officials (CSBO). Previously, the CSBO endorsement was placed only on the professional educator license (PEL), which required completion of certain education-related coursework. Most individuals seeking the CSBO are not educators and would not have taken the education coursework required. For this reason, the requirements for the new educator license with stipulations endorsed for chief school business official (ELS-CSBO) align to the financial and business qualifications required for the CSBO endorsement on the PEL but do not require reading and exceptional child coursework. The ELS-CSBO is considered a full license qualifying the individual to serve in a CSBO position and to renew the license every five years, provided that he or she meets the same renewal requirements as those individuals that hold the PEL with the CSBO endorsement. Changes in Sections 1.310, 1.705 and Appendix A acknowledge this new credential.

Although not resulting from legislation, Appendix D continues the State Board's efforts to update the ILS. In 2014, a task force of educators, professors and social science professional organizations redesigned the ILS for Social Science. The new social science standards will enable educators to transform social science into curricula that increases expectations for kindergarten-through-grade-12 students to read complex texts, think deeply, make connections, provide supporting details and complete analyses in drawing their conclusions. School districts will be required to align their social science curricula to the new standards by the 2017-18 school year, although a school district may choose to implement the standards earlier.

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

Jeff Aranowski, Deputy of Regulatory Support
Illinois State Board of Education

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

100 West Randolph Street, Suite 14-300
Chicago IL 60601

312/814-2734

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

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
- 1.97 Survey of Learning Conditions
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates
- 1.110 Appeal Process under Section 22-60 of the School Code

SUBPART B: SCHOOL GOVERNANCE

Section

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Standards

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

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Qualifications and Responsibilities
- 1.320 Evaluation of Licensed Educators
- 1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.422 Electronic Learning (E-Learning) Days Pilot Program
- [1.425 Additional Criteria for Physical Education](#)
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.442 State Seal of Biliteracy
- 1.445 Required Course Substitute
- 1.450 Special Programs (Repealed)
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test (Repealed)
- 1.465 Ethnic School Foreign Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1.520 Home and Hospital Instruction
- 1.530 Health Services
- 1.540 Undesignated Epinephrine Auto-injectors

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section

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

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.705 Requirements for Supervisory and Administrative Staff
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 6 and Above through June 30, 2004
- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
- 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
- 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
- 1.740 Standards for Reading through June 30, 2004
- 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
- 1.750 Standards for Media Services through June 30, 2004
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for School Support Personnel Services
- 1.762 Supervision of Speech-Language Pathology Assistants
- 1.770 Standards for Special Education Personnel
- 1.780 Standards for Teachers in Bilingual Education Programs
- 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1.783 Requirements for Administrators of Bilingual Education Programs
1.790 Substitute Teacher
- 1.APPENDIX A Professional Staff Educator Licensure
1.APPENDIX B Certification Quick Reference Chart (Repealed)
1.APPENDIX C Glossary of Terms (Repealed)
1.APPENDIX D State Goals for Learning
1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement
Determination (Repealed)
1.APPENDIX F Criteria for Determination – Student Performance and School
Improvement (Repealed)
1.APPENDIX G Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-30, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-30, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, 27-23.8 and 2-3.6].

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016.

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section 1.310 Administrative Qualifications and Responsibilities

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

- a) Chief school business officials, effective July 1, 1977, shall be appropriately licensed, meeting the requirements stated either in Section 21B-20(2)(K) or 21B-25 of the School Code.
- b) Department chairpersons and teacher leaders who are required to supervise and/or evaluate teachers shall meet the applicable requirements of Section 1.705 of this Part. (See also Section 21B-25 of the School Code.) This regulation shall apply only to those individuals serving as department chairs first assigned to this position on or after September 1, 1978 and individuals holding a teacher leader endorsement issued in accordance with 23 Ill. Adm. Code 25.32 (Teacher Leader Endorsement).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

(Source: Amended at 40 Ill. Reg. 2990, effective January 27, 2016)

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.
- b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit, including credit for courses completed by correspondence, on line, or from other external sources, that can be disseminated to other schools within the State.
- c) Every school district shall:
 - 1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.
 - 2) Include in its instructional program concepts designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions and socio-economic backgrounds.
- d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting and evaluating supervisory and inservice programs.
- f) Sections 10-19, 18-8.05, 18-12, and 18-12.5 of the School Code [105 ILCS 5/10-19, 18-8.05, 18-12, and 18-12.5] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.
 - 1) Section 18-8.05(F)(2)(c) of the School Code provides that, with the approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that, due to a condition beyond the control of the district, the district has been forced to use multiple sessions. The State Superintendent's approval will be granted when the district demonstrates that, due to a condition beyond the control of the district, its facilities are inadequate to house a program offering five clock-hours daily to all students.
 - A) The district superintendent's request to the State Superintendent shall be accompanied by an assurance that the local school board has approved the plan for multiple sessions, including the date of the meeting at which this occurred, and evidence of the approval of the responsible regional superintendent.
 - B) Each request shall include a description of the circumstances that resulted in the need for multiple sessions; information on the buildings and grades affected; the intended beginning and ending dates for the multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.
 - C) Approval for multiple sessions shall be granted for the school year to which the request pertains. Each request for renewed approval shall conform to the requirements of subsections (f)(1)(A) and (B).
 - D) Students who are in attendance for at least 150 minutes of school work but fewer than 240 minutes may be counted for a half day of

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

attendance. Students in attendance for fewer than 150 minutes of school work shall not be counted for purposes of calculating average daily attendance.

- 2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for certain students so they may be included in a district's calculation of average daily attendance. Districts may count these students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.
- 3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.
 - A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
 - B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
 - C) All teachers hold educator licenses that are registered with the regional superintendent of schools for their county of employment. Other than substitute teachers, licensure appropriate to the grade level and subject areas of instruction is held by all teachers.
- 4) Sections 18-12 and 18-12.5 of the School Code set forth requirements for a school district to claim General State Aid in certain circumstances when one or more, but not all, of the district's school buildings are closed either for a full or partial day. A school district shall certify the reasons for the closure in an electronic format specified by the State Superintendent within 30 days from the date of the incident.
 - A) If the certification is submitted under Section 18-12 of the School Code, it shall indicate whether instruction was provided to students

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

using an e-learning day authorized under Section 10-20.56 of the School Code and Section 1.422 of this Part.

- B) If the certification is submitted for reasons of a public health emergency under Section 18-12.5 of the School Code, it shall be accompanied by a signed statement from the local health department to the State Superintendent that includes:
 - i) the name of the building that is being recommended for closure;
 - ii) the specific public health emergency that warrants the closure; and
 - iii) the anticipated building closure dates recommended by the health department.

- 5) Attendance for General State Aid Purposes
 - A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance. Students in attendance for fewer than two hours of school work shall not be counted for purposes of calculating average daily attendance.

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- C) For purposes of determining average daily attendance for General State Aid received under Sections 18-12 and 18-12.5 of the School Code, "immediately preceding school day" shall include school days in the previous school year in instances in which the building closure occurs before three or more days of instruction have been provided in the school year for which attendance is being counted.
- D) For the purposes of determining average daily attendance for General State Aid under Section 10-20.56 or 10-29 of the School Code [105 ILCS 5/10-20.56 and 10-29], a school district operating a remote educational program shall document the clock hours of instruction for each student, and make available to the State Superintendent of Education or his or her designee upon request, a written or online record of instructional time for each student enrolled in the program that provides sufficient evidence of the student's active participation in the program (e.g., log in and log off process, electronic monitoring, adult supervision, two-way interaction between teacher and student, video cam). "Clock hours of instruction" shall be calculated in accordance with Section 18-8.05(F)(2)(j) of the School Code [105 ILCS 5/18-8.05(F)(2)(j)].
- g) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code (see Section 10-19 of the School Code).
- h) Local boards of education shall establish and maintain kindergartens for the instruction of children (see Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).
- 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.
 - 2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

those children. If there are fewer than 20 children whose parents request a half-day program, those students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.

- A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.
 - B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.
 - C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.
- 3) Each school district offering a kindergarten program, whether full-day or half-day, shall administer the Illinois Kindergarten Individual Development Survey (KIDS) annually to each student enrolled in kindergarten, except as otherwise provided under this subsection (h)(3). A school district is not obligated to administer KIDS in any school year in which the State does not provide funding sufficient for the cost of the test administration or access to professional development for teachers and administrators.
- A) For the purpose of this subsection (h)(3), "measure of school readiness" addresses, at a minimum, the five essential school readiness domains of:
 - i) language and literacy development;
 - ii) cognition and general knowledge (to at least include mathematics);
 - iii) approaches toward learning;
 - iv) physical well-being and motor development; and

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- v) social and emotional development.
- B) Each school district shall report electronically the results of the observations conducted and evidence collected as part of KIDS twice each school year (i.e., 40 days after the start of the school year and 170 days after the start of the school year). The data required under this subsection (h)(3)(B) shall be reported for any student who was enrolled in a kindergarten classroom at least 30 days before the date on which the data is required to be reported.
- C) By October 15, 2015, each school district shall provide to the State Superintendent of Education, using a form prescribed for this purpose, the information required under this subsection (h)(3)(C).
- i) The name, title, email address and telephone number for the administrator who the school district designates to serve as the KIDS coordinator. The person so designated shall hold a professional educator license endorsed in an administrative field pursuant to 23 Ill. Adm. Code 25.Subpart E (Requirements for Licensure of Administrative and Supervisory Staff) or for supervision pursuant to 23 Ill. Adm. Code 25.497 (Supervisory Endorsements).
 - ii) The current status of the school district's implementation of KIDS, as applicable.
 - iii) Information regarding the school district's use of assessments other than KIDS on a districtwide basis that measure school readiness, as that term is defined in subsection (h)(3)(A).
- D) Each KIDS coordinator designated under subsection (h)(3)(C) shall participate in a KIDS orientation training sponsored by the State Board of Education during the 2015-16 school year.
- E) For the 2016-17 school year only, a school district may choose to conduct a limited implementation of KIDS or a full

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

implementation of KIDS. A school district choosing to conduct a limited implementation shall notify the State Superintendent of its intent by May 1, 2016. School districts that fail to submit the required notification by May 1, 2016 shall fully implement KIDS, as required under subsection (h)(3)(F). For the purposes of this subsection (h)(3)(E), "limited implementation" shall be either:

- i) reporting the data required under subsection (h)(3)(B) for each student enrolled in kindergarten that at least addresses the domains of social and emotional development, language and literacy development, cognitive development for mathematics and, additionally for English learners, English language development; or
 - ii) reporting the data required under subsection (h)(3)(B) for at least 30 percent of students enrolled in each kindergarten classroom for each domain listed in subsection (h)(3)(A) and, additionally for English learners, English language development.
- F) Beginning in the 2017-18 school year and thereafter, a school district shall administer the KIDS to, and report the data required under subsection (h)(3)(B) for, each student enrolled in kindergarten.
- i) Career Education
 - 1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.
 - 2) Every district shall initiate a Career Awareness and Exploration Program that should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.
 - j) Co-Curricular Activities
 - 1) Programs for extra classroom activities shall provide opportunities for all students.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.
- k) Consumer Education and Protection
- 1) A program in consumer education shall include at least the topics required by Section 27-12.1 of the School Code [105 ILCS 5/27-12.1].
 - 2) The superintendent of each unit or high school district shall maintain evidence showing that each student has received adequate instruction in consumer education prior to the completion of grade 12. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.
 - 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12.
 - 4) Teachers instructing in consumer education courses shall hold educator licensure valid for the grade levels taught and have completed at least three semester hours in consumer education courses.
- l) Conservation of Natural Resources
- Each district shall provide instruction on *current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals* (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).
- m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State, national and international concern.
- n) Health Education
- 1) Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- A) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.
 - B) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.
 - C) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.
 - D) If health education is offered in conjunction with another course on a "block of time" basis in a middle school, a junior high school, or a high school, instruction may be offered in any combination of the grade levels in the school, provided that the total time devoted to health education is the equivalent of one full semester's work.
- 2) Nothing in this Section shall be construed as requiring or preventing the establishment of classes or courses in comprehensive sex education or family life education as authorized by Sections 27-9.1 and 27-9.2 of the School Code [105 ILCS 5/27-9.1 and 27-9.2].
- o) **Library Media Programs**
Each school district shall provide a program of library media services for the students in each of its schools. Each district's program shall meet the requirements of this subsection (o).
 - 1) **General**
The program shall include an organized collection of resources that circulate to students and staff in order to supplement classroom instruction, foster reading for pleasure, enhance information literacy and support research, as appropriate to students of all abilities in the grade levels served. A district that relies solely upon the collection of a local public library shall maintain evidence that students receive instruction, direction, or assistance in locating and using resources that are applicable to these purposes from an individual who is qualified under Section 1.755 and who is acting on behalf of the school district.
 - 2) **Financial Resources**

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Each district's annual budget shall include an identifiable allocation for resources and supplies for the program, except that a unit district serving fewer than 400 students or an elementary or high school district serving fewer than 200 students may demonstrate that it is meeting its students' needs through alternate means that the district has determined are adequate in light of local circumstances.

3) Facilities

If there is no single location within a particular attendance center that is specifically devoted to a library media center, such as where classroom collections have been established instead, the district shall ensure that equitable access to library media resources is made available to students in all the grade levels served. If students' only access to library media resources is achieved by visiting a location outside their attendance center, the district shall maintain records demonstrating that all students' regular schedules include time for this purpose.

4) Staff

Nothing in this subsection (o)(4) shall be construed as prohibiting districts or schools from sharing the services of individuals qualified under Section 1.755, and nothing in this subsection (o) shall be construed as permitting an individual who is not qualified as a library information specialist to assume that role. Each district shall assign responsibility for overall direction of its program of library media services to an employee who holds a professional educator license endorsed for a teaching or an administrative field. Except as otherwise provided in subsection (o)(4)(A), the individual to whom this responsibility is assigned shall meet the requirements of Section 1.755, and the individual to whom this responsibility is assigned shall not provide the services described in Section 1.755 unless he or she meets the requirements of that Section.

A) In the event that no employee of the district holds any of the qualifications enumerated in Section 1.755, the individual to whom direction of the program is assigned shall be required to participate annually in professional development consisting of:

- i) undergraduate or graduate coursework in library science offered by a regionally accredited institution of higher education; or

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- ii) one or more workshops, seminars, conferences, institutes, symposia, or other similar training events that are offered by the Illinois State Library, a regional library system, or another professional librarians' organization; or
 - iii) one or more "library academies" if these are made available by or at the direction of the State Superintendent of Education.
- B) A district that is otherwise unable to fulfill the requirements of this subsection (o)(4) shall ensure that the overall direction of the library media program (e.g., selection and organization of materials, provision of instruction in information and technology literacy, structuring the work of library paraprofessionals) is accomplished with the advice of an individual who is qualified pursuant to Section 1.755.
- p) Physical Education
- ↳ Appropriate activity related to physical education shall be required of all students each day unless otherwise permitted by Section 27-6 of the School Code [105 ILCS 5/27-6]. The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated. [See Section 1.425 for additional requirements that apply to the provision of physical education instruction.](#)
 - 2) ~~There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.~~
 - 3) ~~If a district determines that it is difficult to implement a program of physical education that involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.~~
 - 4) ~~The physical education and training course offered in grades 5 through 10 may include health education (Section 27-5 of the School Code [105 ILCS 5/27-5]).~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 5) ~~Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act of 1987 [225 ILCS 60], prevents their participation in the courses provided for normal children (Section 27-6 of the School Code).~~
- 6) Pursuant to Section 27-6 of the School Code, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 shall be excused from participation in physical education.
- A) Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem "appropriate" for this purpose, which shall include, but need not be limited to, reliance upon religious prohibitions.
- B) A board shall have no authority to honor parental excuses based upon students' participation in athletic training, activities or competitions conducted outside the auspices of the school district, except as otherwise authorized under Section 27-6(b) of the School Code.
- C) For each type of excuse that will be considered "appropriate", the school board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.
- 7) In addition, pursuant to Section 27-6(b) of the School Code, each school board that chooses to excuse pupils enrolled in grades 9 through 12 from engaging in physical education courses under that subsection shall establish a policy to excuse pupils on an individual basis and shall have the policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.
- q) School Support Personnel Services

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

To assure provision of School Support Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

for equal treatment (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]); and

- 7) *include the study of the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression* (Section 27-21 of the School Code).
- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous career and technical education courses and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. The eye protective devices shall meet the nationally accepted standards set forth in "American National Standard Practice for Occupational and Educational Personal Eye and Face Protection Devices", ANSI/ISEA Z87.1-2010, issued by the American National Standards Institute, Inc., 1899 L Street, NW, 11th Floor, Washington, D.C. 20036. No later editions or amendments to these standards are incorporated.
- t) Each school district shall provide instruction as required by Sections 27-3.5, 27-13.2, 27-13.3, 27-23.3, 27-23.4 and 27-23.8 of the School Code [105 ILCS 5/27-3.5, 27-13.2, 27-13.3, 27-23.3, 27-23.4 and 27-23.8].

(Source: Amended at 40 Ill. Reg. 2990, effective January 27, 2016)

Section 1.425 Additional Criteria for Physical Education

The requirements of this Section apply to a school's provision of physical education required under Section 27-6 of the School Code.

- a) There shall be a definite school policy regarding credit earned each semester in physical education, with provisions for allowable variables in special cases.
- b) If a district determines that it is difficult to implement a program of physical education that involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.
- c) The physical education and training course offered in grades 5 through 10 may include health education (Section 27-5 of the School Code [105 ILCS 5/27-5]).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- d) Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act of 1987 [225 ILCS 60], prevents their participation in the courses provided for normal children (Section 27-6 of the School Code).
- e) Pursuant to Section 27-6(a) of the School Code, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 shall be excused from participation in physical education.
- 1) Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem "appropriate" for this purpose, which shall include, but not be limited to, reliance upon religious prohibitions.
 - 2) A board shall have no authority to honor parental excuses based upon students' participation in athletic training, activities or competitions conducted outside the auspices of the school district, except as otherwise authorized under Section 27-6(b) of the School Code.
 - 3) For each type of excuse that will be considered "appropriate", the school board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.
- f) Pursuant to Section 27-6(b) of the School Code, each school board that chooses to excuse pupils enrolled in grades 9 through 12 (or grades 3 through 12 for a student eligible for special education) from engaging in physical education courses under that subsection shall establish a policy to excuse pupils on an individual basis and shall have the policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.
- g) Assessment and Reporting
In accordance with Section 27-6.5 of the School Code [105 ILCS 5/27-6.5), each school shall use a scientifically-based, health-related physical fitness assessment

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

for grades 3 through 12 and periodically report fitness information to the State Board of Education to assess student fitness indicators.

- 1) For the purposes of this subsection (g), each school shall administer the FitnessGram[®] (<http://www.fitnessgram.net/>; also see subsection (g)(3)) to students in grades 3 through 12 (except as noted in subsection (g)(1)(A)) for the components and using the test items listed in subsections (g)(1)(A) through (g)(1)(D). Beginning in school year 2016-17, the FitnessGram[®] shall be administered at least annually in the second semester of the school year; however, schools also are encouraged to administer the assessment at the start of the school year in order to receive pre- and post-results.
 - A) Aerobic Capacity, grades 4 through 12, either the PACER test or the Mile Run test.
 - B) Flexibility, either the Back-Saver Sit and Reach test or the Trunk Lift test.
 - C) Muscular Endurance, the Curl-up test.
 - D) Muscular Strength, the Push-up test.
- 2) As applicable, a school shall use the methodologies of the Brockport Physical Fitness Testing accessible at <http://www.pyfp.org/assessment/free-materials.shtml> to meet the requirements of this subsection (g) for any student with disabilities whose Individualized Education Program (IEP) identifies the FitnessGram[®] as not appropriate.
- 3) In order to ensure that the FitnessGram[®] and Brockport protocols are followed, school personnel administering the assessments shall participate in training related to the proper administration and scoring of the assessment by reviewing the chapters of the FitnessGram[®] Test Administration Manual titled "Test Administration", "Aerobic Capacity", and "Muscular Strength, Endurance and Flexibility" and, if applicable, the Brockport Physical Fitness Test Manual for students with disabilities, which are accessible at <http://www.pyfp.org/assessment/free-materials.shtml>. Each school district shall maintain evidence of an individual's successful completion of the training and make it available to the State Board of Education upon request.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 4) *Fitness scores shall not be used for grading students or evaluating teachers under the provisions of Article 24A of the School Code (Section 27-6.5(b) of the School Code).*
- 5) Each school district shall annually report aggregate data regarding the total number of students whose fitness results for each of the components listed in subsection (g)(1) were identified as meeting the "healthy fitness zone" or as "needs improvement zone".
- A) Data shall be submitted electronically to the State Board of Education no later than May 1 of each school year, beginning in school year 2016-17, using the Illinois State Board of Education Web Application Security System (IWAS).
- B) Data shall be reported for students in grades 5, 7 and 10 only and include:
- i) the total number of students tested by grade and gender;
- ii) the total number of students achieving at the "healthy fitness zone" by grade and gender; and
- iii) the total number of students identified as "needs improvement zone" by grade and gender.
- h) Each school district shall establish procedures and protocols to ensure the confidentiality of individual student assessment results consistent with the requirements of the Illinois School Student Records Act [105 ILCS 10] and the Family Educational Rights and Privacy Act (20 USC 1232g).

(Source: Added at 40 Ill. Reg. 2990, effective January 27, 2016)

SUBPART E: SUPPORT SERVICES

Section 1.530 Health Services

- a) Each school shall maintain records for each student that reflect compliance with the examinations and immunizations prescribed by Section 27-8.1 of the School

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Code and the applicable rules and regulations of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 (Child Health Examination Code). The information relative to examinations and immunizations shall be placed in the student permanent record in accordance with 23 Ill. Adm. Code 375 (Student Records).

- 1) School districts shall, by November 15 of each school year, report to the State Superintendent of Education the number of students who have received the necessary health examinations and immunizations, the number of students who are not exempt and have not received the necessary health examinations and immunizations, and the number of students exempt from the health examination and immunization requirements for religious or medical reasons, in the manner prescribed by the State Superintendent.
 - 2) Any school district that, for two years in a row and in any combination, either fails to deliver its report to the State Superintendent of Education by November 15 or delivers a report that does not comply with the percentage requirements of Section 27-8.1 of the School Code shall be issued a Notice of Non-Compliance. Unless, within seven school days after the mailing of the notice, the district presents written evidence to the State Superintendent that it has delivered the report required by Section 27-8.1 and the report complies with the percentage requirements of that Section, the State Superintendent shall reduce by 10 percent each subsequent payment to the district of General State Aid funds under Section 18-8.05 of the School Code, provided that all amounts withheld shall be restored to the district after compliance is documented. The reduction in the district's General State Aid payments shall commence on January 1 and shall occur semi-monthly thereafter, provided that all amounts withheld shall be restored to the district after compliance is documented.
- b) Students participating in interscholastic athletics shall have an annual physical examination.
- 1) A district shall include as *part of any agreement, contract, code, or other written instrument that the district requires a student athlete and his or her parents or guardian to sign before participating in practice or interscholastic competition* information relative to the school board's adopted concussion and head injury policy. (See 105 ILCS 5/10-20.54

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

and 34-18.46.)

- 2) A district shall ensure that each student athlete and his or her parent or guardian receive and read information relative to concussions that meets the requirements of Section 22-80 of the School Code [105 ILCS 5/22-80]. A student shall *not participate in an interscholastic athletic activity for a school year until he or she and his or her parent or guardian, or another person with legal authority to make medical decisions for the student, acknowledge by written signature the receipt and review of this information.* (Section 22-80(e) of the School Code)
- c) Each district shall adopt an emergency procedure to be followed in cases of injury to or sudden illness of students and/or staff, which shall include policy and procedures relative to student athletes that meet the requirements of Section 22-80 of the School Code.

(Source: Amended at 40 Ill. Reg. 2990, effective January 27, 2016)

SUBPART G: STAFF QUALIFICATIONS

Section 1.705 Requirements for Supervisory and Administrative Staff

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

- a) Each district superintendent shall hold a professional educator license with a superintendent endorsement.
- b) Each principal or assistant principal shall hold a professional educator license with a general administrative or principal or superintendent endorsement, except that a head teacher serving in place of a principal as permitted by Section 10-21.4a of the School Code [105 ILCS 5/10-21.4a] shall hold a professional educator license endorsed for supervision.
- c) Each assistant superintendent shall hold a professional educator license with a general administrative, principal, director of special education or superintendent endorsement.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

accordance with 23 Ill. Adm. Code 25.365 (Endorsement for Director of Special Education).

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

(Source: Amended at 40 Ill. Reg. 2990, effective January 27, 2016)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 1.APPENDIX A Professional Staff Educator Licensure

Types of Licenses and Endorsements

The following list identifies the educator licenses that, 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.

Type of Endorsement*	Grade Level Valid For	Certificate Previously Issued	Years Valid	School Code or Ill. Adm. Code
----------------------	-----------------------	-------------------------------	-------------	-------------------------------

Professional Educator License				
Elementary (No longer issued after August 31, 2018)	K-9	03	5	21B-20; 21B-25
Elementary (Beginning September 1, 2017)	1-6	03	5	21B-20; 21B-25; 23 Ill. Adm. Code 25.97 (Endorsement for Elementary Education (Grades 1 through 6))
Elementary with National Board of Professional Teaching Standards (NBPTS) Master Teacher Designation	K-9 or 1-6	03	For the validity period of the NBPTS certification	21B-20; 21B-25; 21B-65
Early Childhood (No longer issued after August 31, 2020)	Generally Birth-Grade 3 (as endorsed)	04	5	21B-20; 21B-25
Early Childhood (Beginning September 1, 2017)	Generally Birth-Grade 2 (as endorsed)	04	5	21B-20; 21B-25; 23 Ill. Adm. Code 25.96 (Endorsement for Early Childhood Education (Birth through Grade 2))

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Early Childhood with NBPTS Designation	Generally Birth-Grade 3 (as endorsed)	04	For the validity period of the NBPTS certification	21B-20; 21B-25; 21B-65
Middle School (No longer issued after January 31, 2018)	5-8	None	5	21B-20; 21B-25; 23 Ill. Adm. Code 1.720 (Requirements for Teachers of Middle Grades)
Middle Grades (Beginning February 1, 2018)	5-8	None	5	21B-20; 21B-25; 23 Ill. Adm. Code 25.99 (Endorsement for the Middle Grades (Grades 5 through 8))
Secondary	6-12	09	5	21B-20; 21B-25
Secondary with NBPTS Designation	6-12	09	For the validity period of the NBPTS certification	21B-20; 21B-25; 21B-65
Special K-12	K-12 Field Endorsed	10	5	21B-20; 21B-25
Special K-12 with NBPTS Designation	K-12 Field Endorsed	10	For the validity period of the NBPTS certification	21B-20; 21B-25; 21B-65
Special Preschool-Age 2	Generally Birth-Age 21	10	5	21B-20; 21B-25
Special Preschool-Age 2 with NBPTS Designation	Generally Birth-Age 21	10	For the validity period of the NBPTS certification.	21B-20; 21B-25; 21B-65
General Administrative (No longer issued after June 30, 2016 August 31, 2014)	PreK-12	75	5	21B-25(2)(A); 23 Ill. Adm. Code 25.335

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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 <u>on a Professional Educator License</u>	PreK-12	75	5	21B-20; 21B-25(2)(C); 23 Ill. Adm. Code 25.345 (<u>Endorsement for Chief School Business Official</u>)
<u>Chief School Business Official on an Educator License with Stipulations</u>	<u>PreK-12</u>	<u>None</u>	<u>5</u>	<u>21B-20(2)(K); 23 Ill. Adm. Code 25.345</u>
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 (<u>Teacher Leader Endorsement (Beginning September 1, 2012)</u>)
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 (<u>School Support Personnel</u>)

Educator License with Stipulations

Provisional Educator – Early Childhood	Generally Birth- Grade 3	05	2 (No renewals)	21B-20(2)(A)
---	--------------------------------	----	-----------------	--------------

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

	(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)
Alternative Provisional Educator – Elementary	K-9 or 1-6	22 or 23	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 Provisional Educator – Secondary	9-12	24 or 25	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 Provisional Superintendent (Beginning January 1, 2013)	All	26	2 (No renewals)	21B-20(2)(C); 23 Ill. Adm. Code 25.311 (Alternative Route to Superintendent Endorsement)
Alternative Provisional Educator – Special	K-12 Field Endorsed	27	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
Transitional Bilingual Educator	PreK-12 Language Endorsed	29	5 (No renewals)	21B-20(2)(G); 23 Ill. Adm. Code 25.90 (Endorsement for Transitional Bilingual Educator)
Provisional Educator – Elementary	K-9 or 1-6	30	2 (No renewals)	21B-20(2)(A)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Provisional Educator – Middle Grades	5-8	Not applicable	2 (No renewals)	21B-20(2)(A)
Provisional Educator – Secondary	6-12	31	2 (No renewals)	21B-20(2)(A)
Provisional Educator – Special	K-12 Field Endorsed	33	2 (No renewals)	21B-20(2)(A)
Career and Technical Educator	7-12 Field Endorsed **	35	5	21B-20(2)(E); 23 Ill. Adm. Code 25.70 (Endorsement for Career and Technical Educator)
Provisional Career and Technical Educator	11-12 Field Endorsed ***	36	5 (Renewable for one 5-year period)	21B-20(2)(F); 23 Ill. Adm. Code 25.72 (Endorsement for Provisional Career and Technical Educator)
Part-Time Provisional Career and Technical Educator	6-12	40	5 (Renewable for one 5-year period)	21B-20(2)(F); 23 Ill. Adm. Code 25.80 (Endorsement for Part-time Provisional Career and Technical Educator)
Visiting International Educator – Special	K-12	50	3 (No renewals)	21B-20(2)(I); 23 Ill. Adm. Code 25.92 (Endorsement for Visiting International Educator)
Visiting International Educator – Elementary	K-9	53	3 (No renewals)	21B-20(2)(I); 23 Ill. Adm. Code 25.92
Visiting International Educator – Early Childhood	Birth-Grade 3	54	3 (No renewals)	21B-20(2)(I); 23 Ill. Adm. Code 25.92
Visiting International Educator – Secondary	9-12	59	3 (No renewals)	21B-20(2)(I); 23 Ill. Adm. Code 25.92
Provisional Educator – School Support Personnel	Generally Birth-Age 21 Area of	74	2 (No renewals)	21B-20(2)(A)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

	Service Endorsed			
Provisional Administrative (Does not include principal or assistant principal)	K-12	76	2 (No renewals)	21B-20(2)(A)
Resident Teacher – Special****	K-12	80	4 (No renewals)	21B-20(2)(D)
Resident Teacher – Elementary****	K-9	83	4 (No renewals)	21B-20(2)(D)
Resident Teacher – Early Childhood****	Birth-Grade 3	84	4 (No renewals)	21B-20(2)(D)
Resident Teacher – Secondary****	6-12	89	4 (No renewals)	21B-20(2)(D)

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.
- ** 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 holder is employed to teach in any of grades 9 through 12 in the field of specialization, the educator license 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 40 Ill. Reg. 2990, effective January 27, 2016)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 1.APPENDIX D State Goals for Learning

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

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

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

MATHEMATICS

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

SCIENCE

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

Standards:

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

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

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

Standards:

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

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

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

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

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

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

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

Standards:

Know and apply the accepted practices of science.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

SOCIAL SCIENCE

Beginning in the 2017-18 school year, there are no State Goals for Learning in this area and the standards applicable to individual grade levels shall be in effect.

Through the 2016-17 School Year

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

Standards:

Understand and explain basic principles of the United States government.

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

Understand election processes and responsibilities of citizens.

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

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

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

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

Standards:

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

Understand that scarcity necessitates choices by consumers.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

Understand trade as an exchange of goods or services.

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

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

Standards:

Apply the skills of historical analysis and interpretation.

Understand the development of significant political events.

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

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

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

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

Standards:

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

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

Understand relationships between geographic factors and society.

Understand the historical significance of geography.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

Standards:

Compare characteristics of culture as reflected in language, literature, the arts, traditions and institutions.

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

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

Standards Beginning in the 2017-18 School Year

The Social Science Standards consist of both inquiry standards and disciplinary standards. In implementing the Social Science Standards, the inquiry standards should be used simultaneously with the individual disciplinary standards to ensure both students' comprehension and application of the knowledge and skills acquired.

Inquiry Standards

Kindergarten and Grades 1 and 2

Create questions to help guide inquiry about a topic with guidance from adults and/or peers.

Explore facts from various sources that can be used to answer the developed questions.

Gather information from one or two sources with guidance and support from adults and/or peers.

Evaluate a source by distinguishing between fact and opinion.

Ask and answer questions about arguments and explanations.

Use listening, consensus-building and voting procedures to decide on and take action in the classroom.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Grades 3-5

Develop essential questions and explain the importance of the questions to self and others.

Create supporting questions to help answer the essential questions in an inquiry.

Determine sources representing multiple points of view that will assist in answering the essential questions.

Gather relevant information and distinguish between fact and opinion to determine credibility of multiple sources.

Develop claims using evidence from multiple sources to answer essential questions.

Construct and critique arguments and explanations using reasoning, examples and details from multiple sources.

Identify a range of local problems and some ways in which people are trying to address these problems.

Use listening, consensus-building and voting procedures to decide on and take action in the classroom and school.

Grades 6-8

Create essential questions to help guide inquiry about a topic.

Ask essential and focusing questions that will lead to independent research.

Determine sources representing multiple points of view that will assist in organizing a research plan.

Determine the value of sources by evaluating their relevance and intended use.

Determine the credibility of sources based upon their origin, authority and context.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Gather relevant information from credible sources and determine whether they support each other.

Appropriately cite all the sources used.

Identify evidence from multiple sources to support claims, noting any limitations of the evidence.

Develop claims and counterclaims while pointing out the strengths and limitations of both.

Construct arguments using claims and evidence from multiple sources, while acknowledging the arguments' strengths and limitations.

Construct explanations using reasoning, correct sequencing, examples and details, while acknowledging their strengths and weaknesses.

Present arguments and explanations that would appeal to audiences and venues outside of the classroom, using a variety of media.

Critique the structure and credibility of arguments and explanations (self and others).

Analyze how a problem can manifest itself and the challenges and opportunities faced by those trying to address it.

Assess individual and collective capacities to take action to address problems and identify potential outcomes.

Apply a range of deliberative and democratic procedures to make decisions and take action in schools and community contexts.

Grades 9-12

Address essential questions that reflect an enduring issue in the field.

Explain how supporting questions contribute to an inquiry.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Develop new supporting and essential questions through investigation, collaboration and using diverse sources.

Gather and evaluate information from multiple sources while considering the origin, credibility, point of view, authority, structure, context and corroborative value of the sources.

Identify evidence that draws information from multiple sources to revise or strengthen claims.

Construct and evaluate explanations and arguments using multiple sources and relevant, verified information.

Articulate explanations and arguments to a targeted audience in diverse settings.

Use interdisciplinary lenses to analyze the causes and effects of, and identify solutions to, local, regional or global concerns.

Use deliberative processes and apply democratic strategies and procedures to address local, regional or global concerns, and take action in or out of school.

Civics StandardsKindergarten

Describe roles and responsibilities of people in authority.

Explain the need for and purposes of rules in various settings, inside and outside of the school.

Grade 1

Explain how all people, not just official leaders, play important roles in a community.

Identify and explain how rules function in various settings, inside and outside of the school.

Grade 2

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Explain what governments are and some of their functions (e.g., making and enforcing laws, protecting citizens, collecting taxes).

Describe how communities work to accomplish common tasks, establish responsibilities and fulfill roles of authority.

Grade 3

Describe ways in which interactions among families, workplaces, voluntary organizations and government benefit communities.

Explain how groups of people make rules to create responsibilities and protect freedoms.

Compare procedures for making decisions in the classroom, school and community.

Describe how people have tried to improve their communities over time.

Grade 4

Distinguish the responsibilities and powers of government at the local, State and national levels.

Explain how a democracy relies on people's responsible participation, and draw implications for how individuals should participate.

Identify core civic virtues, such as honesty, mutual respect, cooperation and attentiveness to multiple perspectives, and democratic principles, such as equality, freedom, liberty and respect for individual rights, that guide Illinois and the United States.

Explain how rules and laws change society and how people change rules and laws in Illinois.

Grade 5

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Distinguish the responsibilities and powers of government officials at various levels and branches of government and in different times and places.

Examine the origins and purposes of rules, laws and key U.S. constitutional provisions.

Compare the origins, functions and structure of different systems of government.

Explain how policies are developed to address public problems.

Grades 6-8

Identify roles played by citizens, for example, voters, jurors, taxpayers, military, protesters and officeholders.

Describe the origins, purposes and impact of constitutions, laws, treaties and international agreements.

Describe the roles of political, civil and economic organizations in shaping people's lives.

Explain the origins, functions and structure of government with reference to the U.S. Constitution, Illinois Constitution and other systems of government.

Evaluate the powers and responsibilities of citizens, political parties, interest groups and the media.

Analyze the powers and limits of governments, public officials and bureaucracies at different levels in the United States and other countries.

Compare the means by which individuals and groups change societies, promote the common good and protect rights.

Explain the connection between interests and perspectives, civic virtues and democratic principles when addressing issues in government and society.

Apply civic virtues and democratic principles in school and community settings.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Compare the means by which individuals and groups change societies, promote the common good and protect rights.

Analyze ideas and principles contained in the founding documents of the United States and other countries, and explain how they influence the social and political system.

Compare the means by which individuals and groups change societies, promote the common good and protect rights.

Critique deliberative processes used by a wide variety of groups in various settings.

Determine whether specific rules and laws (both those that are in effect and proposed) resolve the problems they were meant to address.

Analyze the purposes, implementation and consequences of public policies in historic and contemporary settings.

Develop procedures for making decisions in historic and contemporary settings, such as the school, civil society, or local, state or national government.

Grades 9-12

Distinguish the rights, roles, powers and responsibilities of individuals and institutions in the political system.

Evaluate the opportunities and limitations of participation in elections, voting and the electoral process.

Analyze the impact of constitutions, laws and agreements on the maintenance of order, justice, equality and liberty.

Explain how the U.S. Constitution established a system of government that has powers, responsibilities and limits that have changed over time and are still contested while promoting the common good and protecting rights.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Analyze the impact of personal interest and diverse perspectives on the application of civic dispositions, democratic principles, constitutional rights and human rights.

Describe how political parties, the media and public interest groups both influence and reflect social and political interests.

Describe the concepts and principles that are inherent to American constitutional democracy.

Analyze how individuals use and challenge laws to address a variety of public issues.

Evaluate public policies in terms of intended and unintended outcomes and related consequences.

Explain the role of compromise and deliberation in the legislative process.

Economic StandardsKindergarten

Explain that choices are made because of scarcity (i.e., because individuals cannot have everything that they want).

Grade 1

Explain and give examples of when choices are made that something else is given up.

Describe the skills and knowledge required to produce certain goods and services.

Explain how people earn pay or income in exchange for work.

Grade 2

Demonstrate how our choices can affect ourselves and others in positive and negative ways.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Explain the role of money in making exchange easier.

Compare the goods and services that people in the local community produce and those that are produced in other communities.

Explain that money can be saved or spent on goods and services.

Grade 3

Compare the goods and services that people in the local community produce and those that are produced in other communities.

Generate examples of the goods and services that governments provide.

Describe the role of banks and other financial institutions in an economy.

Explain that, when people borrow, they receive something of value now and agree to repay the lender over time.

Grade 4

Explain how profits reward and influence sellers.

Describe how goods and services are produced using human, natural and capital resources (e.g., tools, machines).

Analyze how spending choices are influenced by prices, as well as many other factors (e.g., advertising, peer pressure, options).

Explain that income can be saved, spent on goods and services, or used to pay taxes.

Grade 5

Analyze why and how individuals, businesses and nations around the world specialize and trade.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Discover how positive incentives (e.g., sale prices, earning money) and negative consequences (e.g., library fines, parking tickets) influence behavior in the U.S. economy and around the world.

Determine the ways in which government pays for goods and services it provides.

Explain that interest is the price the borrower pays for using someone else's money.

Grades 6-8

Explain how economic decisions affect the well-being of individuals, businesses and society.

Explain how external benefits and costs influence choices.

Evaluate alternative approaches or solutions to current economic issues in terms of benefits and costs for different groups and society as a whole.

Analyze the role of innovation and entrepreneurship in a market economy.

Describe the roles of institutions, such as corporations, non-profit organizations and labor unions, in a market economy.

Explain how changes in supply and demand cause changes in prices and quantities of goods and services, labor, credit and foreign currencies.

Explain why standards of living increase as productivity improves.

Explain barriers to trade and how those barriers influence trade among nations.

Evaluate employment, unemployment, inflation, total production, income and economic growth data and how they affect different groups.

Analyze the relationship among skills, education, jobs and income.

Explain the roles and relationships among savers, borrowers, interest, time and the purposes for saving.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Identify how people choose to buy goods and services while still maintaining a budget based on income, taxes, savings, and fixed and variable expenses.

Explain the correlation among investors, investment options (and associated risks) and income/wealth.

Describe the connection among credit, credit options, interest and credit history.

Analyze the relationship among financial risks and protection, insurance and costs.

Grades 9-12

Analyze how scarcity and incentives influence choices to consume or produce for different individuals and groups.

Use marginal benefits and marginal costs to propose a solution to an economic issue for an individual or community.

Evaluate how much competition exists within and among sellers and buyers in specific markets.

Evaluate the effectiveness of government policies to improve market outcomes, address inequality or reduce inefficiencies.

Analyze the ways in which competition and government regulation influence what is produced and distributed in a market system.

Use data and economic indicators to analyze past and current states of the economy and predict future trends.

Describe how government policies are influenced by and have an impact on a variety of stakeholders.

Analyze how advances in technology and investment in capital goods and human capital affect economic growth and standards of living.

Analyze the role of comparative advantage in global trade of goods and services.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Explain how globalization trends and policies affect social, political and economic conditions in different nations.

Analyze the costs and benefits of various strategies to increase income.

Explain how to make informed financial decisions by collecting information, planning and budgeting.

Explain how time, interest rates and inflation influence saving patterns over a lifetime.

Analyze costs and benefits of different credit and payment options for goods and services, the role of lenders and interest.

Evaluate risks and rates of return of diversified investments.

Analyze the costs and benefits of insurance, including the influences of an individual's characteristics and behavior.

Geography StandardsKindergarten

Explain how weather, climate and other environmental characteristics affect people's lives.

Identify and explain how people and goods move from place to place.

Grade 1

Construct and interpret maps and other representations to navigate a familiar place.

Grade 2

Construct and interpret maps and other graphic representations of both familiar and unfamiliar places.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Identify some cultural and environmental characteristics of your community and compare to other places.

Explain how people in your community use local and distant environments to meet their daily needs.

Grade 3

Locate major landforms and bodies of water on a map or other representation.

Compare how people modify and adapt to the environment and culture in their community to other places.

Show how the consumption of products connects people to distant places.

Grade 4

Construct and interpret maps of Illinois and the United States using various media.

Analyze how the cultural and environmental characteristics of places in Illinois change over time.

Describe some of the current movements of goods, people, jobs or information to, from or within Illinois, and explain the reasons for the movements.

Grade 5

Investigate how the cultural and environmental characteristics of places within the United States change over time.

Describe how humans have utilized natural resources in the United States.

Compare the environmental characteristics of the United States to other world regions.

Analyze the effects of specific catastrophic and environmental events, as well as technological developments, that have affected the United States and compare those to other places.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Grades 6-8

Use geographic representations (e.g., maps, photographs, satellite images) to explain relationships between the locations (places and regions) and changes in their environment.

Use mapping and graphing to represent and analyze spatial patterns of different environmental and cultural characteristics.

Construct different representations to explain the spatial patterns of cultural and environmental characteristics.

Explain how humans and their environment affect one another.

Compare and contrast the cultural and environmental characteristics of different places or regions.

Evaluate how cultural and economic decisions influence environments and the daily lives of people in both nearby and distant places.

Explain how environmental characteristics affect human migration and settlement.

Explain how changes in transportation and communication influence the spatial connections among human settlements and affect the spread of ideas and culture.

Evaluate the influences of long-term, human-induced environmental change on spatial patterns of conflict and cooperation.

Identify how cultural and environmental characteristics vary among regions of the world.

Explain how global changes in population distribution patterns affect changes in land use.

Analyze how the environmental characteristics of places and production of goods influence patterns of world trade.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Grades 9-12

Use maps (created using geospatial and related technologies, if possible), satellite images and photographs to display and explain the spatial patterns of physical, cultural, political, economic and environmental characteristics.

Use self-collected or pre-existing data sets to generate spatial patterns at multiple scales that can be used to conduct analyses or to take civic action.

Analyze and explain how humans affect and interact with the environment and vice versa.

Evaluate how political and economic decisions have influenced cultural and environmental characteristics of various places and regions.

Analyze how human societies plan for and respond to the consequences of human-made and naturally occurring catastrophes and how these events affect trade, politics and migration.

Analyze how historical events and the diffusion of ideas, technologies and cultural practices have influenced migration patterns and the distribution of the human population.

Evaluate how economic activities and political decisions affect spatial patterns within and among urban, suburban and rural regions.

Evaluate how short- and long-term climate variability affects human migration and settlement patterns, resource use and land uses.

Describe and explain the characteristics that constitute a particular culture.

Explain how and why culture shapes worldview.

Explain how globalization affects the cultural, political, economic and environmental characteristics of a place or region.

Evaluate how competition for scarce natural resources contributes to conflict and cooperation within and among countries.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

History StandardsKindergarten

Compare life in the past to life today.

Explain the significance of the national holidays of the United States, and the heroism and achievements of the people associated with them.

Grade 1

Create a chronological sequence of multiple events.

Describe individuals and groups who have shaped a significant historical change.

Compare perspectives of people in the past to those of people in the present.

Grade 2

Summarize changes that have occurred in the local community over time.

Compare individuals and groups who have shaped a significant historical change.

Explain how different kinds of historical sources, such as written documents, objects, artistic works and oral accounts, can be used to study the past.

Grade 3

Create and use a chronological sequence of events.

Describe how significant people, events and developments have shaped students' own community and region.

Identify artifacts and documents as either primary or secondary sources of historical data from which historical accounts are constructed.

Grade 4

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Explain connections among historical contexts and why individuals and groups differed in their perspectives during the same historical period.

Using artifacts and primary sources, investigate how individuals contributed to the founding and development of Illinois.

Explain probable causes and effects of events and developments in Illinois history.

Grade 5

Create and use a chronological sequence of related events to compare developments that happened at the same time.

Use information about a historical source, including the maker, date, place of origin, intended audience and purpose, to judge the extent to which the source is useful for studying a particular topic.

Explain probable causes and effects of events and developments in U.S. history.

Grades 6-8

Classify a series of historical events and developments as examples of change and/or continuity.

Analyze connections among events and developments in broader historical contexts.

Use questions generated about individuals and groups to analyze why they, and the developments they shaped, are seen as historically significant.

Explain how and why perspectives of people have changed over time.

Analyze multiple factors that influenced the perspectives of people during different historical eras.

Analyze how people's perspectives influenced what information is available in the historical sources they created.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Classify the kinds of historical sources used in a secondary interpretation.

Detect possible limitations in the historical record based on evidence collected from different kinds of historical sources.

Analyze how people's perspectives influenced what information is available in the historical sources they created. Use other historical sources to infer a plausible maker, date, place of origin and intended audience for historical sources when this information is not easily identified.

Explain multiple causes and effects of historical events.

Compare the central historical arguments in secondary works across multiple media.

Organize applicable evidence into a coherent argument about the past.

Grades 9-12

Evaluate how historical developments were shaped by time and place, as well as broader historical contexts.

Analyze change and continuity within and across historical eras.

Evaluate the methods used by people and institutions to promote change.

Analyze how people and institutions have reacted to environmental, scientific and technological challenges.

Analyze the factors and historical context that influenced the perspectives of people during different historical eras.

Analyze the concept and pursuit of the "American Dream".

Identify the role of individuals, groups and institutions in people's struggle for safety, freedom, equality and justice.

Analyze key historical events and contributions of individuals through a variety of perspectives, including those of historically underrepresented groups.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Analyze the relationship between historical sources and the secondary interpretations made from them.

Analyze the causes and effects of global conflicts and economic crises.

Analyze multiple and complex causes and effects of events in the past.

Analyze the geographic and cultural forces that have resulted in conflict and cooperation.

Standards for Anthropology, Psychology and Sociology Apply to Grades 9-12 Only

Anthropology Standards

Analyze the elements of culture and explain the factors that shape these elements differently around the world.

Explain how cultures develop and vary in response to their physical and social environment, including local, national, regional and global patterns.

Explain why anthropologists study culture from a holistic perspective.

Evaluate one's own cultural assumptions using anthropological concepts.

Apply anthropological concepts and anthropological knowledge to a variety of everyday, real-world situations.

Explain how local actions can have global consequences and how global patterns and processes can affect seemingly unrelated local actions.

Psychology Standards

Identify scientific methodologies utilized in psychological research.

Evaluate the conclusions made by psychological research, including ethical concerns.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Understand a variety of psychological perspectives and apply their concepts and theoretical ideas to the investigation of similarities and differences in behavior and mental processes.

Analyze how biological, psychological and sociocultural factors and their interactions influence individuals' behavior and mental processes.

Evaluate the complexities of human thought and behavior, as well as the factors related to the individual differences among people.

Identify and apply psychological thinking to personal and societal experiences and issues.

Apply psychological knowledge to one's daily life.

Use appropriate psychological terminology with reference to psychologists and their experiments and theories in order to explain the possible causes of and impact on behavior and mental processes.

Sociology Standards

Identify and apply the sociological perspective and a variety of sociological theories.

Analyze the impact of social structure, including culture, institutions and societies.

Hypothesize how primary agents of socialization influence the individual.

Describe the impact of social relationships on the self, groups and socialization processes.

Explain the social construction of self and groups and their impact on the life changes of individuals.

Analyze the impact of stratification and inequality on groups and the individuals within them.

PHYSICAL DEVELOPMENT AND HEALTH

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

Standards:

Demonstrate physical competency in a variety of motor skills and movement patterns.

Analyze various movement concepts and applications.

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

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

Standards:

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

Assess individual fitness levels.

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

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

Standards:

Demonstrate personal responsibility during group physical activities.

Demonstrate cooperative skills during structured group physical activity.

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

Standards:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

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

Explain how the environment can affect health.

Describe how to advocate for the health of individuals, families and communities.

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

Standards:

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

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

Describe factors that affect growth and development.

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

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

Standards:

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

Apply decision-making skills related to the protection and promotion of individual, family and community health.

Demonstrate skills essential to enhancing health and avoiding dangerous situations.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

FINE ARTS

State Goal 25: Know the language of the arts.

Standards:

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

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

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

Standards:

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

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

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

Standards:

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

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

(Source: Amended at 40 Ill. Reg. 2990, effective January 27, 2016)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Programs for the Preparation of Principals in Illinois
- 2) Code Citation: 23 Ill. Adm. Code 30
- 3) Section Number: 30.20 Adopted Action:
Amendment
- 4) Statutory Authority: 105 ILCS 5/21B-60
- 5) Effective Date of Rules: January 27, 2016
- 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*: 39 Ill. Reg. 13210; October 2, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested, and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: PA 99-58, effective July 16, 2015, amended Section 21B-60 of the School Code to remove a provision requiring principal preparation programs offered by not-for-profit entities to seek approval of the programs from the Illinois Board of Higher Education (BHE), as well as from the State Board of Education. The requirement was part of the original principal preparation legislation enacted in 2010. BHE, however, asked the agency to pursue legislation to remove the requirement, as it was burdensome for the board of higher education. Additionally, the requirement

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

appreciably increased the length of time it took to review and approve proposals from not-for-profit entities wishing to offer principal preparation programs.

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

Jason Helfer, Assistant Superintendent
Department of Educator Effectiveness
Illinois State Board of Education
100 North First Street, E-315
Springfield IL 62777

217/782-4123

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

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; amended at 39 Ill. Reg. 4009, effective February 24, 2015; amended at 40 Ill. Reg. 3055, effective January 27, 2016.

Section 30.20 Purpose and Applicability

- a) This Part sets forth the requirements for the approval of programs to prepare individuals *to be highly effective in leadership roles to improve teaching and learning and increase academic achievement and the development of all students* [105 ILCS 5/21B-60].
- b) Requirements of this Part are in addition to the requirements for the approval of new educator preparation programs set forth in 23 Ill. Adm. Code 25.Subpart C.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

~~*Any program offered in whole or in part by a not for profit entity also must be approved by the Board of Higher Education [105 ILCS 5/21B-60].*~~

- c) *Candidates successfully completing a principal preparation program shall obtain a principal endorsement on a Professional Educator License and are eligible to work as a principal, or an assistant principal or in related or similar positions (Section 21B-60 of the School Code; also see 23 Ill. Adm. Code 25.337).*
- d) No later than September 1, 2014, all programs for the preparation of principals shall meet the requirements set forth in this Part.
- e) Beginning September 1, 2012, institutions or not-for-profit entities may admit new candidates only to principal preparation programs that have been approved under this Part.

(Source: Amended at 40 Ill. Reg. 3055, effective January 27, 2016)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Health/Life Safety Code for Public Schools
- 2) Code Citation: 23 Ill. Adm. Code 180
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
180.10	Amendment
180.30	Amendment
180.60	Amendment
180.100	Amendment
180.200	Amendment
180.225	Amendment
180.230	Amendment
180.250	Amendment
180.320	Amendment
180.330	Amendment
180.500	Amendment
180.APPENDIX A	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.12, 2-3.25, 2-3.137, and 17-2.11
- 5) Effective Date of Rules: January 27, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes; see Section 180.60.
- 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*: 39 Ill. Reg. 13214; October 16, 2015
- 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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: Part 180 sets forth the standards, criteria and procedures for new construction, renovations, additions and other building modifications. Generally, the provisions of Part 180 apply to school districts located outside of the city of Chicago [105 ILCS 5/2-3.12(j)]. School facilities in the city of Chicago are governed by Chicago building codes rather than those identified by the State Board of Education. Charter schools established under Article 27A of the School Code [105 ILCS 5/Art. 27A] that are located outside the geographic boundaries of the city of Chicago also are subject to Part 180 pursuant to 105 ILCS 5/27A-5(d). A change in Section 180.10(b) of the rules makes that requirement explicit.

Starting on July 1, 2016, school districts subject to Part 180 will be required to use the 2015 International Building Code (IBC) with respect to any project for which the design contract is executed on or after that date. Section 180.60 communicates that change and provides exceptions from the IBC that apply in certain instances. Additionally, further clarification has been made about the applicability of the 2015 IBC to existing facilities. That is, an existing facility remains in compliance with the building code in effect at the time it was constructed. A chart has been added as Appendix A that presents the codes that were in effect over the years to assist school districts in making a determination about which code applies.

The rulemaking also responded to two recently enacted public acts. PA 97-355, effective January 1, 2012, amended Section 10-20.51 of the School Code to provide an exemption from compliance with the Illinois Accessibility Code for press boxes that are one level and are not more than 500 square feet. PA 98-883, effective January 1, 2015, sets forth the standards required for storm shelters. These exceptions are noted in Section 180.60(b)(3) and (b)(4).

Other changes:

- encourage employees of the State Board, regional offices of education, intermediate service centers and Office of the State Fire Marshal to seek approval to be plan reviewers and inspectors by waiving the application fee, as well as clarify the period of validity of that approval (Section 180.100);
- allow the submission of the plan review records for sprinkler systems after a permit is issued in certain circumstances (Section 180.200);

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- allow submission of a Certificate of Completion instead of a Certificate of Occupancy when work to a facility does not affect the occupancy of that building (Section 180.225); and
- require that the Certificate of Occupancy specify each facility (main building and any outbuildings) to which it will apply (Section 180.230) to ensure that each building affected is in compliance, particularly when requesting fire prevention and safety funds (Section 180.500).

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

Debbie Vespa, Division Administrator
Division of School Business Services
Illinois State Board of Education
100 North First Street, N-330
Springfield IL 62777

217/785-8779

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 d: CONSTRUCTION AND BUILDING MAINTENANCE

PART 180

HEALTH/LIFE SAFETY CODE FOR PUBLIC SCHOOLS

SUBPART A: GENERAL PROVISIONS

Section

180.10	Purpose and Scope
180.20	Severability
180.30	Definitions
180.40	Responsibilities of Local School Board
180.50	Responsibilities of Regional Superintendent
180.60	Applicability
180.70	Variances and Waivers
180.80	Vehicular Facilities

SUBPART B: REQUIRED QUALIFICATIONS

Section

180.100	Approval Procedure for Plan Reviewers and Inspectors
180.110	Specific Requirements for Plan Reviewers
180.120	Specific Requirements for Inspectors

SUBPART C: CONSTRUCTION AND LIKE ACTIVITIES

Section

180.200	Application for Building Permit
180.210	Issuance of Building Permit
180.220	Inspections During and Upon Completion of Construction
180.225	Application for Certificate of Occupancy or Statement of Completion
180.230	Certificate of Occupancy
180.240	Demolition or Movement of Buildings or Other Structures
180.250	Sprinkler Systems
180.260	Sprinkler System Requirements and Applicability (Repealed)
180.270	Standards for Sprinkler Systems (Repealed)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

180.280 Standards for Sprinkler System Plans and Specifications (Repealed)

SUBPART D: INSPECTIONS

Section

180.300 Annual Building and Fire Safety Inspections
180.310 Decennial Inspections
180.320 Safety Survey Report
180.330 Safety Reference Plans
180.340 Local Board Action and Approval of Safety Survey Reports

SUBPART E: ADDRESSING VIOLATIONS

Section

180.400 Violations
180.410 Unsafe Conditions
180.420 Temporary Closing and Condemnation

SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

Section

180.500 Request for Authorization
180.510 Initiation of Work (Repealed)
180.520 Accounting for Fire Prevention and Safety Funds (Repealed)
180.530 Emergencies
180.540 Cost Estimates

[180.APPENDIX A Building Code Applicability](#)

AUTHORITY: Implementing and authorized by Sections 2-3.12, 2-3.25, 2-3.137, and 17-2.11 of the School Code [105 ILCS 5/2-3.12, 2-3.25, 2-3.137, and 17-2.11].

SOURCE: Adopted at 19 Ill. Reg. 5004, effective March 24, 1995; amended at 22 Ill. Reg. 12514, effective July 6, 1998; amended at 29 Ill. Reg. 15904, effective October 3, 2005; amended at 31 Ill. Reg. 14296, effective September 25, 2007; amended at 32 Ill. Reg. 13351, effective July 25, 2008; amended at 33 Ill. Reg. 15265, effective October 20, 2009; amended at 34 Ill. Reg. 9515, effective June 24, 2010; amended at 40 Ill. Reg. 3059, effective January 27, 2016.

STATE BOARD OF EDUCATION
NOTICE OF ADOPTED AMENDMENTS
SUBPART A: GENERAL PROVISIONS

Section 180.10 Purpose and Scope

- a) The purpose of this Part is to establish minimum standards for public school facilities which will protect the health, safety, and general welfare of the pupils, school personnel, and others who use them.
- b) Applicability
 - 1) The requirements set forth in this Part shall apply to all Illinois public school districts established under Article 10 of the School Code [105 ILCS 5/Art. 10] and any charter school authorized under Article 27A of the School Code [105 ILCS 5/Art. 27A] by these school districts.
 - 2) The requirements set forth in this Part shall apply to any charter school established under Article 27A of the School Code by the State Charter School Commission, except for those charter schools located within the geographic boundaries of school districts governed by Article 34 of the School Code.
 - 3) School districts ~~except those~~ governed by Article 34 of the School Code and any charter schools authorized under Article 27A of the School Code and located within these school districts shall be. ~~The facilities of districts governed by Article 34 are~~ subject to only the requirements of Section 180.250 of this Part (see Section 22-23 of the School Code [105 ILCS 5/22-23]),₂ and in all other respects shall comply with local building codes.

(Source: Amended at 40 Ill. Reg. 3059, effective January 27, 2016)

Section 180.30 Definitions

"Annual Inspection" means the inspection conducted annually under the authority of a regional superintendent, as required by Section 3-14.21 of the School Code [105 ILCS 5/3-14.21].

"Approved Inspection Agency" (also commonly referred to as "Nationally Recognized Testing Laboratory") means any of the following:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

American Gas Association Laboratories

Central Experiment Station, Bureau of Mines, U.S. Department of the Interior

Engineering Experiment Station, Ohio State University

Factory Mutual Laboratories (Factory Mutual Engineering Division)

Forest Products Laboratory, U.S. Department of Agriculture

National Bureau of Standards, U.S. Department of Commerce

Southwest Research Institute

Underwriters' Laboratories, Inc.

Underwriters' Laboratories of Canada

"Architect" means an architect licensed to practice in Illinois under the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and the administrative rules of the Department of Professional Regulation which implement that Act (68 Ill. Adm. Code 1150).

"Called Inspection" means a routine visit by a design professional or a qualified inspector to a construction site, as may be required by the codes referred to in Section 180.60 ~~of this Part~~, to check for compliance with applicable codes during a specific phase of construction and to ensure that the permit holder does not deviate from the approved plans and specifications.

"Called Inspection Record" means a form, used during a called inspection to capture information regarding compliance and noncompliance, that is prepared by a design professional or a qualified inspector and accompanied by a copy of that individual's proper identification.

"Change in Use" means any change in how an existing facility is operated, or the purpose for which it is used, that requires greater structural strength, changes in provisions for ingress or egress, or changes in the electrical system, plumbing system, heating, ventilating, and air conditioning system, fire protection system,

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

or other system required by this Part.

"Construction Documents" means the written and pictorial documents prepared or assembled by a design professional to describe the design, location, and physical characteristics of a project involving construction or other like activities subject to the requirements of this Part. ~~These~~Such documents include plans, specifications, inspection reports, test reports, maps, educational specifications, enrollment projections, maintenance logs, safety reference plans, and other, similar, descriptive documents.

"Plans" are drawings. They show what a building, system, or component looks like or will look like at a particular stage of construction.

"Specifications" are instructions. They identify materials to be used, methods to be employed, quality of workmanship required, equipment to be installed, details and calculations to be considered, and the relationships among design components.

"Decennial Inspection" means the inspection of all buildings in a school district conducted at least every 10 years as required by Section 2-3.12 of the School Code, which shall be conducted by a design professional and shall result in a safety survey report as defined in this Section.

"Design Professional" means either an architect or an engineer as defined in this Section.

"Engineer" means an engineer licensed to practice in Illinois under the Illinois Professional Engineering Practice Act of 1989 [225 ILCS 325] and the applicable administrative rules of the Department of Financial and Professional Regulation (68 Ill. Adm. Code 1380).

"Facility" means land, buildings, structures and improvements other than buildings, and permanent, fixed equipment attached to or incorporated in any building owned or used for school purposes by a school district subject to this Part. This definition excludes facilities owned by a school district but not used for public school purposes, which shall be subject to local building codes.

"Vehicular Facility" means a vehicular structure that is mounted on a chassis and wheels, subject to transportation from place to place along

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

normally traveled streets, roads, and highways, and subject to occupancy and use virtually immediately upon arrival at its destination.

"Like Activity" means any work involving or similar to construction that is performed with respect to any facility of a school district subject to the requirements of this Part, including but not limited to reconstruction, substantial alteration, repair, remodeling, renovation, or change in use. Repairs that qualify as minor repairs shall not be considered "like activities" subject to the requirements of this Part.

"Minor Repairs" are any repairs to an individual building or structure that are not subject to the bidding requirements of Section 10-20.21 of the School Code, with the following exceptions:

Cutting away of any wall, partition, or portion thereof;

Cutting or removal of a structural beam or load-bearing support;

Removal of or change in a required means of egress;

Rearrangement of parts affecting exit requirements;

Addition to, alteration of, replacement, or relocation of any standpipe, drain leader, or gas, soil, waste, water supply, sewer drainage, vent or similar piping; electrical wiring; or mechanical or other required building system.

"Permanent, Fixed Equipment" means furniture and equipment affixed to the wall of a building or otherwise attached so that it is not readily portable or movable. Examples include wall-mounted cafeteria tables, automated external defibrillators, basketball backboards, fume hoods, and built-in lockers.

"Plan Review Record" means a written record of the evaluation of construction documents that is used to determine compliance with the codes that apply to a particular project, completed by a design professional or a qualified plan reviewer and accompanied by a copy of that individual's proper identification.

"Plan Review Statement" means a written statement made by a design professional and accompanied by a copy of that individual's proper identification,

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

indicating that construction documents have been reviewed based upon any of the codes identified in Section 180.60(b) ~~of this Part~~ that are applicable to the project and have been determined to be in compliance with the relevant requirements.

"Proper Identification" means, as applicable to the function performed:

a credential issued by the State Board of Education (ISBE) identifying the types of plan reviews or inspections an individual is qualified to perform under this Part; or

evidence of licensure as a design professional; or

evidence of compliance with the requirements of Section 180.300(a)(1) ~~of this Part~~.

"Qualified Inspector" means an individual approved by ISBE under Section 180.120 ~~of this Part~~ to conduct inspections of school facilities.

"Building Code Inspector" means an individual qualified to conduct inspections required by the building code identified in Section 180.60(a) ~~of this Part~~.

"Electrical Code Inspector" means an individual qualified to conduct inspections required by the electrical code identified in Appendix K to the International Building Code (Section 180.60(a) ~~of this Part~~).

"Energy Conservation Code Inspector" means an individual qualified to conduct inspections required by the energy conservation code identified in Section 180.60(a)(1) ~~of this Part~~.

"Fire Code Inspector" means an individual qualified to conduct inspections required by the fire code identified in Section 180.60(a)(3) ~~of this Part~~.

"Mechanical Code Inspector" means an individual qualified to conduct inspections required by the mechanical code identified in Section 180.60(a)(5) ~~of this Part~~.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

"Qualified Plan Reviewer" means an individual approved by ISBE under Section 180.110 ~~of this Part~~ to conduct plan reviews and to submit one or more plan review records for codes referenced in Section 180.60 ~~of this Part~~.

"Building Code Plan Reviewer" means an individual qualified to conduct plan reviews and to submit plan review records of construction documents for projects involving the building code identified in Section 180.60(a) ~~of this Part~~.

"Electrical Code Plan Reviewer" means an individual qualified to conduct plan reviews and to submit plan review records of construction documents for projects involving the electrical code identified in Appendix K to the International Building Code.

"Energy Conservation Code Plan Reviewer" means an individual qualified to conduct plan reviews and submit plan review records of construction documents for projects involving the energy conservation code identified in Section 180.60(a)(1) ~~of this Part~~.

"Fire Code Plan Reviewer" means an individual qualified to conduct plan reviews and submit plan review records of construction documents for projects involving the fire code identified in Section 180.60(a)(3) ~~of this Part~~.

"Mechanical Code Plan Reviewer" means an individual qualified to conduct plan reviews and submit plan review records of construction documents for projects involving the mechanical code identified in Section 180.60(a)(5) ~~of this Part~~.

"Regional Office of Education" has the meaning set forth in Article 3A of the School Code [105 ILCS 5/Art. 3A] and includes the chief administrative officer of the educational service centers established pursuant to Section 2-3.62 of the School Code [105 ILCS 5/2-3.62] (Section 3-0.01 of the School Code).

"Safety Survey Report" means a report prepared by a licensed design professional and ensuing from a decennial inspection required pursuant to Section 180.310 ~~of this Part~~ or another inspection conducted by a licensed design professional.

"School Building" or "School" means a building occupied in whole or in part by

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

public school students or intended for occupancy by ~~thesesuch~~ students.

"Structural Engineer" means an engineer licensed to practice in Illinois under the Structural Engineering Licensing Act of 1989 [225 ILCS 340] and the applicable administrative rules of the Department of Financial and Professional Regulation (68 Ill. Adm. Code 1480).

"The School Code" means the School Code [105 ILCS 5].

"Variance" means an alternative to a code requirement that is judged to provide equal or superior performance or protection compared to the code requirement, and is approved by the State Superintendent.

"Waiver" means an exemption from a code requirement that is approved pursuant to Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g] and the State Board's rules at 23 Ill. Adm. Code 1.100.

(Source: Amended at 40 Ill. Reg. 3059, effective January 27, 2016)

Section 180.60 Applicability

- a) Except as provided in subsection (b) ~~of this Section~~, every facility other than a vehicular facility shall conform to the standards identified in this subsection (a) and published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills ~~IL, Illinois~~ 60478-5795, unless a variance or waiver is obtained pursuant to Section 180.70 ~~of this Part~~ or use of a temporary facility is authorized pursuant to Section 180.230 ~~of this Part~~. No later amendments to or editions of these standards are incorporated ~~by this Section~~. The legal occupancy of any facility that existed on or before June 30, 2016 shall be permitted to continue without change; however, any repairs, alterations, occupancy changes, relocation and/or additions to these existing facilities are subject to the 2015 International Existing Building Code (also see Appendix A of this Part). ~~The effective date called for in Section 3410.2 of the International Building Code (IBC) shall be the effective date shown for this Section 180.60. Except for the "minimum conditions" presented in the International Property Maintenance Code and the International Fire Code, the IBC permits a facility constructed prior to its effective date to be maintained in compliance with the building code that previously applied to the facility, and provides separate provisions governing the alteration, repair, change of occupancy, replacement of component parts or~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~systems, and enlargement of an existing facility. (IBC, Section 102.6; Chapter 34, and the International Existing Building Code)~~

- 1) ~~Through December 31, 2009, the applicable standards shall be the 2006 International Building Code and its subcodes as follows:~~
 - A) ~~the 2006 International Energy Conservation Code (IECC);~~
 - B) ~~the 2006 International Existing Building Code (IEBC);~~
 - C) ~~the 2006 International Fire Code (IFC), excluding Chapter 4;~~
 - D) ~~the 2006 International Fuel Gas Code (IFGC);~~
 - E) ~~the 2006 International Mechanical Code (IMC); and~~
 - F) ~~the 2006 International Property Maintenance Code (IPMC).~~
- 2) ~~With respect to any project for which the design contract is executed on or after July 1, 2016~~January 1, 2010, the applicable standards shall be the ~~2015~~2009 International Building Code and its subcodes, as follows:
 - 1A) the ~~2015~~2009 International Energy Conservation Code (IECC);
 - 2B) the ~~2015~~2009 International Existing Building Code (IEBC);
 - 3C) the ~~2015~~2009 International Fire Code (IFC), excluding Chapter 4;
 - 4D) the ~~2015~~2009 International Fuel Gas Code (IFGC);
 - 5E) the ~~2015~~2009 International Mechanical Code (IMC); and
 - 6F) the ~~2015~~2009 International Property Maintenance Code (IPMC).
- b) The applicability of the codes listed in subsection (a) ~~of this Section~~ shall be limited as set forth in this subsection (b).
 - 1) Emergency and Crisis Response

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~Instead of Chapter 4 of the International Fire Code, the~~ The provisions of 29 Ill. Adm. Code 1500 (Joint Rules of the Office of the State Fire Marshal and the Illinois State Board of Education: School Emergency and Crisis Response Plans) shall apply ~~instead of Chapter 4 of the International Fire Code.~~

- 2) ~~Administrative Provisions~~The administrative provisions of this Part shall apply ~~instead of the administrative provisions contained in Sections 101.4.4, 103-108, 110-113, and 115 of Chapter 1 of the International Building Code.~~
- A) Instead of the Plumbing Code listed in Section 101.4.3 and referenced elsewhere in the International Building Code, Section 180.60(b)(5) of this Part shall apply.
- B) Instead of Sections 102.6 and 102.6.2 of the International Building Code and Section 101.4.2 of the International Existing Building Code, Section 180.60(a) of this Part shall apply.
- C) Instead of Sections 103 through 106, 109, and 111 through 115 of the International Building Code, the requirements of Sections 180.40 through 180.70, 180.200 through 180.230 and 180.300 through 180.420 of this Part shall apply.
- 3) Storm Shelters
Instead of the provisions contained in Section 423 of the International Building Code, the ICC/NSSA Standard for the Design and Construction of Storm Shelters (ICC 500-2014), published jointly by the International Code Council and the National Storm Shelter Association, shall apply. No later amendments to or editions of these standards are incorporated.
- A) The standards of this subsection (b)(3) shall apply to any new school building construction project for which the design contract was executed on or after January 1, 2015. (See Section 2-3.12(e-5) of the School Code.)
- B) As used in this subsection (b)(3), "new school building construction" means:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- i) any new, stand-alone school building with an aggregate Group E occupant load of 50 or more, as defined in Section 305 of the International Building Code; or
 - ii) one or more additions to an existing school building completed within a period of 24 months that increases the total square footage of the remaining existing building by 50% or more. The storm shelter, which may be placed in the new addition or the existing building, must have sufficient capacity to serve both the addition or additions and the existing building.
- 43) Accessibility
Instead of the accessibility provisions set forth in Chapter 11 of the International Building Code, the~~The~~ Illinois Accessibility Code (71 Ill. Adm. Code 400) shall apply (except as provided in Section 10-20.51 of the School Code [105 ILCS 5/10-20.51] regarding press boxes)~~instead of the accessibility provisions set forth in Chapter 11 of the International Building Code.~~
- 54) Plumbing
Instead of the plumbing provisions set forth in Section 101.3.2 of Chapter 1 and incorporated in Chapter 35 of the International Building Code, the~~The~~ requirements set forth in the Illinois Plumbing Code (77 Ill. Adm. Code 890) and Section 405.3.1 of the 2015 International Plumbing Code shall apply~~instead of those expressed in Section 101.4.4 of Chapter 1 and incorporated in Chapter 35 of the International Building Code.~~
- 65) Boiler and Pressure Vessel Safety
Instead of the provisions set forth in Chapter 20 of the International Mechanical Code, the~~The~~ requirements set forth in the Illinois State Fire Marshal's rules titled Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120) shall apply~~instead of those expressed in the Boiler and Pressure Vessel Safety Code (ASME 98) published by the American Society of Mechanical Engineers and incorporated in Chapter 35 of the International Building Code.~~
- 7) Elevators

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Instead of the elevator provisions in the International Building Code, the requirements set forth in the Illinois State Fire Marshal's rules titled Illinois Elevator Safety Rules (41 Ill. Adm. Code 1000) shall apply.

8) Sprinkler Systems

In conjunction with the sprinkler requirements set forth in Section 22-23 of the School Code, the International Building Code, and the International Fire Code, the requirements set forth in 41 Ill. Adm. Code 109.110 (Compliance Standards) shall apply.

(Source: Amended at 40 Ill. Reg. 3059, effective January 27, 2016)

SUBPART B: REQUIRED QUALIFICATIONS

Section 180.100 Approval Procedure for Plan Reviewers and Inspectors

The provisions of subsection (a) ~~of this Section~~ notwithstanding, a design professional may perform any of the roles discussed in Sections 180.110 and 180.120 ~~of this Part~~ without securing the specific approvals discussed in those Sections.

- a) Each individual seeking approval or renewal for any of the roles discussed in Sections 180.110 and 180.120 ~~of this Part~~ shall submit to the State Superintendent of Education:
 - 1) an application for the specific approvals or renewal sought, completed on a form prescribed by the State Superintendent;
 - 2) for each approval or renewal sought, an electronic copy of a recent 1" x 1" color photograph of the applicant (head and shoulders only), ~~with the applicant's name printed on the back~~;
 - 3) an application fee of \$25 for one approval or renewal or \$50 for two or more approvals or renewals, although fees for employees of the State Board of Education, any Regional Office of Education or the Illinois Office of the State Fire Marshal shall be waived; and
 - 4) the relevant additional information called for in Section 180.110 or 180.120 ~~of this Part~~, as applicable.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

b) ~~Validity and Renewal of Approval~~

The validity of the initial approval and any renewals shall be determined by the date on which the application was received.

1) Applications for approval or renewal received before July 1 shall be valid from the date of approval by the State Board of Education through a period of three years, starting on January 1 of the calendar year in which the application was received.

2) Applications received on or after July 1 shall be valid from the date of approval by the State Board of Education through a period of three years, starting on January 1 of the calendar year immediately following the year in which the application was received.~~When an individual has received approval based upon successful completion of the most recent version of the relevant examination, the approval shall be valid for the period that ends one year after the next version of that examination is made available, or for a period of three years, whichever ends later. In order to renew the approval at that time, the individual shall present evidence of either successful completion of the updated examination or current, relevant certification by the International Code Council.~~

2) ~~When an individual has received approval based upon current, relevant certification by the International Code Council, the approval shall be valid for the same period as the Council's certification. In order to renew the approval at the end of that time, the individual shall present evidence of either renewed certification by the Council or successful completion of the then-current version of the relevant examination.~~

3) ~~Subsequent renewals of approval shall be available as stated in subsections (b)(1) and (2) of this Section.~~

e) ~~Renewal of approval shall be accomplished by means of the procedure stated in subsection (a) of this Section, except that an individual who relied on training or experience or on a bachelor's degree to fulfill a portion of the requirements for original approval, as specified in the applicable provision of Section 180.110 or 180.120 of this Part, shall not be required to resubmit the evidence of meeting that requirement.~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

c) Denial and Revocation of Approval

- 1) The State Superintendent of Education shall deny or revoke the approval of any individual whose payment for an application fee is returned for insufficient funds or who is determined to have:
 - A) falsified information on his or her application;
 - B) submitted fraudulent documentation to a regional superintendent, a school district administrator, a building owner, a licensed design professional, or a contractor;
 - C) performed duties outside the areas for which approval has been given;
 - D) performed duties under this Part in a manner hazardous to school personnel or students, or otherwise behaved in a manner unsuitable to a school environment; or
 - E) permitted the use or duplication of his or her proper identification by another person.
- 2) The State Superintendent shall provide written notification to any individual who is denied approval or whose approval is revoked, stating the basis for the action taken.
- 3) An individual who believes that his or her approval has been unduly denied or revoked shall submit a written request for a review no later than 10 days after receipt of the Superintendent's notification. Grounds for a review shall be limited to incorrectness of the specific basis given for the Superintendent's action.
- 4) The State Superintendent shall consider the information presented in the individual's response and render a final administrative decision.

(Source: Amended at 40 Ill. Reg. 3059, effective January 27, 2016)

SUBPART C: CONSTRUCTION AND LIKE ACTIVITIES

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 180.200 Application for Building Permit

No construction or other, like activity as defined in Section 180.30 ~~of this Part~~ shall begin until a building permit has been obtained pursuant to the following provisions.

- a) The school board shall file an Application for a Building Permit ("application") with the regional superintendent having jurisdiction over the board of education in question, on a form prescribed by the regional superintendent. If the board is not the owner, the board shall attach an affidavit from the owner indicating the owner's consent for the proposed work.
- b) The completed application shall be accompanied by two copies of all relevant construction documents.
 - 1) Plans and specifications submitted as part of an application shall be prepared by or under the supervision of an architect or engineer. They shall bear the stamp of, and the following certification signed by, the responsible architect or engineer:

"I hereby certify that these plans and specifications were prepared under my supervision and to the best of my knowledge comply with (here insert the code or codes, including the edition, upon which the plans and specifications were drawn), as well as the applicable requirements of 23 Ill. Adm. Code 180.

These plans and specifications consist of the following:

(here list the plates or sheets constituting the plans & specifications)

(Seal) by _____
(Architect/Engineer Signature)

(Date Signed) _____
(Lic. # and Exp. Date)"

- 2) Whenever reference is made in plans or specifications to this Part or the codes incorporated by Section 180.60, ~~the such~~ reference shall identify the specific edition, section and ~~subsections~~ subsection(s) applicable to the subject in question.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- c) Upon receipt of an application, the regional superintendent shall record the date of submission by the school board and assign a unique identification number to ~~that said~~ application. This identification number shall be used on all building permits issued pursuant to the application.
- d) The regional superintendent shall not issue a building permit until he or she has reviewed:
- 1) signed and dated Plan Review Statements for the International Property Maintenance Code, the Illinois Accessibility Code, the Illinois Boiler and Pressure Vessel Safety Code, and the Illinois Plumbing Code, as applicable to the project;
 - 2) signed and dated Plan Review Records for the International Building Code, the International Energy Conservation Code, the International Fire Code, the International Mechanical Code and the International Fuel Gas Code, as applicable to the project;
 - 3) signed and dated Plan Review Records for any required sprinkler systems, which may be reviewed after a building permit is issued but before construction or other activity begins, provided that ~~fire flow tests, and~~ preliminary hydraulic calculations showing estimated fire flow availability and an indication of ~~indicating~~ whether a pump will be needed is reviewed by the regional superintendent prior to issuing a building permit, ~~provided that a Sprinkler Plan Review Record shall be submitted before construction or other, like activity begins;~~ and
 - 4) if the proposed work involves the installation of a closed, prefabricated mechanical system (e.g., a window air conditioner or heating, ventilating, air conditioning (HVAC) unit), an evaluation report on that system from an approved inspection agency and verified that the report supports the use of the mechanical system in question as proposed.

(Source: Amended at 40 Ill. Reg. 3059, effective January 27, 2016)

Section 180.225 Application for Certificate of Occupancy or Statement of Completion

- a) A school board wishing to occupy a facility subject to this Part shall make

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

application for a Certificate of Occupancy to the regional superintendent, on a form prescribed by the regional superintendent. A board may request either a general certificate of occupancy, a certificate of partial occupancy, a certificate of occupancy for a temporary facility, or a certificate of occupancy for a vehicular facility, as applicable (see Section 180.230 ~~of this Part~~). The regional superintendent shall respond to a request for a certificate of occupancy within 20 calendar days after his or her receipt of ~~the~~such a request.

- b) When the work covered by a building permit for an existing facility is completed and the work has not affected the Certificate of Occupancy, a school district may submit a Statement of Completion in lieu of submitting an application for Certificate of Occupancy.
- c) Before signing the Certificate of Occupancy or the Statement of Completion, the regional superintendent shall review any inspection statements and called inspection records, as applicable to the project. Called inspections shall be conducted and records provided by individuals qualified under Section 180.100.

(Source: Amended at 40 Ill. Reg. 3059, effective January 27, 2016)

Section 180.230 Certificate of Occupancy

A certificate of occupancy shall be obtained prior to any occupancy of a facility, including a vehicular facility.

- a) **General Certificate of Occupancy**
When the work covered by a building permit is complete or a facility complies with the requirements of this Part, and upon presentation of accurate safety reference plans for the facility certified by an architect or engineer to be in compliance with this Part (see Section 180.120 ~~of this Part~~), the regional superintendent shall issue a general certificate of occupancy. The general certificate of occupancy shall state the specific facility for which a design professional has certified compliance with this Part.
- b) **Certificate of Partial Occupancy**
When requested to do so, a regional superintendent shall issue a certificate of partial occupancy before completion of the entire work covered by a permit, provided that his or her inspection indicates that some areas~~area(s)~~ can be occupied safely prior to full completion. The certificate of partial occupancy shall

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

state the exact portions of the facility for which a design professional has certified compliance with this Part.

- c) Certificate of Occupancy for a Temporary Facility
When requested to do so, a regional superintendent shall issue a one-year certificate of occupancy for a temporary facility, allowing use of a facility that does not comply with all the requirements of this Part, provided that all the following requirements are met.
- 1) Use of the facility is necessary to meet a temporary need of the school district, as verified by the regional superintendent.
 - 2) The school board presents a plan either for replacement of the temporary facility with a facility meeting the requirements of this Part or for the elimination of the temporary need upon which the request is based. The school board's plan includes positive action to accomplish this end within a specified period of time, during which the certificate may be annually renewed.
 - 3) The facility has been surveyed by a ~~licensed~~ design professional, whose report is attached identifying the respects in which the facility fails to comply with the requirements of this Part and certifying that ~~this such~~ noncompliance does not jeopardize the general health and safety of the students and others who occupy the facility.
 - 4) If the facility is a premanufactured unit, such as a mobile home, trailer unit, or other, similar structure, the application shall include evidence that all of the following conditions exist:
 - A) The facility has received the seal of approval issued by the Illinois Department of Public Health pursuant to the ~~Modular Dwelling Manufactured Housing~~ and Mobile ~~Structure Home~~ Safety Act [430 ILCS 115];
 - B) The facility is anchored as specified in the Illinois Mobile Home Tiedown Act [210 ILCS 120];

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- C) The facility is separated from other buildings by the distance required pursuant to the standards referenced in Section 180.60 ~~of this Part~~; and
 - D) The facility is connected to the fire alarm system and intercom or telephone system of a nearby school building, if ~~this type of such a~~ system is present.
- d) Certificate of Occupancy for a Vehicular Facility
When requested to do so, a regional superintendent shall issue a certificate of occupancy for a vehicular facility, provided that the facility meets the requirements of Section 180.80(a) and (b) ~~of this Part~~.

(Source: Amended at 40 Ill. Reg. 3059, effective January 27, 2016)

Section 180.250 Sprinkler Systems

- a) This Section sets forth the requirements and standards for sprinkler systems installed in school buildings pursuant to the provisions of Section 22-23 of the School Code. *The requirements set forth in this Section shall apply to the school board, board of education, board of school directors, board of school inspectors, or other governing body of each school district in this State, including special charter districts and districts organized under Article 34.* (Section 22-23 of the School Code)
- ba) Applicability
- 1) In determining whether there will be "*construction of a new school building, or addition to an existing building, within any period of 30 months, having 7,200 or more square feet*", and in determining whether school construction affects "*one or more areas of a school building that cumulatively are equal to 50% or more of the square footage of the school building*" (Section 22-23 of the School Code), each separate "fire area" as defined in the building code incorporated by Section 180.60 of this Part shall be considered as a separate building.
 - 2) "School construction" means any of the activities enumerated in Section 22-23 of the School Code, when the affected building is occupied in whole

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

or part by public school students or is intended for occupancy by such students.

- b) Standards for Sprinkler Systems
~~Sprinkler systems shall conform to the requirements set forth in the International Building Code (see Section 180.60).~~

(Source: Amended at 40 Ill. Reg. 3059, effective January 27, 2016)

SUBPART D: INSPECTIONS

Section 180.320 Safety Survey Report

The safety survey report shall include for each facility ~~either~~:

- a) either a Certificate of Compliance, if the survey revealed no violations of applicable requirements; ~~or b)~~ a violation and recommendation schedule on a form provided by the State Board of Education; ~~;~~
- b) a description of existing conditions in a format prescribed by the State Board of Education; and
- c) safety reference plans, as required under Section 180.330.

(Source: Amended at 40 Ill. Reg. 3059, effective January 27, 2016)

Section 180.330 Safety Reference Plans

Safety reference plans are the drawings of a facility, updated after each construction project to include the applicable items required under this Section. These plans shall be updated to reflect all additions, alterations, and other changes to these facilities that affect the arrangement, use, rated capacity, student capacity, or other information required to be shown. They shall serve as a means of indicating the safety-related conditions of a facility, as an aid in developing emergency exit plans, and in other circumstances where reference to overall layouts is necessary.

- a) Each local school board shall maintain up-to-date safety reference plans for all facilities owned or used by the district for any school purpose. ~~However, replacement of lost or destroyed safety reference plans will not be required if the~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~regional superintendent determines that their replacement would be overly expensive or burdensome.~~ Each set of safety reference plans shall include:

- 1) A site plan meeting the requirements of subsection (e) ~~of this Section~~;
 - 2) Schematic floor plans as described in subsection (f) ~~of this Section~~;
 - 3) An attic plan meeting the requirements of subsection (h) ~~of this Section~~, if required pursuant to subsection (g) ~~of this Section~~; and
 - 4) Any additional drawings and/or schedules that may be necessary to effectively describe the nature and operational characteristics of the facility in question.
- b) Safety reference plans shall be drawn to scale, using a medium suitable for reproduction and revision. Each safety reference plan and revision shall be titled, dated, signed, and certified by the architect or engineer responsible for its preparation.
- c) Two complete sets of safety reference plans shall be provided for each facility, one to be kept by the board of education in a safe place and one to be kept on the site to which it applies.
- d) Whenever safety reference plans are completed or updated, they shall be submitted to the regional superintendent for review and approval.
- e) Each site plan shall be drawn to a scale sufficient to show the required information clearly and legibly, and shall include a legend. The site plan shall include the location and identification of:
- 1) Highways, boulevards, avenues, or streets bordering the site;
 - 2) Each building or other structure on the site;
 - 3) Each building located on adjacent property less than 75 feet away from a school building;
 - 4) Public fire hydrants and municipal fire alarm boxes adjacent to or on the site;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 5) Utility supply services (water, gas, electricity, etc.) leading into the site and into each building or other structure, their size, and the location of shut-offs for each service;
 - 6) Primary walkways, fire lanes, and bus loading and unloading zones;
 - 7) Play areas and automobile parking areas, and the surfacing material of each;
 - 8) Landscaping or other materials or areas on the site that might impede ingress or egress;
 - 9) Fences and gates, and their respective heights;
 - 10) Elevation with respect to sea level and location with respect to floodways and floodplains; and
 - 11) Unusual terrain.
- f) Each schematic floor plan shall be drawn for one floor of a building, to a scale sufficient to show the required information clearly and legibly, and shall include a legend. Each floor plan shall include the following information.
- 1) The identification of each fire area shown on the plan, and a statement establishing the height in stories, construction type, protection classification, and plan classification of each fire area.
 - 2) The elevation of each floor level with respect to the floor level of the lowest street floor. The street-floor plan shall show the difference in elevation between its floor level and the grade level outside at each point of ingress-egress from the building to a point 12 feet from the building line.
 - 3) The location of all existing or proposed partitions and walls, the identification of those partitions and walls required to have a fire resistance rating, and the rating that is required.
 - 4) The identification of each room and space as to its occupancy and use.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 5) The designation of the rated population capacity and student enrollment capacity for each floor and each occupied room or space on that floor.
 - 6) The identification of the areas protected or proposed to be protected by a sprinkler or fire detection system.
 - 7) The location, arrangement, and width of each stairway, ramp, fire-resistive passageway, fire escape, and slide escape that serves as a required means of exit, and of each corridor, passageway, primary egress aisle, or balcony that provides the required path of travel to each of these exits.
 - 8) The location, direction of swing, width, type, and, where required, fire rating of each door located in the path of travel to a required exit or serving as part of a required exit.
 - 9) The locations of vertical openings and the existing or proposed protection for them.
 - 10) The existing or proposed locations of fire alarm boxes, fire alarm horns and lights, exit lights, emergency lighting, and fire alarm control panel.
 - 11) The location of primary air distributing or recirculating fans and designation of the areas served by each one.
 - 12) The location and identification of fuel burning equipment (both permanent and moveable).
 - 13) On the basement plan, or lowest street floor plan if no basement exists, the location and height of service tunnels and under-floor crawl spaces along with the existing or proposed method of separating these tunnels and spaces from adjacent occupied spaces.
- g) A plan shall be included for each attic that:
- 1) Is used, or can be used, for storage purposes; or
 - 2) Is of combustible construction and used as an open-plenum chamber; or

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 3) Has an average clear height from the top of the ceiling below to the underside of the roof joists or slab (if no joists exist) of more than 42 inches.
- h) Each attic plan shall show:
- 1) The construction of the roof and ceiling;
 - 2) The slope of the roof and other details as necessary to illustrate the size and arrangement of the attic;
 - 3) Access doors, ducts, and other openings into the attic and existing or proposed protection for these openings;
 - 4) Existing or proposed fire-stopping for subdividing attics; and
 - 5) The existing or proposed automatic protection (sprinkler or fire detection) and the area to be protected.

(Source: Amended at 40 Ill. Reg. 3059, effective January 27, 2016)

SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

Section 180.500 Request for Authorization

- a) A school board desiring to use fire prevention and safety funds shall submit to the regional superintendent, using a format prescribed by the State Board of Education, a Request for Authorization ("request"). The request shall consist of a Statement of Facts and Assurances and a Summary of Financing Requirements and shall be accompanied by the following documents, prepared and certified by a licensed design professional:
 - 1) a Schedule of Violations, including a brief description of each violation and the recommended correction; and
 - 2) a Schedule of Recommended Work Items and Estimated Costs.
- b) [Financing](#)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Fire prevention and safety financing shall only be approved if:
- A1) the district has levied at its maximum authorized rate for its operations and maintenance fund for the most recent year for which tax rates are available; ~~and~~
 - B2) the district does not have sufficient unrestricted funds in its operations and maintenance fund (Section 17-2 of the School Code [105 ILCS 5/17-2]), its school facility occupation tax fund (Section 10-20.43 of the School Code [105 ILCS 5/10-20.43]), and/or its fire prevention and safety fund (Section 17-2.11 of the School Code [105 ILCS 5/17-2.11]) to pay for the necessary work; and-
 - C) the facility for which fire prevention and safety funds are requested has been issued a General Certificate of Occupancy in accordance with Section 180.230(a) that establishes that the facility was originally in compliance with all applicable codes.
- 2) In addition to meeting the requirements of subsection (b)(1), a facility for which fire prevention and safety funds are requested that is being replaced under Section 17-2.11(f) of the School Code shall ensure the facility is demolished, sold or boarded up, and in no case used for school purposes.
- c) If the regional superintendent finds that the request is complete and approvable, he or she shall so certify and forward the request with ~~thesueh~~ certification to the State Superintendent of Education. If the regional superintendent disapproves the request, he or she shall so certify and return the request with ~~thesueh~~ certification to the local board. *The regional superintendent shall approve or disapprove each request within three months after its submission by a local board.*
- d) *A board of education whose request is not acted upon within three months may submit the request to the State Superintendent for review.*
- e) Except under emergency circumstances as provided for in Section 180.530 ~~of this Part~~, a regional superintendent shall not grant approval to use fire prevention and safety funds for any work which has already been initiated, without the prior express authorization of the State Superintendent. (Section 17-2.11 of the School Code [105 ILCS 5/17-2.11])

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- f) If the State Superintendent finds that a request is complete and approvable, he or she shall so certify and return the approved request with ~~thesueh~~ certification to the regional superintendent.
- g) Upon receipt of an approved request from the State Superintendent, the regional superintendent shall issue an order to implement the request and forward the request and the order to the originating school board.

(Source: Amended at 40 Ill. Reg. 3059, effective January 27, 2016)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

* Includes the International Building Code, International Energy Conservation Code, International Existing Building Code, International Fire Code, International Gas Code, International Mechanical Code and International Property Maintenance Code.

(Source: Added at 40 Ill. Reg. 3059, effective January 27, 2016)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Reading Improvement Program
- 2) Code Citation: 23 Ill. Adm. Code 260
- 3) Section Number: 260.55 Adopted Action:
Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.51
- 5) Effective Date of Rule: January 27, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes; see Section 260.55(a)(1).
- 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*: 39 Ill. Reg. 13246; October 16, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested, and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: Two technical changes have been made in Part 260. First, the American Educational Research Association issued updated standards for educational and psychological testing in 2014, so the date of the most current version to be used by school districts and others when choosing assessments has been included in Section 260.55.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

Additionally, PA 98-972, effective August 15, 2014, revamped the State assessment system, repealing Section 2-3.64 of the School Code and replacing the requirements found there with new Section 2-3.64a-5. The changes in Sections 260.55 eliminate references to assessments no longer administered and direct readers to the School Code citation where new requirements can be found.

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

Melina Wright, Division Administrator
Division of Title Grant Administration
Illinois State Board of Education
100 West Randolph Street, Suite 14-300
Chicago IL 60601

312/814-2804

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER g: SPECIAL COURSES OF STUDYPART 260
READING IMPROVEMENT PROGRAM

SUBPART A: READING IMPROVEMENT BLOCK GRANT

Section

260.10	Definitions (Repealed)
260.20	Purpose
260.30	Eligible Applicants
260.40	Allowable Expenditures
260.50	Procedure and Criteria for Approval of Applications
260.55	Eligibility for Continued Funding
260.60	Allocation of Funds (Repealed)
260.70	Distribution of Grant Awards
260.80	Year-End Reporting

SUBPART B: READING IMPROVEMENT
PROFESSIONAL DEVELOPMENT GRANTS

Section

260.100	Purpose and Implementation
260.110	Eligible Applicants
260.120	Application Procedures and Content
260.130	Proposal Review, Approval and Grant Award
260.140	Application Content and Approval for Continuation Programs

AUTHORITY: Implementing and authorized by Section 2-3.51 of the School Code [105 ILCS 5/2-3.51].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15967, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 7757, effective April 29, 1986; amended at 14 Ill. Reg. 20714, effective December 14, 1990; amended at 16 Ill. Reg. 14196, effective September 8, 1992; amended at 22 Ill. Reg. 19763, effective October 30, 1998; amended at 23 Ill. Reg. 7083, effective June 2, 1999; amended at 26 Ill. Reg. 8104, effective May 20, 2002; emergency

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

amendment at 29 Ill. Reg. 9508, effective June 20, 2005, for a maximum of 150 days; emergency expired November 16, 2005; amended at 29 Ill. Reg. 20417, effective November 29, 2005; amended at 33 Ill. Reg. 4031, effective February 23, 2009; amended at 40 Ill. Reg. 3091, effective January 27, 2016.

SUBPART A: READING IMPROVEMENT BLOCK GRANT

Section 260.55 Eligibility for Continued Funding

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

- a) Each application shall list or describe the method or methods the applicant proposes to use to measure students' reading skills for purposes of this Part, provided that an applicant shall use no more than one method for each grade level in which students are served by initiatives supported by funding under this Part. *Such methods may include the ~~English language arts~~ reading portion of the assessments required under Section 2-3.64a-5 of the School Code [105 ILCS 5/2-3.64a-5] ~~Illinois Standards Achievement Testing Program~~ (Section 2-3.51 of the School Code).*
 - 1) If a proposed assessment instrument is a standardized or commercially available criterion-referenced test, the applicant shall assure the State Superintendent that the instrument meets the generally accepted standards of validity and reliability set forth in "Standards for Educational and Psychological Testing" (~~2014~~1999) published by the American Educational Research Association, ~~1430 K~~1230-17th St., N.W., Suite 1200, Washington, D.C. ~~20005~~20036. (No later amendments to or editions of these standards are incorporated.)
 - 2) If a proposed assessment instrument is locally developed or chosen, the applicant shall:
 - A) indicate the acceptable standard of performance by students on that measure (e.g., acceptable grade-level equivalent, score, or percent

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

correct);

- B) describe the means by which the applicant's staff determined that the proposed measure is aligned with the Illinois Learning Standards in the area of [English language arts reading](#); and
 - C) certify to the State Superintendent that the instrument measures what it is intended to measure and can be expected to yield consistent results, including a description of the methods by which the applicant's staff arrived at the conclusion that this is the case.
- 3) Results of the proposed ~~methods~~[method\(s\)](#) must be expressed in quantifiable terms, such as the percentage of students meeting an established standard.
- b) Each application shall assure the State Superintendent that the applicant will take ~~any such~~ measures as may be necessary to prevent inappropriate disclosure of test questions or other materials that form part of the proposed assessment ~~methods~~[method\(s\)](#).
 - c) The State Superintendent of Education shall approve the method or methods proposed if the application complies with subsections (a) and (b) ~~of this Section~~.
 - d) No later than 60 days after the due date established for applications, the State Superintendent shall notify each applicant whether its proposed method of measuring students' reading skills is approved. Failure to apply in a timely manner may delay an applicant's receipt of this response. In the case of a disapproval, the applicant shall be notified of the reason for the disapproval and of any modifications that would bring its proposed method into compliance with the requirements of this Section.
 - e) Each applicant shall annually report to the State Superintendent of Education its reading results for the previous school year, expressed in terms of students' performance on the assessment measures approved pursuant to this Section. ~~The~~[Through the 2004-2005 school year, this report shall be made no later than November 1 in a format specified by the State Superintendent \(see \[www.isbe.net/curriculum/reading\]\(http://www.isbe.net/curriculum/reading\)\), unless an extension of the deadline is granted by the State Superintendent due to the timing of a district's local assessment. For the results of 2005-2006 and subsequent school years, the due date for the](#)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

performance report shall be June 15 for applicants not relying on ~~ISAT reading~~ scores from the State assessment in English language arts and 30 days after the district's receipt of ~~State assessment~~ISAT scores for those relying on ~~State assessment~~ISAT scores.

- f) "Performance progress" must be demonstrated with regard to the students who received direct instruction and those whose reading instructors engaged in professional development as a result of this grant and, with respect to that group of students, means any of the following:
- 1) A higher percentage of students scored at or above the locally established standard on the approved ~~measures~~measure(s) of reading performance (e.g., achieved grade-level equivalents, criterion reference points, or local benchmarks) than in the preceding testing cycle.
 - 2) The average score achieved by students on the approved ~~measures~~measure(s) rose in comparison to the average for the preceding testing cycle.
 - 3) A higher percentage of students scored in the top two quartiles on the approved ~~measures~~measure(s) than in the preceding testing cycle, or a lower percentage of students scored in the bottom quartile.
 - 4) An applicant with 90% or more of scores at or above the established standard maintained its performance in comparison to the preceding testing cycle.
- g) The State Superintendent shall notify any applicant whose results on its approved ~~measures~~measure(s) of reading performance contradict its State assessment scores in ~~English language arts~~reading for the students involved.
- 1) If a district's report under subsection (e) ~~of this Section~~ does not demonstrate performance progress, the State Superintendent shall cause the district's relevant ~~State assessment~~ISAT scores to be reviewed. If these scores demonstrate that performance progress has been made, data from the ~~State assessment~~ISAT will be accepted in lieu of data from the locally identified assessment measure as the basis for the district's continued eligibility for funds under this Part.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

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

- h) An applicant may appeal either disapproval of its proposed assessment ~~method~~~~method(s)~~ or a determination that it has failed to make performance progress. In the latter case, the applicant may appeal either on the grounds that it has made performance progress or on the grounds that the factors that led to ~~the~~~~such~~ failure were beyond the applicant's control (e.g., the low number of students served creates a statistical problem with calculating progress). Prior to a formal appeal, however, the applicant may submit additional written information. If the information presented demonstrates that either of these conditions exists, the State Superintendent shall notify the district that it has made performance progress and no further follow-up is needed.
 - 1) The superintendent or chief administrator of an eligible applicant may request a conference at which representatives of the applicant will have an opportunity to discuss the issues involved with representatives of the State Board of Education.
 - 2) If a conference is held and the areas of concern are not resolved, the school board may submit an appeal by adopted board resolution. The appeal must identify the ways in which the proposed method meets the requirements of Section 2-3.51 of the School Code and this Section, the way in which the information submitted demonstrates that performance progress has been made, or the external factors that led to its inability to make performance progress, as applicable.
 - 3) Consistent with the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475), the applicant will be given an opportunity to present information relevant to the issues appealed. The State Superintendent of Education will consider the appeal and make a recommendation to the State Board of Education; the State Board will issue a final written determination.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

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

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Providers of Supplemental Educational Services
- 2) Code Citation: 23 Ill. Adm. Code 675
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
675.20	Amendment
675.APPENDIX A	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rules: January 27, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes; see Section 675.20.
- 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*: 39 Ill. Reg. 13254; October 2, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested, and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: Two technical changes have been made in Part 675. First, the American Educational Research Association issued updated standards for educational and psychological testing in 2014, so the date of the most current version to be used by school districts and others when choosing assessments has been included in Section 675.20.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Additionally, PA 98-972, effective August 15, 2014, revamped the State assessment system, repealing Section 2-3.64 of the School Code and replacing the requirements found there with new Section 2-3.64a-5. The changes in Section 675.Appendix A eliminate references to assessments no longer administered and direct readers to the School Code citation where new requirements can be found.

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

Melina Wright, Division Administrator
Division of Title Grant Administration
Illinois State Board of Education
100 West Randolph Street, Suite 14-300
Chicago IL 60601

312/814-2804

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 6: MISCELLANEOUS

PART 675

PROVIDERS OF SUPPLEMENTAL EDUCATIONAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section

675.10	Purpose and Scope
675.20	Definitions
675.30	Code of Ethics
675.40	Programmatic Requirements
675.50	Application Requirements
675.60	Application Process
675.65	Mid-Year Changes
675.70	Reporting Requirement
675.80	Retention of Records; Access to Premises
675.90	Evaluation of Providers' Performance, Providers' Status, Sanctions, and Removal
675.100	Public Information
675.110	Removal When No Services Offered
675.150	Provider's Relationship with District
675.175	Timetable for Implementation of the Program

SUBPART B: FINANCIAL REQUIREMENTS

Section

675.200	Financial Framework for SES
675.210	District Program Cost
675.220	Non-Reimbursable Expenses and Revenue Offsets
675.230	Reports of Actual Costs
675.240	Establishment of Contract Amount and Payment Provisions
675.245	Basis for Invoices and Payments
675.250	Appeals
675.APPENDIX A	Calculation of Effect Size
675.APPENDIX B	Evaluation Rubric

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

675.APPENDIX C Decision Matrix

AUTHORITY: Implementing Section 1116(e) of Public Law 107-110, the No Child Left Behind Act of 2001 (20 USC 6316(e)) (34 CFR 200.45 through 200.48), and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

SOURCE: Emergency rules adopted at 29 Ill. Reg. 9516, effective June 17, 2005, for a maximum of 150 days; emergency expired November 13, 2005; adopted at 29 Ill. Reg. 19942, effective November 23, 2005; amended at 30 Ill. Reg. 14325, effective August 18, 2006; amended at 32 Ill. Reg. 4046, effective February 26, 2008; amended at 33 Ill. Reg. 8497, effective June 1, 2009; amended at 33 Ill. Reg. 15290, effective October 20, 2009; amended at 35 Ill. Reg. 2285, effective January 20, 2011; amended at 40 Ill. Reg. 3099, effective January 27, 2016.

SUBPART A: GENERAL PROVISIONS

Section 675.20 Definitions

"District" means a local education agency, as defined in NCLB, in which one or more schools are in their second year of school improvement, in corrective action, or in restructuring status under NCLB.

"Eligible applicant" means a public school or a school district, a private school, a regional office of education, an intermediate service center, an institution of higher education, a not-for-profit organization (including a faith-based or community-based organization), or a private business. Public schools or school districts identified for improvement under NCLB shall only be eligible to the extent permitted by the United States Department of Education.

"Nationally recognized assessment" means a standardized or commercially available criterion-referenced test, assured by the provider to meet the generally accepted standards of validity and reliability set forth in "Standards for Educational and Psychological Testing" (~~20141999~~), published by the American Educational Research Association, ~~1430 K1230-17th~~ St., N.W., ~~Suite 1200~~, Washington, D.C. ~~2000520036~~. (No later amendments to or editions of these standards are incorporated.)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

"NCLB" means Title I of the Elementary and Secondary Education Act (ESEA), as reauthorized by the No Child Left Behind Act of 2001, and any regulations promulgated by the federal government to implement that Act.

"Provider" means an eligible applicant approved by ISBE to provide SES to one or more districts.

"Related organization" means an entity that:

directly or indirectly controls, or is controlled by, a provider; or

influences, or is influenced by, the provider in terms of operational policies; or

is controlled or influenced by another organization that also controls or influences the provider.

"SES reporting period" shall mean a twelve-month period commencing on July 1 of a calendar year and continuing through June 30 of the following calendar year. The State Superintendent of Education may, however, adjust the SES reporting period for a particular provider to accommodate reporting for summer sessions.

"Supplemental educational services" or "SES" means additional academic instruction that is provided outside of the regular school day and designed to increase the academic achievement of eligible students in schools required to provide ~~thesesuch~~ services in accordance with NCLB. These services may include academic assistance such as tutoring, remediation, and other educational interventions.

(Source: Amended at 40 Ill. Reg. 3099, effective January 27, 2016)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 675.APPENDIX A Calculation of Effect Size

A multiple regression approach will be employed, in which, for each provider, SES students' predicted assessment scores on the applicable State assessment [required under Section 2-3.64a-5 of the School Code \[105 ILCS 5/2-3.64a-5\]](#)(i.e., ~~ISAT or PSAE~~) for their grade level in the tutored subjects, based on student demographic variables and prior achievement on the applicable assessment, are compared to their obtained scores. The difference will be expressed in the form of a "residual" score that, if positive, indicates a higher performance than expected (i.e., a positive effect), and, if negative, indicates a lower performance (a negative effect). An effect size will then be computed by grade level within each school district to determine by how many standard deviations (based on properties of the distribution) the residual differs from zero and then aggregated across grade levels for determining the effect size used in the evaluation described in Appendix B ~~to this Part~~.

(Source: Amended at 40 Ill. Reg. 3099, effective January 27, 2016)

STATE UNIVERSITY CIVIL SERVICES SYSTEM

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3) Section Number: 250.60 Adopted Action: Amendment
- 4) Statutory Authority: 110 ILCS 70
- 5) Effective Date of Rule: January 26, 2016
- 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*: 39 Ill. Reg. 13175; September 25, 2015
- 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? None were made.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
250.30	Amendment	40 Ill. Reg. 345; January 8, 2016
250.50	Amendment	40 Ill. Reg. 345, January 8, 2016
- 15) Summary and Purpose of Rulemaking: This rulemaking allows for an expanded pool of candidates for promotional and original entry registers from the top three persons to the top three scores in accordance with PA 99-97.

STATE UNIVERSITY CIVIL SERVICES SYSTEM

NOTICE OF ADOPTED AMENDMENT

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

Jeff Brownfield
Executive Director
State Universities Civil Service System
1717 Philo Road, Suite 24
Urbana IL 61802

217/278-3150
email: jeffb@sucss.illinois.gov

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

STATE UNIVERSITY CIVIL SERVICES SYSTEM

NOTICE OF ADOPTED AMENDMENT

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

Section

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

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

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

STATE UNIVERSITY CIVIL SERVICES SYSTEM

NOTICE OF ADOPTED AMENDMENT

amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848, effective November 13, 2007; amended at 32 Ill. Reg. 17268, effective October 16, 2008; amended at 33 Ill. Reg. 11644, effective July 22, 2009; amended at 36 Ill. Reg. 6014, effective April 6, 2012; amended at 37 Ill. Reg. 419, effective December 26, 2012; amended at 39 Ill. Reg. 13504, effective December 1, 2015; amended at 40 Ill. Reg. 3105, effective January 26, 2016.

Section 250.60 Eligible Registers

- a) Establishment of Registers
 - 1) The employer shall establish three kinds of registers in each place of employment in accordance with this Part: reemployment, promotional, and original entry.
 - 2) On a monthly basis, or as designated, the ~~The~~ employer shall file with the office of the Executive Director a list ~~on a quarterly basis~~ containing name, class, date of examination, examination number and score of all candidates, and these records shall constitute the master record of examinations taken by the applicants of the System for that employer.
- b) Composition of Registers
 - 1) Reemployment registers shall contain names of status employees who have been laid off through reduction in force or who, because of reallocation or reclassification of positions or other causes not prejudicial to the service, have failed to gain eligibility in the new class or who have chosen not to qualify in the new class. The registers shall have the appropriate names listed according to class and in the order of seniority as earned up to the date of eligibility for a position on the reemployment register.
 - 2) Each lesser unit shall have its own reemployment register.
 - 3) Promotional registers shall be by class and shall contain names in the following categories and order:
 - A) Listed in order of total service in the class:
 - i) names of employees with status appointments, after having

STATE UNIVERSITY CIVIL SERVICES SYSTEM

NOTICE OF ADOPTED AMENDMENT

- been certified from the promotional register, who have been laid off during the probationary period through reduction in force, with credit for total service as of date of layoff; or
- ii) names of employees with status appointments, after having been certified from the promotional register and who, during the probationary period, have failed to gain eligibility following reallocation or reclassification of positions, with credit for total service as of date of ineligibility; or
 - iii) names of current employees reinstated by total service in accordance with subsection (j)(4).
- B) Listed in order of promotional examination scores: names of successful candidates in accordance with Section 250.50(b).
- 4) Original entry registers shall be by class and shall contain names in the following categories and order:
- A) Listed in order of total service to the employer: names of employees who have been, or who may be, separated from status appointments, after completion of at least six months of service to the employer, resulting from a permanent abolishment of a functional service, provided that not later than 90 days after the abolishment of the service, they have qualified for, and have received a passing score on, an original entry examination for the class.
 - B) Listed in order of total service in the class:
 - i) names of employees with status appointments, after having been certified from the original entry register, who have been laid off during the probationary period through reduction in force, with credit for total service as of date of layoff; or
 - ii) names of employees with status appointments, after having

STATE UNIVERSITY CIVIL SERVICES SYSTEM

NOTICE OF ADOPTED AMENDMENT

been certified from the original entry register and who, during the probationary period, have failed to gain eligibility following reallocation or reclassification of positions, with credit for total service as of date of ineligibility; or

- iii) names of current employees reinstated by total service in accordance with subsection (j)(4).
 - C) Listed in order of total service in the class:
 - i) names of former employees restored by total service in accordance with subsection (j)(5); or
 - ii) names of employees seeking transfer, listed according to total service as of date of request for transfer.
 - D) Listed in order of original entry examination scores: names of successful candidates in accordance with Section 250.50(b) and employees seeking transfer in accordance with Section 250.100(c)(3).
- c) Precedence of Registers. For appointment purposes, registers shall have precedence in the following order: reemployment, promotional, and original entry.
- d) Certification from Registers
- 1) Reemployment in positions shall be made in accordance with the register, with highest seniority taking precedence. From a reemployment register, the employer shall certify only one name for appointment.
 - 2) From the promotional register or original entry register, the employer shall certify the candidates with the three ~~names standing~~ highest scores on the register at the time the vacancy is declared, or as otherwise provided under subsection (d)(3).
 - 3) When ties in scores exist on an original entry register or promotional register for a class, all candidates with a tie score, and hence of the same

STATE UNIVERSITY CIVIL SERVICES SYSTEM

NOTICE OF ADOPTED AMENDMENT

relative excellence, shall be equally eligible to be considered as one of the available candidates certified from the register. ~~No person on the register shall be eligible or available for certification as one of the three persons standing highest on the register if three or more persons are eligible at a higher score level as a result of tie scores.~~ The employer shall conduct an ~~a personal~~ interview with, and shall consider, all candidates certified from the register in this manner prior to making its recommendation for selection, except that a single selecting official for the employer shall not be required to interview more than once the same candidate, as currently certified from the register, for a position of the same class.

- 4) If a total of three candidates are ~~names is~~ not available from the promotional register and/or original entry register, the employer shall certify those listed, and in addition may refer enough other candidates so that the employing officer has the choice of three candidates for the position. Such additional candidates as are necessary to provide the employing officer with a choice of three must be qualified for the class of the position to which referred and may be employed in accordance with Section 250.70(b)(1) and Section 250.90(b)(6).
- 5) A promotional register and/or an original entry register becomes closed for the purpose of certification of the names of candidates to a particular vacant position at a time established by the employer. Once this time has been established, it must become a matter of record, and it cannot be changed unless, when this time is reached, the employer is unable to provide to the selecting official three candidates from the promotional register and/or original entry register, and the selecting official wishes to interview three candidates prior to filling a position, whereupon a new date must be established in accordance with the aforementioned procedure. The selecting official shall interview from the registers, for any one vacancy, in accordance with the provisions of subsection (d)(3).
- 6) Candidates on an eligible register may be referred concurrently to more than one vacancy in the appropriate class, if, in the judgment of the employer, the procedure is needed to speed up employment transactions. Total referrals to a vacant position are to be limited to the candidates with the top three ~~scores available candidates~~, or in accordance with the provisions of subsection (d)(3).

STATE UNIVERSITY CIVIL SERVICES SYSTEM

NOTICE OF ADOPTED AMENDMENT

- 7) The name of a candidate on a register, who at the time of induction into military service is an employee of an employer under the University System, shall be placed in suspension until the termination of military service, at which time his/her name shall be reactivated on the appropriate register in the order of his/her score on the original examination, providing the register of the class has not been voided during the period of his/her military leave.
 - 8) In making a selection from among those candidates with the top three scores ~~names~~ certified from standing highest on ~~the~~ register, and in accordance with the provisions of subsection (d)(3), the employer shall not discriminate because of race, color, religious or political affiliation, or because of age or sex, when the reasonable demands of the position do not require such a distinction.
 - 9) The Executive Director may authorize specialized position certification for eligible register candidates or incumbents who possess special and identified qualifications that are previously have been established as ~~are~~ job-related requirements for a specific position, as well as being fully qualified for the class. Upon certification ~~Certification~~ from a register, candidates with shall be made from ~~the top three scores scoring candidates~~ who possess the established specialized requirements shall be referred for interview.
- e) Acceptance of Candidates. The employer shall record the appointment of the candidate selected, and shall return the names passed over to the appropriate eligible register for future certification.
- f) Registers by Places of Employment
- 1) Applicants applying for examinations will be asked to specify places of employment at which they will accept employment, except as provided for in subsection (f)(4), and a statement of that place of employment preference shall constitute a refusal by the candidate of employment at other places of employment. The statement of limited availability shall not constitute a refusal to accept an offer of employment as defined in subsection (g)(5), or employment in the place or places of employment in which the candidate declares himself/herself available for employment. A candidate may amend his/her statements of availability at any time while

STATE UNIVERSITY CIVIL SERVICES SYSTEM

NOTICE OF ADOPTED AMENDMENT

his/her name is on a register.

- 2) Following examination, a candidate may request the transfer of an active passing original entry examination score to a place of employment other than the one at which he/she originally wrote the examination.
 - 3) Following examination, a candidate may request the transfer of an active passing promotional examination score to any place of employment within his/her employing institution or agency.
 - 4) In an institution with multi-campus operations, in which a central administrative unit has been established by the Merit Board as a separate place of employment, promotional registers and original entry registers for that place of employment shall be an amalgamation of all promotional registers and original entry registers, respectively, of all places of employment established for that institution.
- g) Mandatory Removal of Names from Registers. The employer shall remove the names of candidates from the reemployment registers, original entry registers and promotional registers for the reasons set forth in subsections (g)(1) through (9). The reasons are:
- 1) Certification from the register to a status position in a specific class and acceptance of a status appointment in that position and class.
 - 2) Death of the candidate.
 - 3) Receipt of proof or determination by the Merit Board that the candidate lacks any of the required qualifications, or is subject to rejection for any cause specified in Section 250.50(c).
 - 4) Receipt by an employer of a written request from the candidate to remove his/her name from a register.
 - 5) Refusal, without reasonable cause, to accept three offers of status appointment by the candidate.
 - 6) Resignation of the candidate from a status position.

STATE UNIVERSITY CIVIL SERVICES SYSTEM

NOTICE OF ADOPTED AMENDMENT

- 7) Attempt by a candidate to practice any deception or fraud in connection with an examination or application for employment.
 - 8) When a change in class or testing standards or another classification plan change requires removal. In this instance, specific guidelines for the removal of names from registers shall be provided by the University System.
 - 9) From promotional registers at the termination of the leave of absence from a position in his/her former class when a candidate accepts a position in a class outside the promotional line of the applicable registers.
- h) Permissive Removal of Names from Registers. The employer may remove the names of candidates from original entry registers and from promotional registers for the reasons set forth in this subsection (h). Names of candidates may be removed from reemployment registers for the reasons set forth in subsections (h)(1) through (7). The reasons include, but are not limited to, the following:
- 1) Failure of a candidate to report for work without good cause within the time prescribed by the employer, after accepting a status or a temporary appointment.
 - 2) Leaving the service of any employer served by the University System by an employee with a status appointment.
 - 3) Failure to reply to the employer within seven calendar days immediately following an offer of a status or a temporary appointment by an employer.
 - 4) Notice by postal authorities of their inability to locate the candidate at his/her last known address, or verbal notice from the owner or occupant of the premises that the candidate is no longer at his/her last known address and that no forwarding address has been provided.
 - 5) Failure of a candidate, upon request, to furnish written evidence of availability for employment.
 - 6) Failure, without reasonable cause, to reply to the employer or appear for an interview within a reasonable time prescribed by the employer, when the employer has mailed either a notice of a vacancy in a status or

STATE UNIVERSITY CIVIL SERVICES SYSTEM

NOTICE OF ADOPTED AMENDMENT

temporary position or a letter of interest to the candidate's last known address.

- 7) Upon the candidate's acceptance of a promotion.
- 8) Failure of a candidate to be selected for employment after four referrals for a status appointment in the same class.
- 9) When candidates' names have remained on original entry registers for two consecutive years following date of most recent examination, or following date of original entry restoration on the basis of service or seniority in accordance with subsection (j)(3), (4), or (5).
- 10) In classifications identified by the Executive Director and approved by the Merit Board, upon the expiration of the designated timeframe specified in a formal position vacancy posting. Classifications to be included under this provision shall be determined by, but not limited to, an evaluation of the following factors: occupation area, employment and turnover rates, pre-employment screening protocols utilized, operational needs and trends, and/or other special circumstances and justification.
 - i) Notification of Candidates of Removal of Names from Registers. Candidates whose names are removed from reemployment registers, promotional registers, and/or original entry registers in accordance with subsections (g) and (h) shall be notified in writing by the employer and provided the reason for the removal.
 - j) Restoration of Names to Registers. The employer may return to an appropriate register:
 - 1) Within one year after the date of removal, any name removed from a register for the reasons set forth in subsections (g)(3) or (4), or in subsection (h).
 - 2) Any name to a reemployment register as provided for in Section 250.110(b)(3)(G)(i).
 - 3) Any name of an employee to an original entry register or to a promotional register who has qualified by examination and who has been laid off during his/her probationary period, in the order of length of service in the

STATE UNIVERSITY CIVIL SERVICES SYSTEM

NOTICE OF ADOPTED AMENDMENT

class determined in accordance with Section 250.90(b)(4) and (5).

- 4) The name of a current employee who has been previously employed in a class for which restoral is being requested by service and/or seniority in that former class.
- 5) The name of a former status employee who resigned or otherwise has been separated from employment in good standing and who, within one year after resignation or separation from employment, requests restoration to a register shall, upon approval of the employer, be restored on the original entry register in accordance with seniority earned as of the date of resignation or separation as determined in accordance with Sections 250.90(b)(5) and 250.120(e). The former employee may be required to pass physical tests or other tests required by this Part to determine fitness at the time of restoral. Seniority earned prior to resignation shall be restored.

(Source: Amended at 40 Ill. Reg. 3105, effective January 26, 2016)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of January 26, 2016 through February 1, 2016. The rulemakings are scheduled for review at the Committee's March 8, 2016 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
3/12/16	<u>Pollution Control Board</u> , Introduction (35 Ill. Adm. Code 601)	11/6/15 39 Ill. Reg.14224	3/8/16
3/12/16	<u>Pollution Control Board</u> , Ownership and Responsible Personnel (35 Ill. Adm. Code 603)	11/6/15 39 Ill. Reg.14289	3/8/16
3/12/16	<u>Pollution Control Board</u> , Permits (35 Ill. Adm. Code 309)	11/20/15 39 Ill. Reg.15103	3/8/16
3/12/16	<u>Pollution Control Board</u> , Permits (35 Ill. Adm. Code 602)	11/6/15 39 Ill. Reg.14239	3/8/16
3/13/16	<u>Department of Natural Resources</u> , Conservation Reserve Enhancement Program (CREP) (17 Ill. Adm. Code 1515)	12/11/15 39 Ill. Reg.15664	3/8/16

PROCLAMATION

**2016-16
DISASTER PROCLAMATION**

***WHEREAS**, between December 23 and 28, 2015, continuous waves of severe storms generating heavy rainfall moved through Illinois; and,*

***WHEREAS**, moderate to major flooding occurred and is continuing to occur on the Illinois and Sangamon rivers in many locations; and,*

***WHEREAS**, the high river levels caused substantial flooding in many Illinois counties, resulting in significant property damage to homes and businesses, power outages, and impacts to transportation; and,*

***WHEREAS**, according to the National Weather Service, these storms produced a range of approximately four to nine inches of precipitation in the affected counties; and*

***WHEREAS**, requests for aid received by the Illinois Emergency Management Agency indicate that local resources and capabilities have been exhausted and that State resources are needed to respond to and recover from the effects of the flooding; and,*

***WHEREAS**, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster;*

***NOW, THEREFORE**, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:*

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Bureau and Mason Counties as disaster areas.

Section 2. The Illinois Emergency Management Agency is directed to continue the implementation of the State Emergency Operations Plan and the coordination of State resources to support local governments in disaster response and recovery operations.

Section 3. Pursuant to the provisions of Section 7(a)(1), I suspend any regulatory statute or order, rule, or regulation of any State agency that the Illinois Emergency Management Agency determines that, to best implement the State Emergency Operations Plan, strict compliance with the provisions of that statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action, including emergency purchases, to cope with this disaster.

PROCLAMATION

Section 4. This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 5. This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor January 28, 2016

Filed by the Secretary of State January 28, 2016

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 40, Issue 7 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

11 - 1800	2884
11 - 603	2892
11 - 1413	2907

ADOPTED RULES

68 - 1500	2/16/2016	2913
68 - 1505	2/16/2016	2936
11 - 1800	1/27/2016	2952
77 - 775	1/29/2016	2964
23 - 1	1/27/2016	2990
23 - 30	1/27/2016	3055
23 - 180	1/27/2016	3059
23 - 260	1/27/2016	3091
23 - 675	1/27/2016	3099
80 - 250	1/26/2016	3105

**EXECUTIVE ORDERS AND
PROCLAMATIONS**

16 - 16	1/28/2016	3118
---------	-----------------	------

ORDER FORM

<input type="checkbox"/> Print Version of the Illinois Register <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (Current Year Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register (1977 – 2004) Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Yearly Index Cumulative/Sections Affected Indices (Current Year)	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER	\$ _____

Check Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover <small>(There is a \$2.00 processing fee for credit card purchases.)</small>
Card #: _____ Expiration Date: _____
Signature: _____

Send Payment To: Secretary of State E-mail: eAdministrativeCode@ilsos.net
 Department of Index Phone: (217) 782-7017
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com