

2005

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 29 Issue 4
January 21, 2005
Pages 1092-1459

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.cyberdriveillinois.com>

Printed on recycled paper

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Extensions of Jurisdiction
- 2) Code Citation: 80 Ill. Adm. Code 305
- 3) Section Number: 305.230 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b].
- 5) A Complete Description of the Subjects and Issues Involved: This change is as result of positions being included into the AFSCME bargaining unit and the agreement with AFSCME to include the positions under the Personnel Code.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706
217/785-1793
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This amendment was not included on either of the 2 most recent regulatory agendas because: the changes were a result AFSCME contract negotiations completed April 13, 2004.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 305
EXTENSIONS OF JURISDICTION

Section

305.50	Extends Jurisdiction A, B & C
305.60	Extends Jurisdiction A, B & C (July 1, 1970)
305.70	Extends Jurisdiction A, B & C (July 1, 1970)
305.80	Extends Jurisdiction A, B & C (August 1, 1970)
305.90	Extends Jurisdiction A, B & C (August 1, 1971)
305.100	Extends Jurisdiction A, B & C (November 16, 1971)
305.110	Extends Jurisdiction A, B & C (April 1, 1972)
305.120	Extends Jurisdiction A, B & C (May 1, 1972)
305.130	Extends Jurisdiction A & C (October 1, 1972)
305.140	Extends Jurisdiction A & C (October 1, 1972)
305.150	Extends Jurisdiction A, B and C (November 1, 1972)
305.160	Extends Jurisdiction B, Except 8b.1, 8b.3 and 8b.5 (January 1, 1973)
305.170	Extension of Jurisdiction
305.180	Termination of Extension of Jurisdiction
305.190	Extension of Jurisdiction
305.200	Third Extension of Jurisdiction to Office of the Treasurer
305.210	Extends Jurisdiction A, B and C (December 1, 1998)
305.220	Extends Jurisdiction A, B and C (December 1, 1998)
305.230	Extends Jurisdiction A, B and C (July 16, 2002)

AUTHORITY: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b].

SOURCE: Filed May 29, 1975; emergency amendment at 2 Ill. Reg. 46, p. 3, effective January 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 1, p. 61, effective January 1, 1979; codified at 7 Ill. Reg. 13214; amended at 10 Ill. Reg. 21643, effective December 15, 1986; amended at 22 Ill. Reg. 21302, effective December 1, 1998; emergency amendment at 26 Ill. Reg. 12060, effective July 16, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16150, effective October 18, 2002; amended at 29 Ill. Reg. _____, effective _____.

Section 305.230 Extends Jurisdiction A, B and C (July 16, 2002)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Effective ~~April 1, 2005~~July 16, 2002, Jurisdictions A, B and C of the Personnel Code will be extended to all non-Code, non-supervisory para-professional positions responsible for paralegal services in the Capital Development Board Office of Legal Counsel~~Information Systems, which includes the professional and technical specialist positions responsible for information technology services at the Board.~~ Employees of this office ~~serving prior to July 16, 2002,~~ will be required to qualify within ~~six~~ months in the same kind of examination as the entrance examination for a comparable position. All appointments in these divisions made subsequent to ~~April 1, 2005~~July 16, 2002, will be made pursuant to provisions of the Illinois Personnel Code and the Personnel Rules of the Department of Central Management Services. No provision of this Section in any way affects the status of any employee in the Capital Development Board already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and the Personnel Rules of the Department of Central Management Services will apply to the employees of the above-named office, effective ~~April 1, 2005~~July 16, 2002.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This amendment will affect any small municipality or not for profit corporation that would become a participant in a voluntary mediation.
- B) Reporting, bookkeeping or other procedures required for compliance: Submission of a document to the Commission.
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN
ONE KIND OF UTILITY

PART 201
VOLUNTARY MEDIATION PRACTICE

SUBPART A: GENERAL PROVISIONS

Section	
201.10	Procedure Governed
201.20	Definitions
201.30	Appointment of Mediator
201.40	Participation of Commission Staff
201.50	Participation of Intervenor

SUBPART B: REQUEST FOR MEDIATION

Section	
201.100	Request for Mediation
201.110	Submitting a Request for Mediation
201.120	Notice of Mediation
201.130	Scheduling of Mediation

SUBPART C: MEDIATION PROCEDURE

Section	
201.200	Authority of a Mediation Participant's Representative
201.210	Role of Counsel
201.220	Role of Mediator
201.230	Adjournment
201.240	Supervision of Exchange of Information
201.250	Privilege Against Disclosure; Admissibility; Discovery
201.251	Waiver and Preclusion of Privilege
201.252	Exceptions to Privilege
201.260	Duration of Mediation
201.270	Settlement Shall be Reduced to Writing
201.280	Document Retention

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

SUBPART D: POST-MEDIATION PROCEDURE

Section

201.300

Failure to Agree

201.310

Enforcement of Settlement Agreement

SUBPART E: EFFECT OF A MEDIATED AGREEMENT

Section

201.400

Continuing Authority of the Commission

AUTHORITY: Implementing and authorized by Section 10-101.1 of the Public Utilities Act [220 ILCS 5/10-101.1].

SOURCE: Adopted at 28 Ill. Reg. 16321, effective December 1, 2004; amended at 29 Ill. Reg. _____, effective _____.

SUBPART B: REQUEST FOR MEDIATION

Section 201.110 Submitting a Request for Mediation

- a) A request for mediation shall be in writing and shall be jointly submitted to the Chief Clerk of the Commission by agreement of all persons party to the dispute.
- b) A request for mediation shall include:
 - 1) A brief statement of the issues to be addressed in the mediation;
 - 2) Disclosure of whether any of the issues for which mediation is sought is the subject of any pending ~~formal~~~~docketed~~ proceeding ~~before the Commission~~ and, if so:
 - A) the docket number of the docketed proceeding before the Commission, or
 - B) the case name, docket number, and forum if a civil court matter;
 - 3) Disclosure of whether any of the issues for which mediation is sought has been the subject of an informal complaint with the Commission's

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Consumer Services Division, and, if so, the informal complaint number assigned by the Consumer Services Division;

- 4) The name, address, telephone number, and, if available, the facsimile number and e-mail address of each mediation participant or an alternate contact person for each mediation participant submitting the request for mediation;
 - 5) The location where the mediation participants prefer the mediation to occur (i.e., Springfield or Chicago);
 - 6) The specific relief requested by each mediation participant; and
 - 7) An express statement that the mediation is being requested under 83 Ill. Adm. Code 201.
- c) A request for mediation may include any additional documents that the mediation participants believe are pertinent to the matter.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Illinois Elevator Safety Rules
- 2) Code Citation: 41 Ill. Adm. Code 220
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
220.10	New Section
220.20	New Section
220.30	New Section
220.40	New Section
220.50	New Section
220.60	New Section
220.70	New Section
220.80	New Section
220.90	New Section
220.100	New Section
220.110	New Section
220.120	New Section
220.130	New Section
220.140	New Section
220.150	New Section
220.160	New Section
220.170	New Section
- 4) Statutory Authority: Authorized by and implementing Section 35 of the Elevator Safety and Regulation Act [225 ILCS 312/35].
- 5) A Complete Description of the Subjects and Issues Involved: Rules for the design, installation, construction, operation, inspection, testing, maintenance, alteration, and repair of elevators, dumbwaiters, escalators, moving sidewalks, platform lifts, stairway chairlifts, and automated people conveyances, and for licensing personnel and businesses that work on these conveyances.
- 6) Will this rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Yes. January 1, 2013
- 8) Does this proposed rule contain incorporations by reference? Yes. These rules adopt certain national standards as are identified in Section 220.60 of this Part.
- 9) Are there any other proposed rules pending on this Part? No

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

- 10) Statement of Statewide Policy Objectives: This rulemaking will not require any local government entity to establish, expand or modify its activities in such a way to necessitate additional expenditures.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Jim Lapping
Director of the Division of Elevator Safety
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259
(217) 785-0969

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Residential Conveyance Installers.
- B) Reporting, bookkeeping or other procedures required for compliance: Please review entire regulation.
- C) Types of Professional skills necessary for compliance: Must meet certain qualifications to be licensed.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: At the time of publication of the regulatory agenda as this rulemaking was not anticipated.

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

TITLE 41: FIRE PROTECTION
CHAPTER 1: STATE FIRE MARSHALPART 220
ILLINOIS ELEVATOR SAFETY RULES

Section	
220.10	Purpose of this Part
220.20	Applicability
220.30	Definitions
220.40	Local Regulation
220.50	Elevator Safety Review Board
220.60	Adoption of Nationally Recognized Safety Codes
220.70	Variance, Exception, and Reconsideration
220.80	Licensee Requirements
220.90	Application for License
220.100	License Fees
220.110	Renewal of License
220.120	Registration of Conveyances
220.130	Permits
220.140	Certificate of Operation
220.150	Formal Hearing by the Board
220.160	Administrative Penalties
220.170	Implementation Schedule

AUTHORITY: Implementing and authorized by Section 35 of the Elevator Safety and Regulation Act [225 ILCS 312/35].

SOURCE: Adopted at 29 Ill. Reg. _____, effective _____.

Section 220.10 Purpose of this Part

The purpose of this Part is to assure that conveyances are correctly and safely installed and operated within the State by regulating the design, installation, construction, operation, inspection, testing, maintenance, alteration, and repair of elevators, dumbwaiters, escalators, moving sidewalks, platform lifts, stairway chairlifts, and automated people conveyances, and by licensing personnel and businesses that work on these conveyances.

Section 220.20 Applicability

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NOTICE OF PROPOSED RULES

This Part *is not intended to interfere with the powers of municipalities or the home rule powers of a municipality with a population over 500,000, including the power to license and regulate any profession or occupation* [225 ILCS 312/5].

Section 220.30 Definitions

For the purpose of this Part, all definitions shall be the same as in Section 15 of the Act. As mandated by Section 15 of the Act, the Board has defined the following:

"Act" means the Elevator Safety and Regulation Act [225 ILCS 312].

"Board" means the Elevator Safety Review Board created by Section 25 of the Act.

"Hearing Officer" means the presiding officer or officers at the initial hearing before the Board and each continuation of that hearing. A hearing officer must be an attorney-at-law licensed to practice in Illinois.

"Limited Elevator Contractor's License" means an elevator contractor license issued by the OSFM that limits the elevator contractor business to platform lifts and stairway chairlifts.

"Material Alteration" means any change to equipment, including its parts, components, and/or subsystems, other than maintenance, repair, or replacement.

"OSFM" means the Office of the State Fire Marshal.

"Owner" means any person or authorized agent of that person who owns a device or equipment subject to regulation under the Act, or in the event the device or equipment is leased, the lessee.

"Repair" means reconditioning or renewal of parts, components, and/or subsystems necessary to keep equipment in compliance with applicable code requirements. Repair includes only such work as is necessary to maintain present equipment in a safe and serviceable condition and to adjust or replace defective, broken, or worn parts with parts made of equivalent material, strength, and design, and where the replacing part performs the same function as the replaced part.

Section 220.40 Local Regulation

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

- a) A municipality or county may inspect, license, or otherwise regulate conveyances provided the safety standards and regulations adopted are at least as stringent as those adopted in this Part. Any municipality or county that chooses to inspect, license, or otherwise regulate conveyances must notify the Board of that intent and provide the Board with information on its program, including the name of the administrator, the standards and regulations adopted, the name and license number of inspectors, and other reasonable information the Board may request. The form shall be provided by the OSFM and must be submitted to the Board within 3 months after the effective date of this Part and thereafter on or before January 1 of each year.
- b) In addition to the requirements of subsection (a), the municipality or county shall submit an annual report to the OSFM documenting the standards and regulations enforced by the municipality or county and the number of inspections performed and permits issued. The OSFM may require additional reports and information to be provided on a periodic basis to assure that the local programs are operating in conformance with the Act.
- c) The OSFM shall monitor the local programs and report to the Board whenever a program is found to not meet the requirements of this Part and the Act. The Board shall review the report and notify the municipality or county of actions needed to be taken to rectify the program.

Section 220.50 Elevator Safety Review Board

The Elevator Safety Review Board is responsible for the adoption of rules for the administration and enforcement of the Act as described in Section 35 of the Act. The Board's office is located at the Office of the Illinois State Fire Marshal, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.

Section 220.60 Adoption of Nationally Recognized Safety Codes

- a) All conveyances shall be designed, installed, operated, inspected, tested, maintained, altered, and repaired in accordance with the following standards and recommended practices:
 - 1) The National Safety Code for Elevators and Escalators (ASME A17.1-2004);

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

- 2) Guide for Inspection of Elevators, Escalators, and Moving Walks (ASME A17.2-2001);
 - 3) The National Safety Code for Existing Elevators and Escalators (ASME A17.3-2002);
 - 4) The National Safety Code for Platform Lifts and Stairway Chairlifts (ASME A18.1-2003);
 - 5) The National Safety Code for Personnel Hoists (ANSI A10.4-2004);
 - 6) The National Safety Code for the Qualification of Elevator Inspectors (ASME QEI-1-2001);
 - 7) The National Safety Code for Automated People Movers (ASCE 21-2002); and
 - 8) Protection of the Public on or Adjacent to Construction Sites (ANSI A10.34-2001).
- b) All the materials incorporated by reference in this Section are incorporated as of the date specified and include no later editions or amendments.

Section 220.70 Variance, Exception, and Reconsideration

- a) The Board may grant an exception or variance to a code cited in Section 220.60, approving a different solution that complies with the intent of the Act.
- b) In order for a variance or exception request to be reviewed, the owner or designated representative shall submit:
 - 1) Evidence that the proposed or existing conveyance is not in compliance with the code.
 - 2) Evidence that strict compliance with the code would entail practical difficulty or unnecessary hardship or is otherwise found unwarranted.
 - 3) Evidence that any requested variance or exception does not jeopardize the safety and health of those that would use the conveyance or work on the

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conveyance and that the methods, means, or practices proposed provide equal protection of the public's safety and health.

- 4) A processing fee of \$200.
- c) The Board's determination on the variance or exception request shall be made in writing to the party making the request and shall advise the party of the reconsideration process contained in subsection (d). This determination shall be made no later than 30 days after the Board meeting at which the variance or exception request is heard.
- d) The Board may reconsider an interpretation or decision made pursuant to this Section. To request reconsideration, the owner or his/her designee shall submit a written request to the Board including:
 - 1) The information requested in subsection (b).
 - 2) Evidence that this Part or a code has been incorrectly interpreted, the provisions of the code do not fully apply, or the decision is unreasonable or arbitrary as it applies to alternatives or new materials.
- e) The request for reconsideration shall be submitted no later than 30 days after receiving the variance or exception determination.
 - 1) A request for variance, exception, or reconsideration shall not relieve a person from complying with the Act or this Part during the pending review.
 - 2) The OSFM may provide inspection and consultation services to assist in compliance with the provisions of the Act or this Part and charge a reasonable fee to cover the costs of the inspections and consultations as determined by the OSFM.

Section 220.80 Licensee Requirements

- a) No license shall be granted to an applicant that has not met the requirements of the Act and paid the required license fee.

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- b) No individual licensed as both an elevator mechanic and elevator inspector may inspect his/her own work, the work of his/her company, or the work of his/her affiliate company.
- c) Each licensee shall have his/her valid license in his/her possession when working on conveyances covered by the Act.
- d) Each elevator apprentice and helper shall obtain a license from the OSFM. All apprentices and helpers shall be required to work under the direct supervision of a licensed elevator mechanic and be registered with an apprenticeship or training program approved by the Board.
- e) Proof of competency for an emergency elevator mechanic's license or a temporary elevator mechanic's license shall be provided as the OSFM may require.

Section 220.90 Application for License

- a) All applications for a license as an elevator mechanic, elevator apprentice or helper, elevator inspector, elevator contractor, or limited elevator contractor shall be submitted to the OSFM on forms provided by the OSFM. The applicant shall furnish proof of competency as the OSFM may require.
- b) Upon receipt and review of the application, the OSFM, with approval of the Board, shall issue the appropriate license or shall notify the applicant of the reason for the denial of the license.

Section 220.100 License Fee

License fees shall be as follows:

- | | |
|--|---------|
| a) Elevator Mechanic License (initial and renewal) | \$200 |
| b) Elevator Inspector License (initial and renewal) | \$400 |
| c) Elevator Contractor License (initial and renewal) | \$1,000 |
| d) Limited Elevator Contractor License (initial and renewal) | \$500 |
| e) Temporary Elevator Mechanic License (initial and renewal) | \$50 |
| f) Emergency Elevator Mechanic License (initial and renewal) | \$0 |
| g) Elevator Apprentice and Helper License | \$50 |

OFFICE OF THE STATE FIRE MARSHAL

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- h) Replacement License \$25

Section 220.110 Renewal of License

- a) All licenses shall be renewed every 2 years. A licensee may renew a license by submitting a written application for renewal, accompanied by the required fee, prior to expiration of the license.
- b) The individual applicant or the officers for an elevator contractor shall provide evidence satisfactory to the OSFM of completion of at least 8 hours of continuing education approved by the Board, designed to ensure the continued qualifications of the applicant.
- c) *A licensee who is unable to complete the continuing education course required under this Section prior to the expiration of his/her license due to a temporary disability may apply for a waiver from the Board as provided for in Section 60(f) of the Act. [225 ILCS 312/60(f)]*
- d) Except as otherwise provided for in subsection (c), if a license is allowed to lapse, it may be renewed within one year after its expiration date by meeting the requirement of subsection (b) and the payment of \$50 in addition to the renewal fee.
- e) If a license is not renewed within one year after its expiration date, the applicant shall make application for a new license and shall follow the appropriate licensing procedure.

Section 220.120 Registration of Conveyances

- a) The licensed elevator contractor installing the new conveyance shall register the conveyance with the OSFM as required by Section 95 of the Act and pay a registration fee of \$30.
- b) For conveyances existing on the effective date of this Part, the owner of the existing conveyance shall register the conveyance with the OSFM as required by Section 80 of the Act and pay a registration fee of \$30.
- c) The registration shall be on a form provided by the OSFM and include the type, rated load and speed, manufacturer, location, purpose, date of installation, and any additional information the Board or OSFM may require.

OFFICE OF THE STATE FIRE MARSHAL

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- d) The OSFM shall issue for each conveyance a registration number that shall be used to identify the conveyance thereafter. The location where the registration number will be posted and the size and type of posting shall be determined by the OSFM.
- e) Six months after the effective date of this Part, the OSFM may assess an administrative penalty in accordance with Section 110(b) of the Act not to exceed \$500 for each day a contractor, building owner, or lessee fails to register a conveyance with the OSFM.

Section 220.130 Permits

- a) A licensed elevator contractor shall obtain a permit from the OSFM, municipality, or other unit of local government that regulates such activities prior to erecting, constructing, installing, or altering any conveyances covered by the Act.
- b) If the permit is issued by a local government, the governmental entity issuing the permit shall send a copy to the OSFM.
- c) Each application for a permit shall be on a form provided by the OSFM and shall be accompanied by a permit fee, the specifications, and accurately scaled and fully dimensioned plans. The plans and specifications shall be sufficiently complete to illustrate all details of construction and design and comply with Section 90(c) of the Act.
- d) The permit holder shall notify the OSFM no less than 7 days prior to the acceptance inspection being performed. The OSFM shall make a determination as to whether to monitor acceptance inspections.
- e) Permit fees shall be as follows:
 - 1) New Installation \$200
 - 2) Alteration \$100

Section 220.140 Certificate of Operation

- a) Each application for a Certificate of Operation shall be submitted to the OSFM and shall include the following:

OFFICE OF THE STATE FIRE MARSHAL

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- 1) A safety inspection report from a licensed elevator inspector indicating that the conveyance is safe for normal use;
 - 2) A certification from a licensed elevator mechanic that the conveyance was tested in accordance with the appropriate code;
 - 3) Any other information the OSFM may require; and
 - 4) The fee required by subsection (b).
- b) The fees for Certificate of Operation shall be as follows:
- | | |
|--|-------|
| 1) Initial Certificate of Operation | \$75 |
| 2) Annual Renewal of Certificate of Operation | \$50 |
| 3) Renewal of Expired Certificate of Operation | \$75 |
| 4) Temporary Certificate of Operation | \$100 |
- c) Upon receipt and review of the application and supporting documentation, the OSFM shall issue the appropriate Certificate of Operation or shall notify the applicant of the reason for the denial of the certificate.
- d) OSFM will issue a Temporary Certificate of Operation that permits the temporary use of a non-compliant conveyance by the general public for up to 30 days while minor repairs are being completed if the OSFM determines that use of the conveyance pending repair will not jeopardize the safety and health of those using or working on the conveyance.
- e) It shall be the responsibility of the owner of the conveyance to have the conveyance inspected and tested in accordance with the codes incorporated by reference in Section 220.60.
- f) Certificates of Operation shall be displayed as determined by the OSFM.
- g) Upon expiration of the Certificate of Operation, the OSFM may direct the building owner or lessee, subsequent to 10 days notice, to suspend operation of the conveyance.

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- h) The OSFM or a designee may cancel the Certificate of Operation and place the conveyance out of service when any of the following conditions exist:
 - 1) The conveyance is deemed unsafe for operation or is being operated in an unsafe manner.
 - 2) The owner fails to pay fees or penalties.
 - 3) The owner fails to have the conveyance inspected at required intervals.
 - 4) The owner fails to take corrective action as directed by the OSFM.
- i) When a conveyance Certificate of Operation has been suspended or cancelled or the conveyance has been placed out of operation by the OSFM, no person shall operate the conveyance or permit it to be operated unless written permission has been first obtained from the OSFM. The OSFM may require that the owner apply for and pay a fee for reinstatement of a cancelled Certificate of Operation in addition to other penalties and fees assessed by the OSFM.

Section 220.150 Formal Hearing by the Board

- a) Upon the filing of a notice of violation by the OSFM, the Board will commence the hearing process by serving the notice of violation and a notice of the hearing. Copies will be sent to the OSFM and the charged party.
- b) The Board may appoint a hearing officer to assist the Board with the hearing.
- c) If the charged party fails to appear after proper notice has been given, the Board shall hold the hearing and make a decision on the charges.

Section 220.160 Administrative Penalties

- a) The OSFM may assess an administrative penalty against any person who violates the Act or this Part or any of the standards listed in Section 220.60.
- b) Issuance of Administrative Citation
 - 1) The OSFM may issue an administrative citation in writing and shall specifically describe the nature of the violation and its location and shall

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include a reference to the particular Section of the Act, this Part, or standard alleged to have been violated. The citation shall also state the amount of the fine and the process for appeal.

- 2) The person alleged to have committed the violation shall have 30 days from the date of service to notify the OSFM in writing of any intent to appeal the citation and fine. If no notice of appeal is filed, the citation and penalty shall be deemed a final order of the State Fire Marshal.
- 3) Administrative citations and penalties issued under this Section shall not limit the authority of the OSFM to issue orders, revoke permits, stop work on construction and order the electrical power to be disconnected, or take any other appropriate enforcement action.

c) Appeal of a Citation

- 1) A person who appeals a citation issued by the OSFM shall be entitled to a hearing before the Board or designee within 90 days after filing the notice of appeal. The 90 day time frame may be extended if the appellant requests in writing additional time to prepare for the hearing with OSFM approval.
- 2) The hearing notice to the appellant shall include the following information:
 - A) A statement of the time, place, and nature of the hearing;
 - B) A statement of the legal authority and jurisdiction under which the hearing is to be held;
 - C) A reference to the Sections of the Act and this Part involved;
 - D) A short and plain statement of the matters at issue.
- 3) The Board may appoint a hearing officer to hear evidence on any complaint, prepare findings, and recommend a decision.
- 4) The appellant may appear at the hearing with counsel, present evidence, and cross-examine witnesses.

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- 5) An opportunity shall be given all parties to respond and present evidence and arguments on all issues involved.
 - 6) At the close of the evidence, the Board shall issue a written decision with findings of fact and conclusions of law determining whether a violation has occurred and the amount of any penalty to be assessed.
 - 7) Nothing in this Section shall prohibit the informal disposition of a citation by stipulation, agreed settlement, consent order, or default. Informal disposition may proceed with clear and simple documentation without complete adherence to this Section.
- d) Administrative Penalty/Fine
- 1) Violation of Section 220.60
 - A) In assessing the penalty for code violations, the OSFM, or a duly authorized representative, shall consider the seriousness of the violation, whether the violation was corrected after notification of its existence, and whether the person has been fined for the same or similar violations in the past.
 - B) When a penalty is assessed, the fine shall be as follows:
 - i) The fine shall not exceed \$1,500 for each violation that poses a serious threat to life safety.
 - ii) The fine shall not exceed \$500 for each violation that does not pose a serious threat to life safety.
 - 2) Licensure Violation
 - A) The fine shall not exceed \$2,000 for each instance for any person or business that performs elevator work without being properly licensed.
 - B) The fine shall not exceed \$2,000 for each instance for any contractor that allows an individual to perform work on a conveyance covered by the Act who does not possess a valid mechanic license.

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- 3) The fine shall not exceed \$1,500 for each instance for any owner or lessee that fails to comply with the Act.
- 4) The fine shall not exceed \$2,000 for each instance for any licensee that fails to notify the OSFM of violations of the Act.

Section 220.170 Implementation Schedule

The following implementation schedule applies to license, registration, permit, certificate of operation, and local regulations.

- a) Licenses for elevator mechanics, apprentices, helpers, contractors, and inspectors will be required within 6 months after the effective date of this Part.
- b) The OSFM may issue a mechanic license, in accordance with Section 45(b)(2) of the Act, to a person applying within 3 months after the effective date of this Part.
- c) Permits shall be required 3 months after the effective date of this Part.
- d) All conveyances shall be registered within 6 months after the effective date of this Part.
- e) All conveyances shall be required to have a Certificate of Operation within 12 months after the effective date of this Part.
- f) Those local governmental units that intend to regulate conveyances must notify the Board of their intent within 3 months after the effective date of this Part.

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- 1) Heading of the Part: Solid Waste Disposal: General Provisions
- 2) Code citation: 35 Ill. Adm. Code 810
- 3) Section number: 810.103 Proposed Action:
Aend
- 4) Statutory authority: 415 ILCS 5/7.2, 22.40, and 27.
- 5) A complete description of the subjects and issues involved: The following briefly describes the subjects and issues involved in the docket R05-1 rulemaking of which the amendments to Part 810 are a single segment. Also affected are 35 Ill. Adm. Code 811 and 813, each of which is covered by a separate notice in this issue of the Illinois Register. A comprehensive description is contained in the Board's opinion and order of January 6, 2005, proposing amendments in docket R05-1 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the Illinois Register before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle D municipal solid waste landfill (MSWLF) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R05-1	Federal RCRA Subtitle D amendments that occurred during the period January 1, 2004 through June 30, 2004.
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The R05-1 docket amends rules in Parts 810, 811, and 813. The following table briefly summarizes the federal actions in the update period:

March 22, 2004 (69 Fed. Reg. 13242)

USEPA amended the federal rules to allow states to grant research, development, and demonstration (RD&D) permits. By such a permit, the landfill owner or operator could use alternative technologies and not comply with the generally applicable requirements for final cover, run-on control, and introduction of liquid waste to a landfill. The federal purpose was to permit the operation of bioreactor landfills.

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Specifically, the amendments to Part 810 add a definition of “research, development, and demonstration permit” to aid implementation of the RD&D permit rule.

Tables appear in the Board’s opinion and order of January 6, 2005 in docket R05-1 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the January 6, 2005 opinion and order in docket R05-1.

Section 22.40 of the Environmental Protection Act [415 ILCS 5/22.40] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Will this rulemaking replace emergency currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?: No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R05-1 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

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Please direct inquiries to the following person and reference Docket R05-1:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
Phone: 312-814-6924
E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected:

This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a municipal solid waste landfill. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].

B) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].

C) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].

13) Regulatory agenda on which this rulemaking was summarized: July 30, 2004, 28 Ill. Reg. 10429.

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULINGPART 810
SOLID WASTE DISPOSAL: GENERAL PROVISIONS

Section	
810.101	Scope and Applicability
810.102	Severability
810.103	Definitions
810.104	Incorporations by Reference

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17, and 28.1 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15838, effective September 18, 1990; amended in R93-10 at 18 Ill. Reg. 1268, effective January 13, 1994; amended in R90-26 at 18 Ill. Reg. 12457, effective August 1, 1994; amended in R95-9 at 19 Ill. Reg. 14427, effective September 29, 1995; amended in R96-1 at 20 Ill. Reg. 11985, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15825, effective November 25, 1997; amended in R04-5/R04-15 at 28 Ill. Reg. 9090, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. _____, effective _____.

Section 810.103 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part will be the same as that applied to the same words or terms in the Environmental Protection Act (Act) [415 ILCS 5]:

"Act" means the Environmental Protection Act [415 ILCS 5].

"Admixtures" are chemicals added to earth materials to improve for a specific application the physical or chemical properties of the earth materials. Admixtures include, but are not limited to: lime, cement, bentonite, and sodium silicate.

"Agency" is the Environmental Protection Agency established by the Environmental Protection Act. (Section 3.105 of the Act)

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"Applicant" means the person submitting an application to the Agency for a permit for a solid waste disposal facility.

"Aquifer" means saturated (with groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs, or streams under ordinary hydraulic gradients and whose boundaries can be identified and mapped from hydrogeologic data. (Section 3 of the Illinois Groundwater Protection Act [415 ILCS 55/3])

"Bedrock" means the solid rock formation immediately underlying any loose superficial material such as soil, alluvium, or glacial drift.

"Beneficially usable waste" means any solid waste from the steel and foundry industries that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a leachate that contains constituents which exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

"Board" is the Pollution Control Board established by the Act. (Section 3.130 of the Act)

"Borrow area" means an area from which earthen material is excavated for the purpose of constructing daily cover, final cover, a liner, a gas venting system, roadways, or berms.

"Chemical waste" means a non-putrescible solid whose characteristics are such that any contaminated leachate is expected to be formed through chemical or physical processes, rather than biological processes, and no gas is expected to be formed as a result.

"Coal combustion power generating facilities" means establishments that generate electricity by combusting coal and which utilize a lime or limestone scrubber system.

"Contaminated leachate" means any leachate whose constituent violate the standards of 35 Ill. Adm. Code 811.202.

"Dead animal disposal site" means an on-the-farm disposal site at which the burial of dead animals is done in accordance with the Illinois Dead Animal Disposal Act [225 ILCS 610] and regulations adopted pursuant thereto (8 Ill. Adm. Code 90).

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"Design Period" means that length of time determined by the sum of the operating life of the solid waste landfill facility plus the postclosure care period necessary to stabilize the waste in the units.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water or into any well such that solid waste or any constituent of the solid waste may enter the environment by being emitted into the air or discharged into any waters, including groundwater. (Section 3.185 of the Act) If the solid waste is accumulated and not confined or contained to prevent its entry into the environment, or there is no certain plan for its disposal elsewhere, such accumulation will constitute disposal.

"Disturbed areas" means those areas within a facility that have been physically altered during waste disposal operations or during the construction of any part of the facility.

"Documentation" means items, in any tangible form, whether directly legible or legible with the aid of any machine or device, including but not limited to affidavits, certificates, deeds, leases, contracts or other binding agreements, licenses, permits, photographs, audio or video recordings, maps, geographic surveys, chemical and mathematical formulas or equations, mathematical and statistical calculations and assumptions, research papers, technical reports, technical designs and design drawings, stocks, bonds, and financial records, that are used to support facts or hypotheses.

"Earth liners" means structures constructed from naturally occurring soil material that has been compacted to achieve a low permeability.

"Existing facility" or "Existing unit" means a facility or unit that is not defined in this Section as a new facility or a new unit.

"Existing MSWLF unit" means any municipal solid waste landfill unit that has received household waste before October 9, 1993. (Section 3.285 of the Act)

"Facility" means a site and all equipment and fixtures on a site used to treat, store or dispose of solid or special wastes. A facility consists of an entire solid or special waste treatment, storage or disposal operation. All structures used in connection with or to facilitate the waste disposal operation will be considered a part of the facility. A facility may include, but is not limited to, one or more solid waste disposal units, buildings, treatment systems, processing and storage

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operations, and monitoring stations.

"Field capacity" means that maximum moisture content of a waste, under field conditions of temperature and pressure, above which moisture is released by gravity drainage.

"Foundry sand" means pure sand or a mixture of sand and any additives necessary for use of the sand in the foundry process, but does not include such foundry process by-products as air pollution control dust or refractories.

"Gas collection system" means a system of wells, trenches, pipes and other related ancillary structures such as manholes, compressor housing, and monitoring installations that collects and transports the gas produced in a putrescible waste disposal unit to one or more gas processing points. The flow of gas through such a system may be produced by naturally occurring gas pressure gradients or may be aided by an induced draft generated by mechanical means.

"Gas condensate" means the liquid formed as a landfill gas is cooled or compressed.

"Gas venting system" means a system of wells, trenches, pipes and other related structures that vents the gas produced in a putrescible waste disposal unit to the atmosphere.

"Geomembranes" means manufactured membrane liners and barriers of low permeability used to control the migration of fluids or gases.

"Geotextiles" are permeable manufactured materials used for purposes that include, but are not limited to, strengthening soil, providing a filter to prevent clogging of drains, and collecting and draining liquids and gases beneath the ground surface.

"Groundwater" means underground water which occurs within the saturated zone and within geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. (Section 3 of the Illinois Groundwater Protection Act)

"Household waste" means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters,

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campgrounds, picnic grounds, and day-use recreation areas). (Section 3.230 of the Act)

"Hydraulic barriers" means structures designed to prevent or control the seepage of water. Hydraulic barriers include, but are not limited to, cutoff walls, slurry walls, grout curtains and liners.

"Inert waste" means any solid waste that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a contaminated leachate, as determined in accordance with 35 Ill. Adm. Code 811.202(b). Such inert wastes will include only non-biodegradable and non-putrescible solid wastes. Inert wastes may include, but are not limited to, bricks, masonry, and concrete (cured for 60 days or more).

"Iron slag" means slag.

"Land application unit" means an area where wastes are agronomically spread over or disked into land or otherwise applied so as to become incorporated into the soil surface. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a land application unit is not a landfill; however, other Parts of 35 Ill. Adm. Code: Chapter I may apply, and may include the permitting requirements of 35 Ill. Adm. Code 309.

"Landfill" means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, and which is not a land application unit, a surface impoundment or an underground injection well. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, landfills include waste piles, as defined in this Section.

"Lateral expansion" means a horizontal expansion of the actual waste boundaries of an existing MSWLF unit occurring on or after October 9, 1993. A horizontal expansion is any area where solid waste is placed for the first time directly upon the bottom liner of the unit, excluding side slopes on or after October 9, 1993. (Section 3.275 of the Act)

"Leachate" means liquid that has been or is in direct contact with a solid waste.

"Lift" means an accumulation of waste that is compacted into a unit and over which cover is placed.

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"Low risk waste" means any solid waste from the steel and foundry industries that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a leachate that contains constituents that exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

"Malodor" means an odor caused by *one or more contaminant emissions into the atmosphere from a facility that is in sufficient quantities and of such characteristics and duration as to be described as malodorous and which may be injurious to human, plant, or animal life, to health, or to property, or may unreasonably interfere with the enjoyment of life or property.* (Section 3.115 of the Act (defining "air pollution"))

"Municipal solid waste landfill unit" or "MSWLF unit" means a contiguous area of land or an excavation that receives household waste, and that is not a land application, surface impoundment, injection well, or any pile of non-containerized accumulations of solid, non-flowing waste that is used for treatment or storage. A MSWLF unit may also receive other types of RCRA Subtitle D wastes, such as commercial solid waste, non-hazardous sludge, small quantity generator waste and industrial solid waste. Such a landfill may be publicly or privately owned or operated. a MSWLF unit may be a new MSWLF unit, an existing MSWLF unit or a lateral expansion. A sanitary landfill is subject to regulation as a MSWLF if it receives household waste. (Section 3.285 of the Act) But, a landfill that receives residential lead-based paint waste and which does not receive any other household waste is not a MSWLF unit.

BOARD NOTE: The final sentence of corresponding 40 C.F.R. 258.2 provides as follows: "A construction and demolition landfill that receives residential lead-based paint waste and which does not receive any other household waste is not a MSWLF Unit." A construction and demolition landfill is a type of landfill that does not exist in Illinois, so the Board omitted the reference to "construction and demolition landfill." A landfill in Illinois that receives residential lead-based paint waste and no other type of household waste would be permitted as a chemical waste landfill or a putrescible waste landfill under Subpart C of 35 Ill. Adm. Code 811, as appropriate.

"National Pollutant Discharge Elimination System" or "NPDES" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under the Clean Water Act (33 USC 1251 et seq.), Section 12(f) of the Act, Subpart A of 35 Ill. Adm. Code 309, and 35 Ill. Adm. Code 310.

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"NPDES permit" means a permit issued under the NPDES program.

"New facility" or "New unit" means a solid waste landfill facility or a unit at a facility, if one or more of the following conditions apply:

It is a landfill or unit exempt from permit requirements pursuant to Section 21(d) of the Act that has not yet accepted any waste as of September 18, 1990;

It is a landfill or unit not exempt from permit requirements pursuant to Section 21(d) of the Act that has no development or operating permit issued by the Agency pursuant to 35 Ill. Adm. Code 807 as of September 18, 1990; or

It is a landfill with a unit whose maximum design capacity or lateral extent is increased after September 18, 1990.

BOARD NOTE: A new unit located in an existing facility will be considered a unit subject to 35 Ill. Adm. Code 814, which references applicable requirements of 35 Ill. Adm. Code 811.

"New MSWLF unit" means any municipal solid waste landfill unit that has received household waste on or after October 9, 1993 for the first time. (Section 3.285 of the Act)

"One hundred-year flood plain" means any land area that is subject to a one percent or greater chance of flooding in a given year from any source.

"One hundred-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 100 years.

"Operator" means the person responsible for the operation and maintenance of a solid waste disposal facility.

"Owner" means a person who has an interest, directly or indirectly, in land, including a leasehold interest, on which a person operates and maintains a solid waste disposal facility. The "owner" is the "operator" if there is no other person who is operating and maintaining a solid waste disposal facility.

"Perched watertable" means an elevated watertable above a discontinuous

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saturated lens, resting on a low permeability (such as clay) layer within a high permeability (such as sand) formation.

"Permit area" means the entire horizontal and vertical region occupied by a permitted solid waste disposal facility.

"Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity, or their legal representative, agent or assigns. (Section 3.315 of the Act)

"Potentially usable waste" means any solid waste from the steel and foundry industries that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a leachate that contains constituents that exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

"Poz-O-Tec materials" means materials produced by a stabilization process patented by Conversion Systems, Inc. utilizing flue gas desulfurization (FGD) sludges and ash produced by coal combustion power generation facilities as raw materials.

"Poz-O-Tec monofill" means a landfill in which solely Poz-O-Tec materials are placed for disposal.

"Professional engineer" means a person who has registered and obtained a seal pursuant to the Professional Engineering Practice Act of 1989 [225 ILCS 325].

"Professional land surveyor" means a person who has received a certificate of registration and a seal pursuant to the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330].

"Putrescible waste" means a solid waste that contains organic matter capable of being decomposed by microorganisms so as to cause a malodor, gases, or other offensive conditions, or which is capable of providing food for birds and vectors. Putrescible wastes may form a contaminated leachate from microbiological degradation, chemical processes, and physical processes. Putrescible waste includes, but is not limited to, garbage, offal, dead animals, general household waste, and commercial waste. All solid wastes that do not meet the definition of inert or chemical wastes will be considered putrescible wastes.

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"Publicly owned treatment works" or "POTW" means a treatment works that is owned by the State of Illinois or a unit of local government. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastewater. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the unit of local government that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"Recharge zone" means an area through which water can enter an aquifer.

"Research, development, and demonstration permit" or "RD&D permit" means a permit issued pursuant to an adjusted standard issued under 35 Ill. Adm. Code 813.112, as derived from 40 CFR 258.4 (2004), that allows the testing of an innovative technology at an MSWLF unit.

"Residential lead-based paint waste" means waste containing lead-based paint that is generated as a result of activities such as abatement, rehabilitation, renovation, and remodeling in homes and other residences. The term residential lead-based paint waste includes, but is not limited to, lead-based paint debris, chips, dust, and sludges.

"Resource Conservation and Recovery Act" or "RCRA" means the Resource Conservation and Recovery Act of 1976 (P.L. 94-580 codified as 42 USC. §§6901 et seq.) as amended. (Section 3.425 of the Act)

"Responsible charge," when used to refer to a person, means that the person is normally present at a waste disposal site; directs the day-to-day overall operation at the site; and either is the owner or operator or is employed by or under contract with the owner or operator to assure that the day-to-day operations at the site are carried out in compliance with any Part of 35 Ill. Adm. Code: Chapter I governing operations at waste disposal sites.

"Runoff" means water resulting from precipitation that flows overland before it enters a defined stream channel, any portion of such overland flow that infiltrates into the ground before it reaches the stream channel, and any precipitation that falls directly into a stream channel.

"Salvaging" means the return of waste materials to use, under the supervision of the landfill operator, so long as the activity is confined to an area remote from the

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operating face of the landfill, it does not interfere with or otherwise delay the operations of the landfill, and it results in the removal of all materials for salvaging from the landfill site daily or separates them by type and stores them in a manner that does not create a nuisance, harbor vectors, or cause an unsightly appearance.

"Scavenging" means the removal of materials from a solid waste management facility or unit that is not salvaging.

"Seismic Slope Safety Factor" means the ratio between the resisting forces or moments in a slope and the driving forces or moments that may cause a massive slope failure during an earthquake or other seismic event such as an explosion.

"Settlement" means subsidence caused by waste loading, changes in groundwater level, chemical changes within the soil, and adjacent operations involving excavation.

"Shredding" means the mechanical reduction in particle sizes of solid waste. Putrescible waste is considered shredded if 90 percent of the waste by dry weight passes a three-inch sieve.

"Significant Modification" means a modification to an approved permit issued by the Agency in accordance with Section 39 of the Act and 35 Ill. Adm. Code 813 that is required when one or more of the following changes (considered significant when that change is measured by one or more parameters whose values lie outside the expected operating range of values as specified in the permit) are planned, occur, or will occur:

An increase in the capacity of the waste disposal unit over the permitted capacity;

Any change in the placement of daily, intermediate, or final cover;

A decrease in performance, efficiency, or longevity of the liner system;

A decrease in efficiency or performance of the leachate collection system;

A change in configuration, performance, or efficiency of the leachate management system;

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A change in the final disposition of treated effluent or in the quality of the discharge from the leachate treatment or pretreatment system;

Installation of a gas management system or a decrease in the efficiency or performance of an existing gas management system;

A change in the performance or operation of the surface water control system;

A decrease in the quality or quantity of data from any environmental monitoring system;

A change in the applicable background concentrations or the maximum allowable predicted concentrations;

A change in the design or configuration of the regraded area after development or after final closure;

A change in the amount or type of postclosure financial assurance;

Any change in the permit boundary;

A change in the postclosure land use of the property;

A remedial action necessary to protect groundwater;

Transfer of the permit to a new operator;

Operating authorization is being sought to place into service a structure constructed pursuant to a construction quality assurance program; or

A change in any requirement set forth as a special condition in the permit.

"Slag" means the fused agglomerate that separates in the iron and steel production and floats on the surface of the molten metal.

"Sole source aquifer" means those aquifers designated pursuant to Section 1424(e) of the Safe Drinking Water Act of 1974 (42 USC 300h-3).

"Solid Waste" means a waste that is defined in this Section as an inert waste, as a

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putrescible waste, as a chemical waste or as a special waste, and which is not also defined as a hazardous waste pursuant to 35 Ill. Adm. Code 721.

"Special waste" means any industrial process waste, pollution control waste, or hazardous waste, except as determined pursuant to Section 22.9 of the Act and 35 Ill. Adm. Code 808. (Section 3.475 of the Act)

"Static Safety Factor" means the ratio between resisting forces or moments in a slope and the driving forces or moments that may cause a massive slope failure.

"Steel slag" means slag.

"Surface impoundment" means a natural topographic depression, a man-made excavation, or a diked area into which flowing wastes, such as liquid wastes or wastes containing free liquids, are placed. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a surface impoundment is not a landfill. Other Parts of 35 Ill. Adm. Code: Chapter I may apply, including the permitting requirements of 35 Ill. Adm. Code 309.

"Twenty-five-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 25 years.

"Uppermost aquifer" means the first geologic formation above or below the bottom elevation of a constructed liner or wastes, where no liner is present, that is an aquifer, and includes any lower aquifer that is hydraulically connected with this aquifer within the facility's permit area.

"Unit" means a contiguous area used for solid waste disposal.

"Unit of local government" means a unit of local government, as defined by Article 7, Section 1 of the Illinois Constitution. A unit of local government may include, but is not limited to, a municipality, a county, or a sanitary district.

"Waste pile" means an area on which non-containerized masses of solid, non-flowing wastes are placed for disposal. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a waste pile is a landfill, unless the operator can demonstrate that the wastes are not accumulated over time for disposal. At a minimum, such demonstration must include photographs, records, or other observable or discernable information, maintained on a yearly basis, that show that within the preceding year the waste has been removed for utilization or

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disposal elsewhere.

"Waste stabilization" means any chemical, physical, or thermal treatment of waste, either alone or in combination with biological processes, that results in a reduction of microorganisms, including viruses, and the potential for putrefaction.

"Working face" means any part of a landfill where waste is being disposed of.

"Zone of attenuation" means the three dimensional region formed by excluding the volume occupied by the waste placement from the smaller of the volumes resulting from vertical planes drawn to the bottom of the uppermost aquifer at the property boundary or 100 feet from the edge of one or more adjacent units.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Standards for New Solid Waste Landfills
- 2) Code citation: 35 Ill. Adm. Code 811
- 3)

<u>Section numbers:</u>	<u>Proposed Action:</u>
811.103	Amend
811.106	Amend
811.107	Amend
811.310	Amend
811.314	Amend
APPENDIX	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 22.40, and 27.
- 5) A complete description of the subjects and issues involved: The amendments to Part 811 are a single segment of the docket R05-1 rulemaking that also affects 35 Ill. Adm. Code 810 and 813, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in the docket R05-1 rulemaking in this Illinois Register only in the answer to question 5 in the Notice of Proposed Amendments for 35 Ill. Adm. Code 810. A comprehensive description is contained in the Board's opinion and order of January 6, 2005, proposing amendments in docket R05-1 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the Illinois Register before proceeding to adopt amendments based on this proposal.

Specifically, the amendments to Part 811 aid implementation of the RD&D permit rule by adding explanatory segments to the substantive segments of the regulations from which relief is available.

Tables appear in the Board's opinion and order of January 6, 2005 in docket R05-1 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the January 6, 2005 opinion and order in docket R05-1.

Section 22.40 of the Environmental Protection Act [415 ILCS 5/22.40] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to

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this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Will rulemaking replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?: No
- 8) Does rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R05-1 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Please direct inquiries to the following person and reference Docket R05-1:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
Phone: 312-814-6924
E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

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- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected:
- This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a municipal solid waste landfill. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- B) Reporting, bookkeeping or other procedures required for compliance:
- The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- C) Types of professional skills necessary for compliance:
- Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- 13) Regulatory agenda on which this rulemaking was summarized: July 30, 2004, 28 Ill. Reg. 10429.

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

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

PART 811
STANDARDS FOR NEW SOLID WASTE LANDFILLS

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section	
811.101	Scope and Applicability
811.102	Location Standards
811.103	Surface Water Drainage
811.104	Survey Controls
811.105	Compaction
811.106	Daily Cover
811.107	Operating Standards
811.108	Salvaging
811.109	Boundary Control
811.110	Closure and Written Closure Plan
811.111	Postclosure Maintenance
811.112	Recordkeeping Requirements for MSWLF Units

SUBPART B: INERT WASTE LANDFILLS

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811.201	Scope and Applicability
811.202	Determination of Contaminated Leachate
811.203	Design Period
811.204	Final Cover
811.205	Final Slope and Stabilization
811.206	Leachate Sampling
811.207	Load Checking

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section	
811.301	Scope and Applicability
811.302	Facility Location

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811.303	Design Period
811.304	Foundation and Mass Stability Analysis
811.305	Foundation Construction
811.306	Liner Systems
811.307	Leachate Drainage System
811.308	Leachate Collection System
811.309	Leachate Treatment and Disposal System
811.310	Landfill Gas Monitoring
811.311	Landfill Gas Management System
811.312	Landfill Gas Processing and Disposal System
811.313	Intermediate Cover
811.314	Final Cover System
811.315	Hydrogeological Site Investigations
811.316	Plugging and Sealing of Drill Holes
811.317	Groundwater Impact Assessment
811.318	Design, Construction, and Operation of Groundwater Monitoring Systems
811.319	Groundwater Monitoring Programs
811.320	Groundwater Quality Standards
811.321	Waste Placement
811.322	Final Slope and Stabilization
811.323	Load Checking Program
811.324	Corrective Action Measures for MSWLF Units
811.325	Selection of remedy for MSWLF Units
811.326	Implementation of the corrective action program at MSWLF Units

SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

Section	
811.401	Scope and Applicability
811.402	Notice to Generators and Transporters
811.403	Special Waste Manifests
811.404	Identification Record
811.405	Recordkeeping Requirements
811.406	Procedures for Excluding Regulated Hazardous Wastes

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

Section	
811.501	Scope and Applicability
811.502	Duties and Qualifications of Key Personnel

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811.503	Inspection Activities
811.504	Sampling Requirements
811.505	Documentation
811.506	Foundations and Subbases
811.507	Compacted Earth Liners
811.508	Geomembranes
811.509	Leachate Collection Systems

SUBPART G: FINANCIAL ASSURANCE

Section

811.700	Scope, Applicability and Definitions
811.701	Upgrading Financial Assurance
811.702	Release of Financial Institution
811.703	Application of Proceeds and Appeals
811.704	Closure and Postclosure Care Cost Estimates
811.705	Revision of Cost Estimate
811.706	Mechanisms for Financial Assurance
811.707	Use of Multiple Financial Mechanisms
811.708	Use of a Financial Mechanism for Multiple Sites
811.709	Trust Fund for Unrelated Sites
811.710	Trust Fund
811.711	Surety Bond Guaranteeing Payment
811.712	Surety Bond Guaranteeing Performance
811.713	Letter of Credit
811.714	Closure Insurance
811.715	Self-Insurance for Non-commercial Sites
811.716	Local Government Financial Test
811.717	Local Government Guarantee
811.718	Discounting
811.719	Corporate Financial Test
811.720	Corporate Guarantee

811.APPENDIX A Financial Assurance Forms

811.ILLUSTRATION A	Trust Agreement
811.ILLUSTRATION B	Certificate of Acknowledgment
811.ILLUSTRATION C	Forfeiture Bond
811.ILLUSTRATION D	Performance Bond
811.ILLUSTRATION E	Irrevocable Standby Letter of Credit
811.ILLUSTRATION F	Certificate of Insurance for Closure and/or Postclosure

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	Care
811.ILLUSTRATION G	Operator's Bond Without Surety
811.ILLUSTRATION H	Operator's Bond With Parent Surety
811.ILLUSTRATION I	Letter from Chief Financial Officer
811.APPENDIX B	Section-by-Section correlation between the Standards of the RCRA Subtitle D MSWLF regulations and the Board's nonhazardous waste landfill regulations.

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1, and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in R93-10 at 18 Ill. Reg. 1308, effective January 13, 1994; expedited correction at 18 Ill. Reg. 7504, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12481, effective August 1, 1994; amended in R95-13 at 19 Ill. Reg. 12257, effective August 15, 1995; amended in R96-1 at 20 Ill. Reg. 12000, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15831, effective November 25, 1997; amended in R98-9 at 22 Ill. Reg. 11491, effective June 23, 1998; amended in R99-1 at 23 Ill. Reg. 2794, effective February 17, 1999; amended in R98-29 at 23 Ill. Reg. 6880, effective July 1, 1999; amended in R04-5/R04-15 at 28 Ill. Reg. 9107, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section 811.103 Surface Water Drainage

- a) Runoff From Disturbed Areas.
 - 1) Runoff from disturbed areas resulting from precipitation events less than or equal to the 25-year, 24-hour precipitation event that is discharged to waters of the State mustshall meet the requirements of 35 Ill. Adm. Code 304.
 - 2) All discharges of runoff from disturbed areas to waters of the State mustshall be permitted by the Agency in accordance with 35 Ill. Adm. Code 309.
 - 3) All treatment facilities mustshall be equipped with bypass outlets designed to pass the peak flow of runoff from the 100-year, 24-hour precipitation event without damage to the treatment facilities or surrounding structures.

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- 4) All surface water control structures ~~must~~shall be operated until the final cover is placed and erosional stability is provided by the vegetative or other cover meeting the requirements of Section 811.205 or 811.322.
 - 5) All discharge structures ~~must~~shall be designed to have flow velocities that will not cause erosion and scouring of the natural or ~~constructed~~~~contructed~~ lining, i.e., bottom and sides, of the receiving stream channel.
- b) Diversion of Runoff From Undisturbed Areas.
- 1) Runoff from undisturbed areas ~~must~~shall be diverted around disturbed areas, unless the operator shows that it is impractical based on site-specific conditions or unless the Agency has issued a research, development, and demonstration (RD&D) permit that provides otherwise pursuant to an adjusted standard issued under 35 Ill. Adm. Code 813.112(a)(1), relating to run-on control systems, and that permit is in effect.
 - 2) Diversion facilities ~~must~~shall be designed to prevent runoff from the 25-year, 24-hour precipitation event from entering disturbed areas, unless the Agency has issued an RD&D permit that provides otherwise pursuant to an adjusted standard issued under 35 Ill. Adm. Code 813.112(a)(1), relating to run-on control systems, and that permit is in effect.
 - 3) Runoff from undisturbed areas ~~that~~which becomes commingled with runoff from disturbed areas ~~must~~shall be handled as runoff from disturbed areas and treated in accordance with subsection (a) of this Section.
 - 4) All diversion structures ~~must~~shall be designed to have flow velocities that will not cause erosion and scouring of the natural or constructed lining, i.e., the bottom and sides, of the diversion channel and downstream channels.
 - 5) All diversion structures ~~must~~shall be operated until the final cover is placed and erosional stability is provided by the vegetative or other cover that meets~~meeting~~ the requirements of Section 811.205 or 811.322.

BOARD NOTE: Those segments of subsections (b)(1) and (b)(2) of this Section that relate to RD&D permits are derived from 40 CFR 258.4(a)(1) (2004).

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(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 811.106 Daily Cover

- a) A uniform layer of at least 0.15 meter (six inches) of clean soil material ~~must~~shall be placed on all exposed waste by the end of each day of operation.
- b) Alternative materials or procedures, including the removal of daily cover prior to additional waste placement, may be used, provided that the alternative materials or procedures achieve equivalent or superior performance to the requirements of subsection (a) of this Section in the following areas:
- 1) Prevention of blowing debris;
 - 2) Minimization of access to the waste by vectors;
 - 3) Minimization of the threat of fires at the open face; and
 - 4) Minimization of odors.
- c) Any alternative frequencies for cover requirements to those set forth in subsections (a) and (b) of this Section for any owner or operator of an MSWLF that disposes of 20 tons of municipal solid waste per day or less, based on an annual average, must be established by an adjusted standard pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 104106. Any alternative requirements established under this subsection (c) must fulfill the following requirements:
- 1) They must consider~~Consider~~ the unique characteristics of small communities;
 - 2) They must take~~Take~~ into account climatic and hydrogeologic conditions; and
 - 3) They must be~~Be~~ protective of human health and the environment.

BOARD NOTE: This subsection~~Subsection~~ (c) is derived from 40 CFR 258.21(d) (2004), ~~as added at 62 Fed. Reg. 40707 (July 29, 1997)~~.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 811.107 Operating Standards

- a) Phasing of Operations.
- 1) Waste mustshall be placed in a manner and at such a rate that mass stability is provided during all phases of operation. Mass stability meansshall-mean that the mass of waste deposited will not undergo settling or slope failure that interrupts operations at the facility or causes damage to any of the various landfill operations or structures, such as the liner, leachate or drainage collection system, gas collection system, or monitoring system.
 - 2) The phasing of operations at the facility mustshall be designed in such a way as to allow the sequential construction, filling, and closure of discrete units or parts of units.
 - 3) The operator mustshall design and sequence the waste placement operation in each discrete unit or parts of units, in conjunction with the overall operations of the facility, so as to shorten the operational phase and allow wastes to be built up to the planned final grade.
- b) Size and Slope of Working Face.
- 1) The working face of the unit mustshall be no larger than is necessary, based on the terrain and equipment used in waste placement, to conduct operations in a safe and efficient manner.
 - 2) The slopes of the working face area mustshall be no steeper than two to one (horizontal to vertical) unless the waste is stable at steeper slopes.
- c) Equipment.
- Equipment mustshall be maintained and available for use at the facility during all hours of operation, so as to achieve and maintain compliance with the requirements of this Part.
- d) Utilities.
- All utilities, including but no limited to heat, lights, power and communications equipment, necessary for safe operation in compliance with the requirements of this Part mustshall be available at the facility at all times.

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- e) Maintenance.
The operator mustshall maintain and operate all systems and related appurtenances and structures in a manner that facilitates proper operations in compliance with this Part.
- f) Open Burning.
Open burning is prohibited, except in accordance with 35 Ill. Adm. Code 200 through 245.
- g) Dust Control.
The operator mustshall implement methods for controlling dust, so as to prevent wind dispersal of particulate matter.
- h) Noise Control.
The facility shall be designed, constructed, and maintained to minimize the level of equipment noise audible outside the facility. The facility mustshall not cause or contribute to a violation of 35 Ill. Adm. Code 900 through 905 or of Section 24 of the Act [\[415 ILCS 5/24\]](#).
- i) Vector Control.
The operator mustshall implement measures to control the population of disease and nuisance vectors.
- j) Fire Protection.
The operator mustshall institute fire protection measures including, but not limited to, maintaining a supply of water onsite and radio or telephone access to the nearest fire department.
- k) Litter Control.
- 1) The operator mustshall patrol the facility daily to check for litter accumulation. All litter mustshall be collected and placed in the fill or in a secure, covered container for later disposal.
 - 2) The facility mustshall not accept solid waste from vehicles that do not utilize devices such as covers or tarpaulins to control litter, unless the nature of the solid waste load is such that it cannot cause any litter during its transportation to the facility.

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- l) Mud Tracking.
The facility ~~must~~shall implement methods, such as use of wheel washing units, to prevent tracking of mud by hauling vehicles onto public roadways.
- m) Liquids Restrictions for MSWLF ~~Units~~units.
- 1) Bulk or noncontainerized liquid waste may not be placed in MSWLF units, unless one of the following conditions is true:
- A) The waste is household waste other than septic waste; ~~or~~
- B) The waste is leachate or gas condensate derived from the MSWLF unit and the MSWLF unit, whether it is a new or existing MSWLF unit or lateral expansion, is designed with a composite liner and leachate collection system that complies with the requirements of Sections 811.306 through 811.309; ~~or:~~
- C) The Agency has issued an RD&D permit pursuant to an adjusted standard issued under 35 Ill. Adm. Code 813.112(a)(2) that allows the placement of noncontainerized liquids in the landfill, and that permit is in effect.
- 2) Containers holding liquid waste may not be placed in ~~ana~~ MSWLF unit, unless one of the following conditions is true:
- A) The container is a small container similar in size to that normally found in household waste;
- B) The container is designed to hold liquids for use other than storage; or
- C) The waste is household waste.
- 3) For purposes of this Section, the following definitions apply:
- A) "Liquid waste" means any waste material that is determined to contain "free liquids" as defined by Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (~~USEPA~~EPA Pub. No. SW-846) incorporated by reference in 35 Ill. Adm. Code 810.104.

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- B) "Gas condensate" means the liquid generated as a result of gas recovery processes at the MSWLF unit.

BOARD NOTE: ~~Subsections 811.107(m)(1) through (m)(3) are~~ Subsection 811.107(m)(1) through (m)(3) are ~~is~~ derived from 40 CFR 258.28 (2004). Subsection (m)(1)(C) of this Section relating to RD&D permits is derived from 40 CFR 258.4(a)(2) (2004). (1992).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section 811.310 Landfill Gas Monitoring

- a) This Section applies to all units that dispose putrescible wastes.
- b) Location and Design of Monitoring Wells.
- 1) Gas monitoring devices ~~must~~shall be placed at intervals and elevations within the waste to provide a representative sampling of the composition and buildup of gases within the unit.
 - 2) Gas monitoring devices ~~must~~shall be placed around the unit at locations and elevations capable of detecting migrating gas from the ground surface to the lowest elevation of the liner system or the top elevation of the groundwater, whichever is higher.
 - 3) A predictive gas flow model may be utilized to determine the optimum placement of monitoring points required for making observations and tracing the movement of gas.
 - 4) Gas monitoring devices ~~must~~shall be constructed from materials that will not react with or be corroded by the landfill gas.
 - 5) Gas monitoring devices ~~must~~shall be designed and constructed to measure pressure and allow collection of a representative sample of gas.
 - 6) Gas monitoring devices ~~must~~shall be constructed and maintained to minimize gas leakage.

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- 7) The gas monitoring system mustshall not interfere with the operation of the liner, leachate collection system, or delay the construction of the final cover system.
 - 8) At least three ambient air monitoring locations mustshall be chosen and samples mustshall be taken no higher than 0.025 meter (1 inch) above the ground and 30.49m (100 feet) downwind from the edge of the unit or at the property boundary, whichever is closer to the unit.
- c) Monitoring Frequency.
- 1) All gas monitoring devices, including the ambient air monitors mustshall be operated to obtain samples on a monthly basis for the entire operating period and for a minimum of five years after closure.
 - 2) After a minimum of five years after closure, monitoring frequency may be reduced to quarterly sampling intervals.
 - 3) The sampling frequency may be reduced to yearly sampling intervals upon the installation and operation of a gas collection system equipped with a mechanical device such as a compressor to withdraw gas.
 - 4) Monitoring mustshall be continued for a minimum period of: thirty years after closure at MSWLF units, except as otherwise provided by subsections (c)(5) and (c)(6) of this Section; five years after closure at landfills, other than MSWLF units, which are used exclusively for disposing of wastes generated at the site; or fifteen years after closure at all other landfills regulated under this Part. Monitoring, beyond the minimum period, may be discontinued if the following conditions have been met for at least one year:
 - A) The concentration of methane is less than five percent of the lower explosive limit in air for four consecutive quarters at all monitoring points outside the unit; and
 - B) Monitoring points within the unit indicate that methane is no longer being produced in quantities that would result in migration from the unit and exceed the standards of subsection (a)(1) of this Section.

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- 5) The Agency may reduce the gas monitoring period at an MSWLF unit upon a demonstration by the owner or operator that the reduced period is sufficient to protect human health and environment.
- 6) The owner or operator of an MSWLF unit mustshall petition the Board for an adjusted standard in accordance with Section 811.303, if the owner or operator seeks a reduction of the postclosure care monitoring period for all of the following requirements:
 - A) Inspection and maintenance (Section 811.111);
 - B) Leachate collection (Section 811.309);
 - C) Gas monitoring (Section 811.310); and
 - D) Groundwater monitoring (Section 811.319).

BOARD NOTE: Those segments of this~~Changes to~~ subsection (c) that relate to MSWLF units are derived from 40 CFR 258.61 ~~(2002)~~~~(1996)~~.

- d) Parameters to be Monitored.
 - 1) All below ground monitoring devices mustshall be monitored for the following parameters at each sampling interval:
 - A) Methane;
 - B) Pressure;
 - C) Oxygen; and
 - D) Carbon dioxide.
 - 2) Ambient air monitors mustshall be sampled for methane only when the average wind velocity is less than eight~~8~~ kilometers (five miles) per hour at a minimum of three downwind locations 30.49 meters (100 feet) from the edge of the unit or the property boundary, whichever is closer to the unit.
 - 3) All buildings within a facility mustshall be monitored for methane by

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utilizing continuous detection devices located at likely points where methane might enter the building.

- e) Any alternative frequencies for the monitoring requirement of subsection (c) of this Section for any owner or operator of an MSWLF that disposes of 20 tons of municipal solid waste per day or less, based on an annual average, must be established by an adjusted standard pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 104106. Any alternative monitoring frequencies established under this subsection (e) must fulfill the following requirements~~will~~:
- 1) They must consider~~Consider~~ the unique characteristics of small communities;
 - 2) They must take~~Take~~ into account climatic and hydrogeologic conditions; and
 - 3) They must be~~Be~~ protective of human health and the environment.

BOARD NOTE: This subsection~~Subsection (e)~~ is derived from 40 CFR 258.23(e) (2004), as added at 62 Fed. Reg. 40707 (July 29, 1997).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 811.314 Final Cover System

- a) The unit must~~shall~~ be covered by a final cover consisting of a low permeability layer overlain by a final protective layer constructed in accordance with the requirements of this Section, unless the Agency has issued an RD&D permit that allows the use of an innovative final cover technology pursuant to an adjusted standard issued under 35 Ill. Adm. Code 813.112(b), and that permit is in effect.
- b) Standards for the Low Permeability Layer.
 - 1) Not later than 60 days after placement of the final lift of solid waste, a low permeability layer must~~shall~~ be constructed.
 - 2) The low permeability layer must~~shall~~ cover the entire unit and connect with the liner system.

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- 3) The low permeability layer mustshall consist of any one of the following:
- A) A compacted earth layer constructed in accordance with the following standards:
 - i) The minimum allowable thickness mustshall be 0.91 meter (3 feet);
 - ii) The layer mustshall be compacted to achieve a permeability of 1×10^{-7} centimeters per second and minimize void spaces;
 - iii) Alternative specifications may be utilized provided that the performance of the low permeability layer is equal to or superior to the performance of a layer meeting the requirements of subsections (b)(3)(A)(i) and (b)(3)(A)(ii) of this Section.
 - B) A geomembrane constructed in accordance with the following standards:
 - i) The geomembrane mustshall provide performance equal or superior to the compacted earth layer described in subsection (b)(3)(A).
 - ii) The geomembrane mustshall have strength to withstand the normal stresses imposed by the waste stabilization process.
 - iii) The geomembrane mustshall be placed over a prepared base free from sharp objects and other materials thatwhich may cause damage.
 - C) Any other low permeability layer construction techniques or materials, provided that they provide equivalent or superior performance to the requirements of this subsection (b).
- 4) For an MSWLF unit, subsection (b)(3) of this Section notwithstanding, if the bottom liner system permeability is lower than 1×10^{-7} cm/sec, the permeability of the low permeability layer of the final cover system mustshall be less than or equal to the permeability of the bottom liner

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system.

- c) Standards for the Final Protective Layer.
- 1) The final protective layer ~~must~~ shall cover the entire low permeability layer.
 - 2) The thickness of the final protective layer ~~must~~ shall be sufficient to protect the low permeability layer from freezing and minimize root penetration of the low permeability layer, but ~~must~~ shall not be less than 0.91 meter (3 feet).
 - 3) The final protective layer ~~must~~ shall consist of soil material capable of supporting vegetation.
 - 4) The final protective layer ~~must~~ shall be placed as soon as possible after placement of the low permeability layer to prevent desiccation, cracking, freezing or other damage to the low permeability layer.
- d) Any alternative requirements for the infiltration barrier in subsection (b) ~~of this Section~~ for any owner or operator of an MSWLF that disposes of 20 tons of municipal solid waste per day or less, based on an annual average, must be established by an adjusted standard pursuant to Section 28.1 of the Act and ~~Subpart D of~~ 35 Ill. Adm. Code ~~104106~~. Any alternative requirements established under this subsection must ~~fulfill the following requirements~~:
- 1) ~~They must consider~~ Consider the unique characteristics of small communities;
 - 2) ~~They must take~~ Take into account climatic and hydrogeologic conditions; and
 - 3) ~~They must be~~ Be protective of human health and the environment.

BOARD NOTE: Subsection (b)(4) ~~of this Section~~ is derived from 40 CFR 258.60(a) ~~(2004)(1996)~~. Subsection (d) ~~of this Section~~ is derived from 40 CFR 258.60(b)(3) ~~(2004)~~. ~~Those segments of subsection (a) of this Section that relate to RD&D permits are derived from 40 CFR 258.4(b) (2004), as added at 62 Fed. Reg. 40707 (July 29, 1997).~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 811.APPENDIX B State-Federal MSWLF Regulations Correlation Table

RCRA SUBTITLE D REGULATIONS	ILLINOIS LANDFILL REGULATIONS
I. SUBPART A: General	
1) Purpose, Scope, and Applicability (40 CFR 258.1)	1) NL ¹ : Section 811.101, 811.301, 811.401, 811.501, and 811.700. EL ² : Section 814.101.
2) Definitions (40 CFR 258.2)	2) Section 810.103.
3) <u>Research, Development, and Demonstration Permits (40 CFR 258.4)</u>	3) <u>Sections 811.103(b)(1) and (b)(2), 811.107(m)(1)(C), 811.314(a), and 813.112.</u>
II. SUBPART B: Location Restrictions	
1) Airport safety (40 CFR 258.10)	1) NL ¹ : Section 811.302(e). EL ² : Section 814.302(c) and 814.402(c)
2) Floodplains. (40 CFR 258.11)	2) NL ¹ : Section 811.102(b). EL ² : Section 814.302 and 814.402.
3) Wetlands. (40 CFR 258.12)	3) NL ¹ : Sections 811.102(d), 811.102(e), and 811.103. EL ² : Section 814.302 and 814.402.
4) Fault areas. (40 CFR 258.13)	4) NL ¹ : Sections 811.304 and 811.305. EL ² : Section 814.302 and 814.402.
5) Seismic impact zones. (40 CFR 258.14)	5) Same as above.
6) Unstable areas. (40 CFR 258.15)	6) NL ¹ : Sections 811.304 and 811.305. EL ² : Sections 811.302(c) and 811.402(c).
7) Closure of existing MSWL units. (40 CFR 258.16)	7) EL ² : Sections 814.301 and 814.401.

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III. SUBPART C: Operating Criteria

- | | | | |
|-----|--|-----|---|
| 1) | Procedures for excluding the receipt of hazardous waste. (40 CFR 258.20) | 1) | NL ¹ : Section 811.323. EL ² : Sections 814.302 and 814.402. |
| 2) | Cover material requirements. (40 CFR 258.21) | 2) | NL ¹ : Section 811.106. EL ² : Sections 814.302 and 814.402. |
| 3) | Disease vector control. (40 CFR 258.22) | 3) | NL ¹ : Section 811.107(i). EL ² : Sections 814.302 and 814.402. |
| 4) | Explosive gas control. (40 CFR 258.23) | 4) | NL ¹ : Sections 811.310, 811.311, and 811.312. EL ² : Sections 814.302 and 814.402. |
| 5) | Air criteria. (40 CFR 258.24) | 5) | NL ¹ : Sections 811.107(b), 811.310, and 811.311. EL ² : Sections 814.302 and 814.402. |
| 6) | Access requirements. (40 CFR 258.25) | 6) | NL ¹ : Section 811.109. EL ² : Sections 814.302 and 814.402. |
| 7) | Run-on/run-off control system. (40 CFR 258.26) | 7) | NL ¹ : Section 811.103. EL ² : Sections 814.302 and 814.402. |
| 8) | Surface water requirements. (40 CFR 258.27) | 8) | Same as above. |
| 9) | Liquids restrictions. (40 CFR 258.28) | 9) | NL ¹ : Section 811.107(m). EL ² : Sections 814.302 and 814.402. |
| 10) | Recordkeeping requirements. (40 CFR 258.29) | 10) | NL ¹ : Sections 811.112, and Parts 812 and 813. EL ² : Sections 814.302 and 814.402. |
| IV. | SUBPART D: Design criteria (40 CFR 258.40) | IV) | NL ¹ : 811.303, 811.304, 811.305, 811.306, 811.307, 811.308, 811.309, 811.315, 811.316, 811.317, and 811.Subpart E. EL ² : Sections 814.302 |

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and 814.402.

V. SUBPART E: Groundwater Monitoring and Corrective Action

- | | | | |
|----|--|----|---|
| 1) | Applicability. | 1) | NL ¹ : 35 Section 811.319(a)(1). EL ² : Sections 814.302 and 814.402. |
| 2) | Groundwater monitoring systems. (40 CFR 258.51) | 2) | NL ¹ : Sections 811.318 and 811.320(d). EL ² : Sections 814.302 and 814.402. |
| 3) | Groundwater sampling and analysis. (40 CFR 258.53) | 3) | NL ¹ : Section 811.318(e), 811.320(d), 811.320(e). EL ² : Sections 814.302 and 814.402. |
| 4) | Detection monitoring program. (40 CFR 258.54) | 4) | NL ¹ : Section 811.319(a). EL ² : Sections 814.302 and 814.402. |
| 5) | Assessment monitoring program. (40 CFR 258.55) | 5) | NL ¹ : Section 811.319(b). EL ² : Sections 814.302 and 814.402. |
| 6) | Assessment of corrective measures. (40 CFR 258.56) | 6) | NL ¹ : Sections 811.319(d) and 811.324. EL ² : Sections 814.302 and 814.402. |
| 7) | Selection of remedy. (40 CFR 258.57) | 7) | NL ¹ : Sections 811.319(d) and 811.325. EL ² : Sections 814.302 and 814.402. |
| 8) | Implementation of the corrective action program. (40 CFR 258.58) | 8) | NL ¹ : Sections 811.319(d) and 811.325. EL ² : Sections 814.302 and 814.402. |

VI. SUBPART F: Closure and Post-Closure Care

- | | | | |
|----|---|----|--|
| 1) | Closure criteria. (40 CFR 258.60) | 1) | NL ¹ : Sections 811.110, 811.315 and 811.322. EL ² : Sections 814.302 and 814.402. |
| 2) | Post-closure care requirements. (40 CFR 258.61) | 2) | NL ¹ : Section 811.111. EL ² : Sections 814.302 and 814.402. |

VII. SUBPART G: Financial Assurance Criteria

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|----|--|----|---|
| 1) | Applicability and effective date. (40 CFR 258.70) | 1) | NL ¹ : Section 811.700. EL ² : Sections 814.302 and 814.402. |
| 2) | Financial assurance for closure. (40 CFR 258.71) | 2) | NL ¹ : Sections 811.701 through 811.705. EL ² : Sections 814.302 and 814.402. |
| 3) | Financial assurance for post-closure. (40 CFR 258.72) | 3) | Same as (2). |
| 4) | Financial assurance for corrective action. (40 CFR 258.73) | 4) | Same as (2). |
| 5) | Allowable mechanisms. (40 CFR 258.74 and 258.75) | 5) | NL ¹ : Section 811.706 through 811.720. EL ² : Sections 814.302 and 814.402. |

1 – NL: New Landfill; 2 – EL: Existing Landfill and Lateral Expansions.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Procedural Requirements for Permitted Landfills
- 2) Code citation: 35 Ill. Adm. Code 813
- 3)

<u>Section numbers</u> :	<u>Proposed Action</u> :
813.101	Amend
813.110	Amend
813.112	Add
- 4) Statutory authority: 415 ILCS 5/7.2, 22.40, and 27.
- 5) A complete description of the subjects and issues involved: The amendments to Part 813 are a single segment of the docket R05-1 rulemaking that also affects 35 Ill. Adm. Code 810 and 811, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in the docket R05-1 rulemaking is in this Illinois Register only in the answer to question 5 in the Notice of Proposed Amendments for 35 Ill. Adm. Code 810. A comprehensive description is contained in the Board's opinion and order of January 6, 2005, proposing amendments in docket R05-1 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the Illinois Register before proceeding to adopt amendments based on this proposal.

Specifically, the amendments to Part 813 incorporate the primary provision for RD&D permits into the landfill regulations.

Tables appear in the Board's opinion and order of January 6, 2005 in docket R05-1 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the January 6, 2005 opinion and order in docket R05-1.

Section 22.40 of the Environmental Protection Act [415 ILCS 5/22.40] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?: No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R05-1 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Please direct inquiries to the following person and reference Docket R05-1:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
Phone: 312-814-6924
E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 12) Initial regulatory flexibility analysis:
 - A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small

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municipalities, and not-for-profit corporations that own or operate a municipal solid waste landfill. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].

- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- 13) Regulatory agenda on which this rulemaking was summarized: July 30, 2004, 28 Ill. Reg. 10429.

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

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

PART 813

PROCEDURAL REQUIREMENTS FOR PERMITTED LANDFILLS

SUBPART A: GENERAL PROCEDURES

Section

813.101	Scope and Applicability
813.102	Delivery of Permit Application
813.103	Agency Decision Deadlines
813.104	Standards for Issuance of a Permit
813.105	Standards for Denial of a Permit
813.106	Permit Appeals
813.107	Permit No Defense
813.108	Term of Permit
813.109	Transfer of Permits
813.110	Adjusted Standards to Engage in Experimental Practices
813.111	Agency Review of Contaminant Transport Models
<u>813.112</u>	<u>Research, Development, and Demonstration Permits for MSWLFs</u>

SUBPART B: ADDITIONAL PROCEDURES FOR MODIFICATION AND SIGNIFICANT
MODIFICATION OF PERMITS

Section

813.201	Initiation of a Modification or Significant Modification
813.202	Information Required for a Significant Modification of an Approved Permit
813.203	Specific Information Required for a Significant Modification to Obtain Operating Authorization
813.204	Procedures for a Significant Modification of an Approved Permit

SUBPART C: ADDITIONAL PROCEDURES FOR THE RENEWAL OF PERMITS

Section

813.301	Time of Filing
813.302	Effect of Timely Filing
813.303	Information Required for a Permit Renewal

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- 813.304 Updated Groundwater Impact Assessment
813.305 Procedures for Permit Renewal

SUBPART D: ADDITIONAL PROCEDURES FOR INITIATION AND TERMINATION OF
TEMPORARY AND PERMANENT CLOSURE AND POSTCLOSURE CARE

Section

- 813.401 Agency Notification Requirements
813.402 Certification of Closure
813.403 Termination of the Permit

SUBPART E: CERTIFICATION AND REPORTS

Section

- 813.501 Annual Certification
813.502 Groundwater Reports and Graphical Results of Monitoring Efforts
813.503 Information to be Retained at or near the Waste Disposal Facility
813.504 Annual Report

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15814, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12409, effective July 19, 1993; expedited correction at 18 Ill. Reg. 7501, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12388, effective August 1, 1994; amended in R98-9 at 22 Ill. Reg. 11483, effective June 23, 1998; amended in R05-1 at 29 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROCEDURES

Section 813.101 Scope and Applicability

- a) This Subpart A contains the procedures to be followed by all applicants and the Agency for applications for permits required pursuant to Section 21(d) of the Environmental Protection Act (Act) [415 ILCS 5/21(d)] (~~Ill. Rev. Stat. 1991, ch. 111½, par. 1021(d)~~) and 35 Ill. Adm. Code 811, 812, 814, and 817. The procedures in this Part apply to applications to issue a permit to develop and operate a landfill, to modify a permit, to renew an expired permit, ~~and~~ to conduct an experimental practice, and to issue an RD&D permit.

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- b) All general provisions of 35 Ill. Adm. Code 810 apply to this Part.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 813.110 Adjusted Standards to Engage in Experimental Practices

- a) Experimental practices are design, construction, and operation methods and techniques ~~that which~~ are not expressly authorized by, and whose employment cannot be demonstrated by the applicant to be in compliance with, [Section 813.112 or](#) 35 Ill. Adm. Code 811, 812, and 814. Experimental practices may be implemented only at permitted landfills.
- b) Pursuant to Section 28.1 of the Act [\[415 ILCS 5/28.1\]](#) and [Subpart D of](#) 35 Ill. Adm. Code ~~104-106.Subpart G~~, any person may, at any time, petition the Board for an adjusted standard to any standard in 35 Ill. Adm. Code 811, 812, or 814 in order to engage in an experimental practice at a permitted landfill in accordance with the requirements of this Section.
- c) The petition for adjusted standard ~~must shall~~ contain the following information in addition to that required by [Subpart D of](#) 35 Ill. Adm. Code ~~104-106.Subpart G~~. However, if the applicant believes that any of the information required by this Section is inapplicable, the applicant may so state provided that the petition contains an explanation of the inapplicability.
- 1) A narrative description of the experiment, describing the necessity of this experiment and an assessment of the expected outcome of this experiment;
 - 2) A list of all standards in 35 Ill. Adm. Code 811 that must be adjusted in order to conduct the experiment and a reason why each standard must be adjusted;
 - 3) A description of the monitoring program (see 35 Ill. Adm. Code 811) to be implemented during the experiment;
 - 4) Criteria for evaluating the experimental practice. The criteria ~~must shall~~ be specific enough to allow the Agency to evaluate the performance of the experimental practice from the monitoring results pursuant to subsection (f)(1) [of this Section](#);
 - 5) A description of the methods to be implemented and the total costs to

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restore the facility to compliance with all standards in 35 Ill. Adm. Code 811, 812, or 814 if the experiment is determined to be a failure. The methods must be feasible with existing methods in use; and

- 6) The time period requested in which to conduct the experiment and documentation to show that this is the shortest practical time period in which success or failure can be determined.
- d) The Board will review all petitions to conduct experimental practices submitted in accordance with subsection (b) of this Section, Section 28.1 of the Act [415 ILCS 5/28.1], or Subpart D of 35 Ill. Adm. Code 104106.Subpart G and an Agency recommendation regarding the experimental practice under the following assumptions:
- 1) There is no way in which to conduct the experiment in compliance with all requirements of 35 Ill. Adm. Code 811, 812 or 814;
 - 2) The experiment will be conducted in as short a time as possible if the information submitted in the petition and the Agency recommendation are not in conflict;
 - 3) A monitoring plan to evaluate the experiment will be implemented; and
 - 4) The site of the experiment will be restored to meet all requirements of 35 Ill. Adm. Code 811, 812 or 814, should the experiment fail.
- e) Implementation of the Experimental Practice.
Upon approval of the experimental practice pursuant to subsection (d) of this Section by the Board, the operator mustshall file an application for significant modification of the permit with the Agency pursuant to Subpart B of Section 813.Subpart B. The application mustshall contain the following information:
- 1) Detailed designs of all items to be constructed for use during the experiment;
 - 2) The monitoring plan to be implemented during the experiment;
 - 3) A plan for decommissioning and closing the experiment;
 - 4) A time schedule for constructing the necessary items and closing,

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removing, and stabilizing the area upon completion of the experiment;

- 5) An emergency cleanup plan describing the methods to be used to restore the facility to compliance with all standards in 35 Ill. Adm. Code 811 if the experiment is unsuccessful;
 - 6) Cost estimates and financial assurance (see Subpart G of 35 Ill. Adm. Code 811-~~Subpart G~~) in an amount equal to the costs necessary to restore the facility to compliance with Chapter I of 35 Ill. Adm. Code: ~~Chapter I~~.
- f) Evaluation of Experimental Practice.
- 1) After completion of the experiment, all monitoring data ~~must~~ shall be submitted to the Agency for evaluation of the experimental practice in accordance with the evaluation criteria included in the adjusted standard petition in accordance with subsection (c)(4) of this Section. The Agency ~~must~~ shall determine if the experimental practice is acceptable for implementation pursuant to Section 39 of the Act [415 ILCS 5/39], and the following additional criteria:
 - A) An experimental practice ~~must~~ shall be considered acceptable for implementation if the monitoring results meet or exceed the evaluation criteria included in the adjusted standard petition in accordance with subsection (c)(4) of this Section; and
 - B) If the experiment does not cause or contribute to a violation of the Act or Chapter I of 35 Ill. Adm. Code: ~~Chapter I~~.
 - 2) Upon completion of the experiment and an Agency determination that the experimental practice is acceptable for implementation, the Agency ~~must~~ shall return the financial assurance instrument to the operator and, ~~must~~ shall approve permit modifications allowing the operation of the experimental practice. If the experimental practice is determined to be unacceptable for implementation, then the Agency ~~must~~ shall return the financial assurance instrument when the facility has been restored to comply with Chapter I of 35 Ill. Adm. Code: ~~Chapter I~~.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 813.112 Research, Development, and Demonstration Permits for MSWLFs

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An owner or operator of an MSWLF must obtain an adjusted standard from the Board under Section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 104 before it can obtain a research, development, and demonstration (RD&D) permit. An RD&D permit allows the use of an alternative technology that differs from the generally-applicable standards for run-on control systems (in 35 Ill. Adm. Code 811.103(b)(1) and (b)(2)); the prohibition against the placement of bulk, non-containerized liquid waste in a landfill (in 35 Ill. Adm. Code 811.107(m)(1)); or the standards for final cover (in 35 Ill. Adm. Code 310.310). The demonstration necessary to justify an adjusted standard is set forth in this Section for each of the generally-applicable regulations from which relief is possible. After the Board has issued an adjusted standard, the owner or operator of the MSWLF may apply to the Agency for a permit, pursuant to Subpart A of this Part, or a permit modification, pursuant to Subpart B of this Part.

- a) Except as provided in subsection (f) of this Section, and subject to the limitations of subsections (c) through (e) of this Section, the Agency must issue a research, development, and demonstration (RD&D) permit for a new MSWLF unit, existing MSWLF unit, or lateral expansion, for which the owner or operator proposes to utilize innovative and new methods that deviate from either or both of the following standards, provided the Board has determined by an adjusted standard issued pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 104 that the MSWLF unit has a leachate collection system that is designed and constructed to maintain less than a 30-cm depth of leachate on the liner and that the innovative and new methods will not cause contamination of groundwater or surface water:
- 1) The run-on control systems in 35 Ill. Adm. Code 811.103(b)(1) and (b)(2); and
 - 2) The liquids restrictions in 35 Ill. Adm. Code 811.107(m)(1).
- b) The Agency must issue a research, development, and demonstration permit for a new MSWLF unit, existing MSWLF unit, or lateral expansion for which the owner or operator proposes to utilize innovative and new methods that deviate from the final cover standards of 35 Ill. Adm. Code 811.314(b) and (c) provided the Board has determined by an adjusted standard issued pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 104 that the MSWLF unit owner or operator has demonstrated that the infiltration of liquid through the alternative cover system will not cause contamination of groundwater or surface water or cause leachate depth on the liner to exceed 30-cm.

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- c) Any RD&D permit issued under this Section must include such terms and conditions as are at least as protective as the MSWLF standards of 35 Ill. Adm. Code 811.103(b)(1) and (b)(2), 811.107(m)(1), and 811.314(b) and (c) from which the deviation is granted to assure protection of human health and the environment. Such a permit must include the following conditions:
- 1) It must provide for the construction and operation of such facilities as are necessary, for not longer than three years, unless the permit is renewed as provided in subsection (e) of this Section;
 - 2) It must provide that the MSWLF unit must receive only those types and quantities of municipal solid waste and non-hazardous wastes that the Agency has deemed appropriate for the purposes of determining the efficacy and performance capabilities of the technology or process;
 - 3) It must include such requirements as are necessary to protect human health and the environment, including such requirements as are necessary for testing and providing information to the Agency with respect to the operation of the facility;
 - 4) It must require the owner or operator of a MSWLF unit permitted under this Section to submit an annual report to the Agency showing whether and to what extent the site is progressing in attaining project goals. The report will also include a summary of all monitoring and testing results, as well as any other operating information specified by the Agency in the permit; and
 - 5) It must require compliance with all standards in 35 Ill. Adm. Code 811, except as permitted under this Section.
- d) The Agency may request in writing that the owner or operator immediately terminate all operations at the facility permitted under this Section or request that the owner or operator undertake other corrective measures at any time the Agency has reason to believe that the overall goals of the project are not being attained, including protection of human health or the environment. The Agency or any person may file an enforcement action pursuant to Section 41 of the Act [415 ILCS 5/41] for any violations of the Act.
- e) No permit issued under this Section may exceed three years in duration, and no single renewal of a permit under this Section may exceed three years in duration.

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- 1) The total term for a permit for a project including renewals may not exceed twelve years; and
 - 2) During permit renewal, the applicant must provide a detailed assessment of the project showing the status with respect to achieving project goals, a list of problems and status with respect to problem resolutions, and any other requirements that the Agency determines are necessary for permit renewal.
- f) Small MSWLF units. An owner or operator of a MSWLF unit that disposes of 20 tons of municipal solid waste per day or less, based on an annual average, is not eligible for an RD&D permit under this Section with regard to the standards of 35 Ill. Adm. Code 811.314(b) and (c), except in accordance with 35 Ill. Adm. Code 811.314(d).

BOARD NOTE: This Section is derived from 40 CFR 258.4 (2004).

(Source: Added at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
Section 310.110	Amended
Section 310.130	Amended
Section 310.530	Amended
Section 310.540	Amended
Section 310.Appendix B	Amended
Section 310.Appendix C	Amended
Section 310.Appendix D	Amended
Section 310.Appendix G	Amended
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) Effective date of amendments: January 7, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. Copies of all Pay Plan amendments and Collective Bargaining contracts are available upon request from the Division of Technical Services.
- 9) Notices of Proposed published in the Illinois Register: The proposed amendments were published August 13, 2004, Issue #33; 28 Ill. Reg. 11532 and were corrected as published in the September 10, 2004, Issue #37, 28 Ill. Reg. 12728.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In the Table of Contents, "(Repealed)" was added at the end of the Table A reference to reflect the preemptory amendment published on 28 Ill. Reg. 13011, effective September 8, 2004.

Changes to the Source Notes reflect adopted amendments at 28 Ill. Reg. 12585, effective August 27, 2004; the preemptory amendments at 28 Ill. Reg. 13011, effective September 8, 2004; the preemptory amendments at 28 Ill. Reg. 13247, effective September 20, 2004;

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the preemptory amendments at 28 Ill. Reg. 13656, effective September 27, 2004; the emergency amendments at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; the preemptory amendments at 28 Ill. Reg. 14689, effective October 22, 2004; the preemptory amendments at 28 Ill. Reg. 15336, effective November 15, 2004; the preemptory amendments at 28 Ill. Reg. 16513, effective December 9, 2004; the preemptory amendments at 29 Ill. Reg. 726, effective December 15, 2004; and the preemptory amendments that appear in this issue of the *Illinois Register*.

- 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 these amendments replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Appendix A, Table D	Amend	28 Ill. Reg. 13949, 10/29/04
310.Appendix A, Table E	Amend	28 Ill. Reg. 13949, 10/29/04
310.Appendix A, Table F	Amend	28 Ill. Reg. 13949, 10/29/04
310.80	Amend	28 Ill. Reg. 15937, 12/17/04
310.230	Amend	28 Ill. Reg. 15937, 12/17/04
310.290	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table G	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table H	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table I	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table J	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table N	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table O	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table P	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table R	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table W	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table X	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table Y	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table Z	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table AA	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix B	Amend	28 Ill. Reg. 15937, 12/17/04

- 15) Summary and purpose of amendments: The dates in Sections 310.110, 310.130, 310.530, 310.540, and Section 310.Appendices B, C, D, and G are changed to reflect the new fiscal year.

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

Ms. Dawn DeFraties
Deputy Director
Bureau of Personnel
Department of Central Management Services
503 William G. Stratton Building
Springfield IL 62706
217/524-8773
Fax: 217/558-4497

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2005 2004
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate

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NOTICE OF ADOPTED AMENDMENTS

- 310.300 Educator Schedule for RC-063 and HR-010
 310.310 Physician Specialist Rate
 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
 310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
 310.420 Objectives
 310.430 Responsibilities
 310.440 Merit Compensation Salary Schedule
 310.450 Procedures for Determining Annual Merit Increases
 310.455 Intermittent Merit Increase
 310.456 Merit Zone (Repealed)
 310.460 Other Pay Increases
 310.470 Adjustment
 310.480 Decreases in Pay
 310.490 Other Pay Provisions
 310.495 Broad-Band Pay Range Classes
 310.500 Definitions
 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
 310.530 Implementation
 310.540 Annual Merit Increase Guidechart for Fiscal Year ~~2005~~2004
 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

- 310.TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU) (Repealed)
 310.TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
 310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
 310.TABLE D HR-001 (Teamsters Local #726)
 310.TABLE E RC-020 (Teamsters Local #330)
 310.TABLE F RC-019 (Teamsters Local #25)
 310.TABLE G RC-045 (Automotive Mechanics, IFPE)
 310.TABLE H RC-006 (Corrections Employees, AFSCME)

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310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2005 <u>2004</u>
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2005 <u>2004</u>
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2005 <u>2004</u>
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2005 <u>2004</u>

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11,

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1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988,

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for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill.

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Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill.

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Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill.

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Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; peremptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; peremptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. _____, effective _____; peremptory amendment at 29 Ill. Reg. 1166, effective January 7, 2005.

SUBPART A: NARRATIVE

Section 310.110 Implementation of Pay Plan Changes for Fiscal Year ~~2005~~2004

The rates of pay for all employees occupying positions subject to the Schedule of Salary Grades shall be as set out in Appendix B, Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year ~~2005~~2004.

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(Source: Amended at 29 Ill. Reg. 1166, effective January 7, 2005)

Section 310.130 Effective Date

This Pay Plan Narrative (Subpart A), Schedule of Rates (Subpart B), and Schedule of Salary Grades (Appendix B) shall be effective for Fiscal Year ~~20052004~~.

(Source: Amended at 29 Ill. Reg. 1166, effective January 7, 2005)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.530 Implementation

- a) The salary schedule for the Merit Compensation System for Fiscal Year ~~20052004~~ will continue as set forth in Appendix D of the Pay Plan.
- b) The Merit Increase Guidechart for Fiscal Year ~~20052004~~ as set forth in Section 310.540 of the Pay Plan.

(Source: Amended at 29 Ill. Reg. 1166, effective January 7, 2005)

Section 310.540 Annual Merit Increase Guidechart for Fiscal Year ~~20052004~~

Category	Definition	Increase
Category 1	Exceptional	\$0
Category 2	Accomplished	\$0
Category 3	Acceptable	\$0
Category 4	Unacceptable	\$0

(Source: Amended at 29 Ill. Reg. 1166, effective January 7, 2005)

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**Section 310.APPENDIX B Schedule of Salary Grades – Monthly Rates of Pay for Fiscal
 Year ~~2005~~2004**

Salary Grade	<u>S T E P S</u>										
	<u>Step 1c</u>	<u>Step 1b</u>	<u>Step 1a</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>
1	1663	1704	1746	1789	1835	1877	1922	1974	2018	2098	2140
2	1705	1747	1790	1835	1877	1922	1976	2024	2072	2153	2196
3	1743	1786	1831	1877	1922	1977	2027	2076	2127	2221	2265
4	1784	1829	1875	1922	1977	2031	2080	2141	2190	2288	2334
5	1835	1881	1928	1977	2033	2091	2148	2202	2258	2358	2402
6	1886	1934	1983	2033	2092	2150	2214	2273	2337	2440	2489
7	1940	1989	2040	2092	2153	2219	2284	2349	2417	2530	2581
8	1996	2047	2099	2153	2224	2293	2369	2435	2508	2626	2679
9	2061	2114	2168	2224	2296	2374	2449	2529	2605	2727	2782
10	2129	2184	2241	2299	2386	2461	2543	2623	2706	2843	2900
11	2210	2267	2326	2387	2473	2554	2645	2733	2817	2966	3025
12	2300	2360	2422	2486	2578	2664	2763	2854	2959	3118	3180
13	2387	2450	2515	2581	2676	2778	2883	2988	3099	3272	3337
14	2488	2554	2622	2692	2795	2904	3031	3141	3261	3450	3519
15	2585	2654	2725	2799	2921	3042	3162	3291	3413	3618	3690
16	2700	2772	2849	2930	3062	3196	3330	3468	3607	3820	3896
17	2819	2899	2983	3069	3212	3360	3502	3643	3791	4017	4097

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18	2963	3049	3137	3230	3387	3544	3705	3857	4012	4251	4336
19	3119	3210	3305	3405	3579	3747	3922	4086	4257	4514	4604
20	3293	3393	3494	3598	3780	3956	4143	4323	4501	4776	4872
21	3477	3582	3689	3798	3993	4187	4383	4583	4773	5070	5171
22	3675	3786	3900	4016	4225	4432	4641	4856	5059	5372	5479
23	3900	4016	4137	4260	4486	4715	4939	5167	5392	5730	5845
24	4149	4273	4401	4534	4775	5024	5265	5509	5758	6118	6240
25	4422	4555	4691	4832	5097	5365	5633	5901	6169	6565	6696

Schedule of Salary Grades (Alternative Retirement Formula only)
– Monthly Rates of Pay for Fiscal Year ~~2005~~2004

Salary Grade	<u>STEPS</u>										
	<u>Step 1c</u>	<u>Step 1b</u>	<u>Step 1a</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>
1a	1704	1746	1789	1834	1881	1924	1971	2024	2070	2152	2195
2a	1747	1790	1835	1881	1924	1971	2026	2076	2125	2209	2253
3a	1786	1831	1877	1924	1971	2027	2079	2129	2182	2279	2325
4a	1829	1875	1922	1971	2027	2083	2133	2196	2247	2348	2395
5a	1881	1928	1977	2027	2085	2145	2203	2259	2317	2417	2465
6a	1934	1983	2033	2085	2146	2206	2271	2332	2398	2405	2554
7a	1989	2040	2092	2146	2209	2277	2344	2410	2481	2597	2649
8a	2047	2099	2153	2209	2282	2353	2431	2499	2574	2696	2750
9a	2114	2168	2224	2282	2356	2436	2513	2596	2674	2801	2857

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10a	2184	2241	2299	2359	2449	2526	2610	2693	2778	2924	2982
11a	2267	2326	2387	2450	2538	2622	2715	2807	2896	3052	3113
12a	2360	2422	2486	2552	2646	2735	2840	2936	3044	3209	3273
13a	2450	2515	2581	2649	2747	2855	2966	3074	3188	3370	3437
14a	2554	2622	2692	2764	2873	2988	3118	3235	3359	3554	3625
15a	2654	2725	2799	2877	3005	3130	3256	3391	3515	3726	3801
16a	2772	2849	2930	3015	3150	3292	3431	3571	3715	3935	4014
17a	2899	2983	3069	3158	3308	3461	3606	3753	3905	4138	4221
18a	3049	3137	3230	3327	3490	3651	3817	3974	4132	4378	4466
19a	3210	3305	3405	3507	3686	3858	4040	4209	4386	4650	4743
20a	3393	3494	3598	3706	3893	4075	4268	4452	4637	4920	5018
21a	3582	3689	3798	3912	4114	4312	4514	4719	4916	5223	5327
22a	3786	3900	4016	4137	4352	4565	4780	5001	5211	5534	5645
23a	4016	4137	4260	4389	4621	4858	5087	5321	5553	5901	6019
24a	4273	4401	4534	4671	4919	5174	5424	5674	5930	6303	6429
25a	4555	4691	4832	4976	5250	5525	5802	6079	6354	6762	6897

Schedule of Salary Grades (Maximum Security Institutions)
for Fiscal Year ~~2005~~2004

Salary Grade	<u>STEPS</u>										
	<u>Step 1c</u>	<u>Step 1b</u>	<u>Step 1a</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>

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1m	1755	1798	1841	1885	1933	1976	2022	2076	2121	2203	2247
2m	1799	1842	1886	1933	1976	2022	2078	2127	2177	2260	2305
3m	1838	1882	1928	1976	2022	2079	2130	2181	2233	2330	2377
4m	1880	1926	1974	2022	2079	2134	2185	2248	2298	2399	2447
5m	1933	1980	2028	2079	2136	2196	2255	2311	2368	2468	2517
6m	1985	2035	2085	2136	2197	2257	2323	2384	2450	2556	2607
7m	2041	2091	2144	2197	2260	2328	2395	2462	2532	2648	2701
8m	2098	2151	2204	2260	2333	2404	2483	2551	2626	2747	2802
9m	2165	2220	2276	2333	2407	2488	2565	2647	2726	2854	2911
10m	2235	2292	2351	2410	2500	2577	2662	2744	2832	2980	3040
11m	2319	2378	2438	2501	2590	2673	2767	2860	2952	3107	3169
12m	2412	2473	2537	2603	2698	2787	2894	2991	3100	3266	3331
13m	2501	2566	2633	2701	2800	2910	3022	3130	3246	3428	3497
14m	2605	2673	2743	2817	2928	3043	3174	3291	3415	3611	3683
15m	2705	2776	2852	2932	3061	3185	3314	3447	3572	3784	3860
16m	2826	2904	2986	3070	3207	3350	3488	3629	3773	3991	4071
17m	2954	3038	3125	3214	3366	3519	3664	3811	3962	4196	4280
18m	3104	3192	3288	3383	3547	3709	3874	4031	4190	4435	4524
19m	3267	3364	3463	3564	3744	3916	4097	4267	4443	4707	4801
20m	3449	3552	3656	3763	3950	4132	4325	4510	4694	4976	5076

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21m	3639	3747	3856	3971	4171	4369	4572	4777	4973	5280	5386
22m	3843	3956	4074	4195	4408	4623	4836	5058	5269	5591	5703
23m	4074	4195	4318	4446	4678	4914	5144	5379	5611	5959	6078
24m	4331	4459	4591	4729	4975	5231	5481	5732	5988	6360	6487
25m	4613	4748	4890	5034	5308	5582	5859	6136	6411	6819	6955

(Source: Amended at 29 Ill. Reg. 1166, effective January 7, 2005)

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Section 310.APPENDIX C Medical Administrator Rates for Fiscal Year ~~2005~~2004

Title	Minimum Salary	Midpoint Salary	Maximum Salary
Medical Administrator I, Option C	8090	9843	11596
Medical Administrator I, Option D	9035	10837	12639
Medical Administrator II, Option C	8743	10528	12313
Medical Administrator II, Option D	10039	11903	13767
Medical Administrator III	10396	12438	14480
Medical Administrator IV	10564	12606	14648
Medical Administrator V	10734	12778	14822

The rates of pay for physicians occupying or appointed to a position in the Medical Administrator classes shall be as listed in the above schedule. All provisions of Subpart C of the Pay Plan, Merit Compensation System will apply to the Medical Administrator positions.

(Source: Amended at 29 Ill. Reg. 1166, effective January 7, 2005)

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**Section 310.APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year
~~2005~~2004**

<u>Salary Range</u>	<u>Minimum Salary</u>	<u>Midpoint Salary</u>	<u>Maximum Salary</u>
MC 01	2142	2904	3666
MC 02	2235	3053	3871
MC 03	2343	3230	4117
MC 04	2449	3381	4313
MC 05	2571	3581	4591
MC 06	2702	3759	4816
MC 07	2843	3984	5125
MC 08	2996	4227	5458
MC 09	3167	4463	5759
MC 10	3346	4752	6158
MC 11	3534	5046	6558
MC 12	3753	5384	7015
MC 13	4008	5755	7502
MC 14	4286	6179	8072
MC 15	4600	6624	8648
MC 16	4925	7116	9307
MC 17	5314	7681	10048
MC 18	5728	8015	10302
MC 19	6187	8364	10541

(Source: Amended at 29 Ill. Reg. 1166, effective January 7, 2005)

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**Section 310.APPENDIX G Broad-Band Pay Range Classes Salary Schedule for Fiscal
Year ~~2005~~2004**

<u>Title</u>	<u>Minimum Salary</u>	<u>Maximum Salary</u>
Health Information Administrator	2571	5125
Human Resources Representative	2235	4313
Human Resources Specialist	2571	5125
Public Service Administrator	2996	6558
Residential Services Supervisor	2235	4313
Senior Public Service Administrator	4130	9705
Site Superintendent	2571	5125

(Source: Amended at 29 Ill. Reg. 1166, effective January 7, 2005)

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- 1) Heading of the Part: Economic Development for a Growing Economy Program (EDGE)
- 2) Code Citation: 14 Ill. Adm. Code 527
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
527.20	Amend
527.30	Amend
- 4) Statutory Authority: Implementing Section 5-15 and authorized by Section 5-80 of the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10/5-15 and 5-80] (see Public Act 91-476).
- 5) Effective Date of Amendments: January 5, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register 28 Ill. Reg. 12259; September 3, 2004
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Grammatical and stylistic changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 93-882 (effective 1/1/05) amends the Economic Development for a Growing Economy (EDGE) Tax Credit Act so that companies with 100 or fewer employees may now qualify for the credit. The applicant's project must involve an investment of at least \$1 million and employ at least five new, full-time employees within Illinois. Manufacturing-related activities, product

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warehousing or distribution, research and development, or agricultural processing companies can qualify for this EDGE expansion.

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

Ms Jolene Clarke
Rules Administrator
Illinois Department of Commerce and Economic Opportunity
620 East Adams Street
Springfield, IL 62701

217/557-1820

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

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TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY
COMMUNITY AFFAIRS

PART 527

ECONOMIC DEVELOPMENT FOR A GROWING ECONOMY PROGRAM (EDGE)

Section

527.10	Purpose
527.20	Definitions
527.30	Eligibility Determination
527.40	Form of Application
527.50	Application Review
527.60	Application Denial/Approval
527.70	Determination of Amount and Term of the Credit
527.80	Tax Credit Agreement
527.90	Certificate of Verification
527.100	Noncompliance with the Agreement

AUTHORITY: Implementing Section 5-15 and authorized by Section 5-80 of the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10/5-15 and 5-80].

SOURCE: Emergency rules adopted at 23 Ill. Reg. 10862, effective August 16, 1999, for a maximum of 150 days; emergency expired on January 22, 2000; adopted at 24 Ill. Reg. 6884, effective April 19, 2000; amended at 29 Ill. Reg. 1186, effective January 5, 2005.

Section 527.20 Definitions

The following definitions are applicable to this Part.

"Act" means the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10].

"Agreement" means the Tax Credit Agreement created pursuant to 35 ILCS 10/5-50.

"Capital Improvements" shall include the purchase, renovation, rehabilitation, or construction of permanent tangible land, buildings, structures, equipment and furnishings in an approved project ~~Project~~ sited in Illinois and in expenditures for

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goods or services that are normally capitalized, including organizational costs and research and development costs incurred in Illinois. For land, buildings, structures and equipment that are leased, the lease must equal or exceed the term of the Tax Credit Agreement and the cost of the property shall be determined from the present value, using the corporate interest rate prevailing at the time of the application, of the lease payments.

"Credit" means the amount agreed to between the Department and ~~applicant~~Applicant under the Act, but not to exceed the incremental payroll~~Incremental Payroll~~ attributable to the applicant's project~~Applicant's Project~~. [35 ILCS 10/5-15]

"Department" means the Illinois Department of Commerce and Economic Opportunity, formerly known as the Illinois Department of Commerce and Community Affairs.

"Director" means the Director of the Illinois Department of Commerce and Economic Opportunity, formerly known as the Illinois Department of Commerce and Community Affairs.

"Full-time ~~employee~~Employee" means an individual who is employed for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment. [35 ILCS 10/5-5] Annually scheduled periods for inventory or repairs, vacations, holidays and paid time for sick leave, vacation or other leave shall be included in this computation of full time employment.

"Incremental Income Tax" means the incremental payroll~~Incremental Payroll~~ attributable to a project~~Project~~ that is the subject of an Agreement.

"Incremental payroll~~Payroll~~" means the total amount withheld by the taxpayer~~Taxpayer~~ during the taxable year from the compensation of new employees~~New Employees~~ and retained employees~~Retained Employees~~ under Article 7 of the Illinois Income Tax Act [35 ILCS 5/Art. 7] arising from such employees' employment at a project~~Project~~ that is the subject of an Agreement.

"New ~~employee~~Employee" means a full-time employee~~Full-time Employee~~ first employed by a taxpayer~~Taxpayer~~ in the project that is the subject of an Agreement and who is hired after the taxpayer~~Taxpayer~~ enters into the Tax Credit Agreement.

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The term "~~new employee~~ *New Employee*" does not include:

*an employee of the ~~taxpayer~~ *Taxpayer* who performs a job that was previously performed by another employee, if that job existed for at least 6 months before hiring the employee;*

*an employee of the ~~taxpayer~~ *Taxpayer* who was previously employed in Illinois by a ~~related member~~ *Related Member* of the ~~taxpayer~~ *Taxpayer* and whose employment was shifted to the ~~taxpayer~~ *Taxpayer* after the ~~taxpayer~~ *Taxpayer* entered into the Tax Credit Agreement;*

*an employee of the ~~taxpayer~~ *Taxpayer* who was previously employed in Illinois by the ~~taxpayer~~ *Taxpayer* and whose employment was shifted to the ~~taxpayer project~~ *Taxpayer Project* after the ~~taxpayer~~ *Taxpayer* entered into the Tax Credit Agreement;*
or

*a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has a direct or an indirect ownership interest of at least 5% in the profits, capital, or value of the ~~taxpayer~~ *Taxpayer*.*

*An employee may be considered a ~~new employee~~ *New Employee* under the Agreement if the employee performs a job that was previously performed by an employee who was treated under the Agreement as a ~~new employee~~ *New Employee* and promoted by the ~~taxpayer~~ *Taxpayer* to another job. [35 ILCS 10/5-5]*

An employee shall be considered a ~~new employee~~ *New Employee* under the Agreement if the employee fills a job vacancy that had been continuously vacant for the 184 day period immediately preceding the date of the Agreement. A job vacancy whose incumbent is on approved leave, is locked out or is on strike is not a vacancy.

"Placed in ~~service~~ *Service*" means the state or condition of readiness and availability for a specifically assigned function.

"Professional ~~services~~ *Services*" means a ~~taxpayer~~ *Taxpayer* engaged in the

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practice of law or medicine.

"Project" means a for-profit economic development activity or activities at a single site, or of one or more ~~taxpayers~~~~Taxpayers~~ at multiple sites if the economic activities are vertically integrated.

"Project ~~costs~~~~Costs~~" includes cost of the ~~project~~~~Project~~ incurred or to be incurred by the ~~taxpayer~~~~Taxpayer~~ including: *capital investment, including, but not limited to, equipment, buildings, or land; infrastructure development; debt service, except refinancing of current debt; research and development; job training and education; lease costs or relocation costs*, but excludes the value of State incentives, including discretionary tax credits, discretionary job training grants, or the interest savings of below market rate loans. [35 ILCS 10/5-30]

"Retained ~~employee~~~~Employee~~" means a ~~full-time employee~~~~Full-time Employee~~ employed by a ~~taxpayer~~~~Taxpayer~~ during the term of the agreement whose job duties are directly and substantially-related to the ~~project~~~~Project~~. For purposes of this definition, "directly and substantially-related to the ~~project~~~~Project~~" means at least two-thirds of the employee's job duties must be directly related to the ~~project~~~~Project~~ and the employee must devote at least two-thirds of his or her time to the ~~project~~~~Project~~. The term "~~retained employee~~~~Retained Employee~~" does not include a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has direct or indirect ownership interest of at least 5% in the profits, capital, or value of the ~~taxpayer~~~~Taxpayer~~.

"Taxpayer" means an individual, corporation, partnership, or other entity that has any Illinois Income Tax liability. [35 ILCS 10/5-5]

(Source: Amended at 29 Ill. Reg. 1186, effective January 5, 2005)

Section 527.30 Eligibility Determination

- a) Any ~~taxpayer~~~~Taxpayer~~ that is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, assembling, warehousing, or distributing products, conducting research and development, providing tourism services, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, retail food, health, or professional services is an ~~eligible business~~~~Eligible Business~~.

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- b) A ~~taxpayer~~*taxpayer* who is operating an ~~eligible business~~*Eligible Business* that is located, or plans to be located, in the State of Illinois may be an "~~applicant~~*Applicant*." *Applicant does not include a taxpayer who closes or substantially reduces an operation at one location in the State and relocates substantially the same operation to another location in the State.*
- 1) *This does not prohibit a taxpayer from expanding its operations at another location in the State, provided that existing operations of a similar nature located within the State are not closed or substantially reduced within the last two years. For the purpose of this Section, "substantially reduced" means a reduction in employment of 33.33% or more.*
- 2) *This also does not prohibit a taxpayer from moving its operations from one location in the State to another location in the State for the purpose of expanding the operation, provided that the Department determines that the expansion cannot reasonably be accommodated within the municipality in which the business is located, or in the case of a business located in an incorporated area of the county, within the county in which the business is located. A determination under this subsection (b)(2) shall be made by the Department after conferring with the chief elected official of the municipality or county and taking into consideration any evidence offered by the municipality or county regarding the ability to accommodate expansion within the municipality or county. [35 ILCS 10/5-15]*
- c) *In order to qualify for Credits under the Act, an applicant's project*~~*Project*~~ *must:*
- 1) *involve an investment of at least \$5,000,000 in capital improvements to be placed in service and employ at least 25 new employees*~~*New Employees*~~ *within the State as a direct result of the project*~~*Project*~~ *if the applicant has more than 100 employees at the time of the EDGE application; or*
- 2) *involve an investment of at least \$1,000,000 in capital improvements to be placed in service and to employ at least 5 new employees within the State as a direct result of the project if the applicant has 100 or fewer employees at the time of the EDGE application.*
- 3) *involve an investment at a level specified by the Department in capital*

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improvements to be placed in service; employ ~~new employees~~^{New Employees} within the State at a level specified by the Department; and provide a substantial economic benefit to the State [35 ILCS 10/5-20], as determined by the Department.

- A) The Director may approve projects that do not meet the minimum job creation and investment thresholds specified in Section 527.30(c)(1) for an applicant meeting all other requirements in the Act and this Part provided that one or more of the following conditions are met:
- i) the applicant business is located in a distressed community with an unemployment rate that is higher than the State's average;
 - ii) the applicant business is located in an area with limited economic development prospects as evidenced by prior and current development activities;
 - iii) approval would support a business with potential to generate additional growth in the area and create jobs as a result of spin-off businesses; or
 - iv) approval would avert loss of one of the area's major sources of employment.
- B) The greater the impact on the economy of the area in which the applicant is located, the lower the amount of job creations and investment by the applicant that will be necessary for the Director to approve the application; ~~or~~
- d) The ~~applicant~~^{Applicant} must demonstrate *that if not for the ~~credit~~^{Credit} the ~~project~~^{Project} would not occur in Illinois* by providing documentation evidencing that:
- 1) *the ~~applicant~~^{Applicant} has multi-state location options and could reasonably and efficiently locate outside of the State; or*
 - 2) *at least one other state is being considered for the ~~project~~^{Project}; or*

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- 3) receipt of the ~~credit~~*Credit* is a major factor in the ~~applicant's~~*Applicant's* decision and that, without the ~~credit~~*Credit*, the ~~applicant~~*Applicant* likely would not create new jobs in Illinois; or
 - 4) the ~~credit~~*Credit* is essential to the ~~applicant's~~*Applicant's* decision to create or retain new jobs in the State.
- e) Identify a *cost differential, using best available data, in the projected costs for the applicant's project*~~Applicant's Project~~ compared to the costs in the competing state, including the impact of the competing state's incentive programs [35 ILCS 10/5-25], for example, by demonstrating:
- 1) specific costs of labor, utilities, taxes and other costs of an out-of-state site or the industry's cost structure in the competing region; or
 - 2) specific cost differential due to the impact of a competing state's incentive programs.

(Source: Amended at 29 Ill. Reg. 1186, effective January 5, 2005)

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- 1) Heading of the Part: Administration of the Coal Grant Provisions of the Illinois Resource Development and Energy Security Act
- 2) Code Citation: 32 Ill. Adm. Code 120
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
120.10	Amend
120.20	Amend
120.30	Amend
120.40	Amend
120.60	Amend
120.70	Repeal
120.80	Repeal
120.90	Repeal
120.100	Amend
120.110	Amend
120.120	Amend
120.130	Amend
- 4) Statutory Authority: Implementing and authorized by the Illinois Resource Development and Energy Security Act [20 ILCS 688]
- 5) Effective Date of Amendments: January 5, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 28 Ill. Reg. 12516; September 10, 2004.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Grammatical and stylistic changes were made.

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- 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 these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Public Act 93-167 made changes to the Illinois Resource Development and Energy Security Act that requires revisions to the rules and regulations governing the Coal Revival Program. The primary change was to alter program application requirements to allow applicants to use projected tax revenues rather than actual revenues in making an application to the program. The net effect of this change is to eliminate the need for potential applicants to pre-qualify for the program. Other minor changes to these rules address issues such as name changes and improve definitions.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms Jolene Clarke
Rules Administrator
Illinois Department of Commerce and Economic Opportunity
620 East Adams Street
Springfield, IL 62701

217/557-1820

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY~~COMMUNITY AFFAIRS~~

PART 120

ADMINISTRATION OF THE COAL GRANT PROVISIONS OF THE ILLINOIS RESOURCE DEVELOPMENT AND ENERGY SECURITY ACT

Section

120.10	Purpose
120.20	Definitions
120.30	Eligible Applicants
120.40	Eligible Uses of Grant Funds
120.50	Allocation of Appropriations
120.60	Funding Limitation
120.70	Pre-Qualification Request (<u>Repealed</u>)
120.80	Form of Pre-Qualification Request (<u>Repealed</u>)
120.90	Pre-Qualification Evaluation Procedure (<u>Repealed</u>)
120.100	Application Request
120.110	Form of Application
120.120	Application Evaluation Procedure
120.130	Grant Agreement
120.140	Severability
120.150	Administrative Requirements for Grants

AUTHORITY: Implementing and authorized by the Illinois Resource Development and Energy Security Act [20 ILCS 688].

SOURCE: Adopted by emergency rulemaking at 26 Ill. Reg. 7735, effective May 9, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg. 13198, effective August 23, 2002; amended at 29 Ill. Reg. 1195, effective January 5, 2005.

Section 120.10 Purpose

- a) The Illinois Resource Development and Energy Security Act [20 ILCS 688] authorizes the State of Illinois, through the Department of Commerce and Economic Opportunity, formerly known as the Department of Commerce and Community Affairs, to promote the development of new, coal-fired electric generation capacity in Illinois. The purpose and scope of the Act IRDESA Program is the enhancement of the State's energy security by insuring that:

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- 1) the State's vast and underutilized coal resources are tapped as a fuel source for new electric generating plants;
 - 2) the electric transmission system within the State is upgraded to more efficiently distribute additional amounts of electricity;
 - 3) well-paying jobs are created as new electric plants are built in regions of the State with relatively high unemployment; and
 - 4) substantial grant funds and the full faith and credit of the State of Illinois are made available to facilitate investments in the State's energy infrastructure to achieve economic development within the Illinois coal industry and insure energy security for Illinois citizens.
- b) The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code [20 ILCS 605/605-332] authorizes the Department to provide financial assistance to eligible businesses for new electric generating facilities from funds appropriated by the General Assembly. Financial assistance through the Illinois Resource Development and Energy Security Act Grant Program will be provided to eligible applicants in the form of a grant through the Coal Revival Program.

(Source: Amended at 29 Ill. Reg. 1195, effective January 5, 2005)

Section 120.20 Definitions

The following definitions are applicable to this Part:

"Act" means the Illinois Resource Development and Energy Security Act [20 ILCS 688].

"Agreement" means a written document executed between the grantee and the Department defining the rights and obligations with respect to the project.

"Applicant" means an entity, as defined in Section 120.30 of this Part, submitting a written request for program funds appropriated under the Act.

"Baseload" means the minimum amount of power delivered or required over a given period of time at a steady state.

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"Coal Revival Program" means the Illinois Resource Development and Energy Security Act grant program described in this Part.

"Department" means the Department of Commerce and Economic Opportunity, formerly known as the Department of Commerce and Community Affairs.

"Director" means the Director of the Department of Commerce and Economic Opportunity, formerly known as the Department of Commerce and Community Affairs.

"Eligible business" means an entity that proposes to construct a new electric generating facility and that has applied to the Department to receive financial assistance pursuant to this Part. [20 ILCS 605/605-332(a)]

"Full-time equivalent job" means the number of employees required to equal one full-time employee. For purposes of this definition, employee means a person who works a minimum of 35 hours per week for a minimum of 13 consecutive weeks.

"Grant amount" means an amount that the Department shall pay to a grantee for its use on an eligible project.

"Grantee" means an entity, as defined in Section 120.30 of this Part, eligible to receive program funds appropriated under the Act.

"Illinois coal mining job" means:

~~a new job in an Illinois coal mine, not including a call back from a layoff, created after July 1, 2001, at which an individual is employed at year end in an underground or surface coal mining operation as reported to the Illinois Department of Natural Resources for inclusion in the Office of Mines and Minerals Annual Statistical Report; or~~

a full-time equivalent job~~new job~~ in an Illinois coal mine, not including a call back from a layoff, created after July 1, 2001, ~~in which a person works a minimum of 35 hours per week for a minimum of 13 consecutive weeks a year;~~ or

after July 1, 2001, an additional purchase of 9,691 tons of Illinois-mined

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coal per year (an amount equal to the average annual coal produced per Illinois coal miner, calculated by dividing the total Illinois coal production by the total number of Illinois miners, as reported to the Department of Natural Resources for inclusion in the Office of Mines and Minerals Annual Statistical Report for calendar year 2000).

"New electric generating facility" means a newly-constructed electric generation plant or a newly constructed generation capacity expansion at an existing facility, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which foundation construction commenced not sooner than July 1, 2001, which is designed to provide baseload electric generation operating on a continuous basis throughout the year, and which has an aggregate rated generating capacity of at least 400 megawatts for all new units at one site, uses coal or gases derived from coal as its primary fuel source, and supports the creation of at least 150 new Illinois coal mining jobs. [20 ILCS 605/605-332(a)]

~~"IRDESA Program" means the Illinois Resource Development and Energy Security Act Grant Program described in this Part.~~

"Project" means the activities described by the applicant in the grant application and approved by the Department.

(Source: Amended at 29 Ill. Reg. 1195, effective January 5, 2005)

Section 120.30 Eligible Applicants

Businesses eligible for funding consideration under the Coal Revival IRDESA Program must meet all of the following criteria:

- a) construct a new electric generating facility or a new expansion at an electric generating facility, including transmission lines and associated equipment that transfers electricity from the points of supply to points of delivery;
- b) provide baseload electric power operating on a continuous basis throughout the year;
- c) construct a new facility or facility expansion that will have an aggregate nameplate generating capacity of 400 megawatts (MW) or more for all units at one site;

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- d) commence foundation construction on or after July 1, 2001;
- e) use Illinois coal or gases derived from coal as its primary fuel source at the proposed facility; and
- f) propose a facility or facility expansion that supports the creation of at least 150 new Illinois coal mining jobs.

As an alternative means of determining minimum eligibility under the program, job creation may be indirectly determined from quantities of coal purchased annually, based on the average amount of coal produced per Illinois miner in calendar year 2000, as published in the Annual Statistical Report of the Division of Mines and Minerals, Illinois Department of Natural Resources. The average Illinois miner produced 9,691 tons of coal in calendar year 2000.

(Source: Amended at 29 Ill. Reg. 1195, effective January 5, 2005)

Section 120.40 Eligible Uses of Grant Funds

- a) The grant amount may be used for capital facilities consisting of buildings, structures, durable equipment and land at the new electric generating facility.
- b) Funding for the Coal Revival Illinois Resource Development and Energy Security Act Grant Program is derived from the sale of general obligation bonds issued by the State of Illinois. This funding source imposes limits on the use of program funds. When authorized, general obligation bonds will be sold in increments and grants awarded to successful applicants upon certification by the Governor's Office of Management and Bureau of the Budget that the State portion of the projected tax receipts will equal or exceed 110% of the maximum annual debt service over the 25-year life of the bonds. State sales taxes from coal used by new plants will be set aside and transferred to the general obligation bond retirement and interest fund to retire these bonds.

(Source: Amended at 29 Ill. Reg. 1195, effective January 5, 2005)

Section 120.60 Funding Limitation

In accordance with Section 605-332 of the Civil Administrative Code of Illinois [20 ILCS 605/605-332], the Department may provide financial assistance not to exceed the amount of State general obligation debt as certified by the Governor's Office of Management and Bureau of

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~~the~~ Budget, the amount of capital investment in the energy generation facility, or \$100,000,000, whichever is less.

(Source: Amended at 29 Ill. Reg. 1195, effective January 5, 2005)

Section 120.70 Pre-Qualification Request (Repealed)

- a) ~~Any business may request pre-qualification for the IRDESA Program prior to facility construction. Upon the applicant's request, the Department shall provide a written statement regarding the eligibility of the proposed facility to qualify the applicant to receive grant funds, under the conditions provided by the applicant. Pre-qualification confers no rights upon the applicant, but does provide the applicant reasonable assurance that, by following its plan as submitted, it can expect to be funded upon application for grant funds.~~
- b) ~~Pre-qualification requests should be submitted in accordance with the following guidelines:~~
 - 1) ~~Applicants may submit brochures and other presentations only as necessary to present a complete and effective application.~~
 - 2) ~~The Department may require applications to be clarified or supplemented through additional written submissions or oral presentations.~~
 - 3) ~~One original and 5 copies of each pre-qualification request shall be submitted to the IRDESA Grant Program Coordinator, Office of Coal Development, Illinois Department of Commerce and Community Affairs, 620 East Adams Street, CIPS-4, Springfield IL 62701-1615.~~
 - 4) ~~Applicants are discouraged from submitting confidential information since materials submitted in conjunction with an IRDESA Program pre-qualification request are subject to disclosure, in response to requests received under provisions of the Freedom of Information Act [5 ILCS 140]. Information that could reasonably be considered to be proprietary, privileged or confidential commercial or financial information should be identified as such in the application. The Department will maintain the confidentiality of that information only to the extent permitted by law.~~

(Source: Repealed at 29 Ill. Reg. 1195, effective January 5, 2005)

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Section 120.80 Form of Pre-Qualification Request (Repealed)

- a) ~~Applications to the IRDESA Program for pre-qualification may be submitted to the Department at any time.~~
- b) ~~The pre-qualification request shall include, but not be limited to, the following information:~~
 - 1) ~~Pre-qualification Request Cover Page. Form to be obtained from the Department's Office of Coal Development and completed by the Applicant;~~
 - 2) ~~Ownership Disclosure. Identification by name of those businesses or entities with 10% or more ownership of the new electric generating facility, with the percent ownership for each set forth;~~
 - 3) ~~Performance Disclosure. As asserted against the applicant, or any parent organization or holding company of the applicant, identification of all pending or unresolved violations of State or federal laws or regulations that could result in legal or regulatory impact on the operation of the electric generating facility. If the applicant does not have relevant or necessary operating permits, identification of the status of any permit applications and anticipated date of permit issuance;~~
 - 4) ~~Executive Summary. A brief and concise overview of the proposed electric generating facility;~~
 - 5) ~~Facility Description. A description of the proposed electric generating facility, including a description of the scope and nature of the facility; a description of equipment, technologies and processes used; a description of the generation capacity, availability and ability to transmit power at all times, including times of significant area load fluctuations and high demand; a location map showing project site and connections to existing transportation routes, transmission lines, and water supplies; a description of the facility inputs and outputs; and a description of all permits, rights and agreements necessary for plant construction and operation;~~
 - 6) ~~Facility Benefits. Economic justification for the facility that includes a summary of the social or economic benefits of the facility to Illinois; identification of those communities, businesses and other entities likely to~~

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~~benefit from the facility; identification of employment impacts such as permanent jobs created or retained by the facility itself, projected payrolls, and the existing and/or new coal markets that would be affected by the project; and identification of potential impacts on local and State electric rates and reliability;~~

- ~~7) Facility Costs and Schedule.—A gross project budget and time schedule for the completion of the facility, and for major facility components, including cost estimates and anticipated completion dates; and~~
- ~~8) State Sales Taxes.—A reasonable estimation of the annual consumption of Illinois coal at the new electric generating facility and the State sales taxes the business expects to pay annually for new Illinois coal purchases. With respect to use and occupation taxes, references to such taxes mean only those taxes paid on Illinois mined coal used in a new electric generating facility.~~

(Source: Repealed at 29 Ill. Reg. 1195, effective January 5, 2005)

Section 120.90 Pre-Qualification Evaluation Procedure (Repealed)

- ~~a) All pre-qualification requests will undergo a substantive evaluation in terms of the technical, economic, environmental and management components of the new electric generating facility by Department staff. The criteria used in determining whether a pre-qualification request will be approved include, but are not limited to, the following:
 - ~~1) creation of at least 150 new Illinois coal mining jobs;~~
 - ~~2) creation of a new electric generating facility that has an aggregate rated generating capacity of at least 400 megawatts for all new units at one site and uses coal or gases derived from coal as its primary fuel source;~~
 - ~~3) commitment to provide baseload electric generation operating on a continuous basis throughout the year, including times of significant area load fluctuations and high demand;~~
 - ~~4) the total State occupation and use taxes paid on Illinois mined coal used at the new electric generating facility for a minimum of 4 preceding calendar quarters;~~~~

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- ~~5) the beginning and completion construction dates of the new electric generating facility; and~~
- ~~6) the amount of capital investment by the eligible business in the new electric generating facility.~~
- b) ~~The Department may obtain the assistance of other persons either within or outside of State government in reviewing part or all of any application. If the Department elects to obtain such assistance, the Department shall select persons that possess a higher degree of environmental, technical or engineering experience and understanding than readily found within the Department and shall use such persons to evaluate only when, in the opinion of the Department, to do so would promote a more thorough and fair understanding of the applicant's statements, plans and processes to be employed.~~
- e) ~~The Department reserves the right to make on-site survey inspections during the review period when, in the opinion of the Department, to do so would promote a more thorough and fair understanding of the applicant's statements, plans and processes to be employed.~~
- d) ~~Upon completion of the review, the Department staff shall forward all pre-qualification applications and evaluations, together with its recommendations, to the Director. The Director will then make a final determination of the eligibility of the entity and the new electric generating facility to receive grant funds under the Act. Applicants will be notified in writing within 30 days as to whether the entity is pre-qualified for the IRDESA program. If pre-qualification is denied, the notification shall state the reasons for that determination. A finding that an applicant is not pre-qualified shall not preclude the applicant from proceeding with its project and making formal application for assistance upon completion of the project. Final commitment to issue grant funds can only be made upon a successful grant application by the applicant after four consecutive quarters of facility operation.~~

(Source: Repealed at 29 Ill. Reg. 1195, effective January 5, 2005)

Section 120.100 Application Request

- a) Potential applicants are encouraged to advise the Department of their intent to apply to the program prior to submitting a formal application. The Department

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~~may request a written or oral description of the proposed project and other information regarding the likely economic and environmental impacts of the project. The Department may, at its discretion, provide potential applicants with a preliminary assessment of their eligibility for the program provided that sufficient project information is presented by the applicant. While pre-qualification is encouraged to expedite steps involved with eligibility determination, project evaluation, and appropriation of funds, any business, whether pre-qualified or not, may apply for grant funds under the Act.~~

- b) Grant applications should be submitted in accordance with the following guidelines:
- 1) ~~Application to the Coal Revival Program can be made only after the Illinois Environmental Protection Agency has issued a draft construction permit for the facility.~~
 - 2)4) Applicants may submit brochures and other presentations only as necessary to present a complete and effective application.
 - 3)2) The Department may require applications to be clarified or supplemented through additional written submissions or oral presentations.
 - 4)3) One original and 5 copies of each grant application shall be submitted to the ~~Coal Revival~~IRDESA Grant Program Coordinator, Office of Coal Development, Illinois Department of Commerce and ~~Economic Opportunity, Community Affairs,~~ 620 East Adams Street, ~~CIPS-4,~~ Springfield IL 62701-1615.
 - 5)4) Applicants are discouraged from submitting confidential information since materials submitted in conjunction with an ~~approved Coal Revival~~IRDESA Program funding request are subject to disclosure, in response to requests received under provisions of the Freedom of Information Act [5 ILCS 140]. Information that could reasonably be considered to be proprietary, privileged or confidential commercial or financial information should be identified as such in the application. The Department will maintain the confidentiality of that information only to the extent permitted by law.

(Source: Amended at 29 Ill. Reg. 1195, effective January 5, 2005)

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Section 120.110 Form of Application

- a) Applications to the Coal Revival IRDESA Program for grant funds may be submitted to the Department at any time.
- b) The grant application should include, but not be limited to, the following information:
 - 1) Grant Application Cover Page. Form to be obtained from the Department's Office of Coal Development and completed by the applicant;
 - 2) Ownership Disclosure. Identification by name of those businesses or entities with 10% or more ownership of the new electric generating facility, with the percent ownership for each set forth;
 - 3) Performance Disclosure. As asserted against the applicant, or any parent organization or holding company of the applicant, identification of all pending or unresolved violations of State or federal laws or regulations that could result in legal or regulatory impact on the operation of the electric generating facility. All State and federal permits required for the operation of the facility should be identified. If the applicant does not have relevant or necessary operating permits, identification of the status of any permit applications and anticipated date of permit issuance;
 - 4) Executive Summary. A brief and concise overview of the proposed electric generating facility;
 - 5) Facility Description. A description of the proposed electric generating facility, including a description of the scope and nature of the proposed facility; a description of equipment, technologies and processes used; a description of the generation capacity, availability and dispatch; a location map showing project site and connections to existing transportation routes, transmission lines, and water supplies; a description of the facility inputs and outputs; and a description of all permits, rights and agreements necessary for plant construction and operation;
 - 6) Facility Benefits. Economic justification for the facility that includes a summary of the social or economic benefits of the facility to Illinois; identification of those communities, businesses and other entities likely to benefit from the facility; identification of employment impacts such as

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~~permanent~~ jobs created or retained by the facility itself ~~and~~, projected payrolls, ~~and~~ the existing and/or new coal markets that would be affected by the project; and identification of potential impacts on local and State electric rates and reliability. The discussion on facility employment impacts should include:

- A) current employment levels.
- B) projections of temporary jobs created (construction, project managers, etc.) that will be created during the project.
- C) full-time equivalent jobs to be created at the facility.
- D) full-time equivalent jobs retained as a direct result of completing the project, and
- E) Illinois coal mining jobs created as a result of new coal purchases for the facility;

- 7) Facility Capital and O&M Costs. Financial aspects of the facility, including capital cost, operation and maintenance costs, financing, debt service and retirement, and expected return on investment. For purposes of this subsection (b)(7), operation and maintenance costs are defined as those variable costs attendant to the day to day operation and scheduled maintenance of the new electric generating facility; and
- 8) State Sales Taxes. ~~A For the preceding four consecutive quarters, a~~ certification of the amount of Illinois coal used at the new electric generating facility and the State ~~occupation and uses~~ taxes paid on ~~Illinois-mined~~ the purchase of the coal used at the facility for a minimum of four preceding calendar quarters, or the projected amount of Illinois coal to be used at the new electric generating facility and the State occupation and use taxes paid on Illinois-mined coal to be used at the facility. Applicant must provide reasonable documentation of a long-term commitment to Illinois coal use at the facility through binding coal purchase agreements with suppliers, including documentation of coal supply contracts, detailing the terms and duration of each agreement.

(Source: Amended at 29 Ill. Reg. 1195, effective January 5, 2005)

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Section 120.120 Application Evaluation Procedure

- a) All grant applications submitted will undergo a substantive evaluation in terms of the technical, economic, environmental and management components of the new electric generating facility by Department staff. The criteria used in determining whether a grant will be awarded include, but are not limited to, the following:
- 1) creation of at least 150 new Illinois coal mining jobs;
 - 2) creation of a new electric generating facility that has an aggregate rated generating capacity of at least 400 megawatts for all new units at one site and uses coal or gases derived from coal as its primary fuel source;
 - 3) commitment to provide baseload electric generation operating on a continuous basis throughout the year, including times of significant area load fluctuations and high demand;
 - 4) the total State occupation and use taxes paid on Illinois-mined coal used at the new electric generating facility for a minimum of 4 preceding calendar quarters, or the projected total State occupation and use taxes to be paid annually on Illinois-mined coal used at the new electric generating facility;
 - 5) the beginning and completion construction dates of the electric generating facility; and
 - 6) the amount of capital investment by the eligible business in the new electric generating facility.
- b) The Department may obtain the assistance of other persons either within or outside of State government in reviewing part or all of any application. If the Department elects to obtain such assistance, the Department shall select persons that possess a higher degree of environmental, technical or engineering experience and understanding than readily found within the Department and shall use such persons to evaluate only when, in the opinion of the Department, to do so would promote a more thorough and fair understanding of the applicant's statements, plans and processes to be employed.
- c) The Department reserves the right to make on-site survey inspections during the review period when, in the opinion of the Department, to do so would promote a more thorough and fair understanding of the applicant's statements, plans and

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processes to be employed.

d) In addition to compliance with any federal, State or local permitting requirements, funded projects will be subject to review by the following Illinois agencies: Department of Natural Resources, Historic Preservation Agency, Department of Agriculture, and Illinois Environmental Protection Agency. Grantees will be required to comply with requirements established by these agencies relative to their respective reviews. Grantees will be responsible for coordinating directly with the applicable external agencies. Any requirements communicated to the Department shall be incorporated into any grant agreement awarded as of its execution date, or if received from the applicable agency subsequent to execution, as an addendum to the grant agreement. Grantees will be contractually obligated to comply with these requirements. Prior to notification of compliance by the applicable external agency, grantees may request disbursement of funds only for the following purposes: administrative, contractual, legal, engineering or architectural/engineering costs incurred that are necessary to allow for compliance by the grantee with requirements established by the external agency. Funds will not be disbursed for land acquisition or any activity that physically impacts the project site until the Department receives the appropriate sign-off from the applicable agencies.

e) Upon completion of the review, the Department staff shall recommend applications meeting all criteria set forth in subsection (a). Department staff will then forward all applications, together with its recommendations, to the Director for final determination. During the final review process, the Director will determine whether an applicant is awarded a grant. Applicants will be notified in writing as to whether the entity is eligible to receive financial assistance through the Coal Revival Program. If an application is denied, the notification shall state the reasons for that determination.

(Source: Amended at 29 Ill. Reg. 1195, effective January 5, 2005)

Section 120.130 Grant Agreement

- a) When a grant has been awarded, the grantee and the Department shall execute an Agreement. The Agreement shall be executed between the grantee and the Director or the Director's designee on behalf of the Department.
- b) The Agreement shall contain substantive provisions, including, but not limited to, the following:

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- 1) A recitation of legal authority pursuant to which the Agreement is made;
- 2) An identification of the project scope and schedule, and the work or services to be performed or conducted by the grantee;
- 3) An identification of the grant amount;
- 4) The conditions and manner in which the Department shall pay the grant amount subject at all times to annual appropriation by the General Assembly;
- 5) A promise by the grantee not to assign or transfer any of the rights, duties or obligations of the grantee without the written consent of the Department;
- 6) A promise by the grantee not to amend the Agreement without the written consent of the Department. Failure to do so will result in a cost disallowance. The project must be completed by the completion date in the Agreement unless a written request for an extension is submitted no later than 30 days prior to the award completion date;
- 7) A covenant that the grantee shall expend the grant amount and any accrued interest only for the purposes of the project as stated in the Agreement and approved by the Department; ~~and~~
- 8) A covenant that the grantee shall refrain from entering into any written or oral agreement or understanding with any party that might be construed as an obligation of the State of Illinois or the Department for the payment of any funds under the Act; ~~and-~~
- 9) A covenant that no grant funds will be disbursed until the eligible business has satisfactorily demonstrated to the Department that the revenue stream will be sufficient to service the debt on General Obligation Bonds issued in support of the project.

(Source: Amended at 29 Ill. Reg. 1195, effective January 5, 2005)

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- 1) Heading of the Part: Certification
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
25.11	Amendment
25.100	Amendment
25.315	Amendment
25.335	Amendment
25.425	Amendment
25.450	Amendment
25.464	Amendment
25.720	Amendment
25.725	Repealed
25.800	Amendment
25.805	Amendment
25.810	Amendment
25.815	Repeal
25.820	Repeal
25.825	Repeal
25.830	Amendment
25.832	Amendment
25.835	Amendment
25.840	Amendment
25.845	Amendment
25.848	Amendment
25.850	Amendment
25.855	Amendment
25.860	Amendment
25.865	Amendment
25.872	Amendment
25.875	Amendment
25.880	Amendment
25.885	Repeal
25.900	Amendment
25.905	Amendment
25.910	Amendment
25.915	Amendment
25.920	Amendment
25.925	Amendment
25.930	Amendment

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25.935	Amendment
25.942	New Section
25.945	Amendment
25.APPENDIX D	New Section

- 4) Statutory Authority: 105 ILCS 5/2-3.6, 14C-8, and Art. 21
- 5) Effective Date of Amendments: January 4, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 3, 2004; 28 Ill. Reg. 12268
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Section 25.450(b)(2)(B) was revised to incorporate the ability to rely on an out-of-state certificate.

Section 25.464(a)(6) was expanded to offer the option of a written assurance of an individual's intent to enroll in coursework.

Section 25.720(e)(5) was amplified to make clear how out-of-state applicants will be treated when they hold more than one certificate.

Section 25.100(i)(3) was amended with a technical correction.

Clarification was added to Section 25.805(k) and Section 25.880(d) regarding the applicability of reductions in certification renewal requirements for individuals with advanced degrees or master certificates.

Language was inserted into Sections 25.315(e)(2) and 25.850(e) to clarify the bases for regional superintendents' recommendations.

Portions of Section 25.880(a) were restored to discuss the flow of information with respect to periods of exemption.

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A new subsection (m) was added to Section 25.805 to provide for the ability to carry over credit for activities completed on or after April 1 of the final year of a teaching certificate's validity.

Section 25.942(b) was revised to encompass the possibility of a separate, identifiable professional development certificate as well as an official notation on a transcript.

A number of changes were made in Appendix D to clarify the requirements for special education teachers to be considered "highly qualified"; the requirements for assignments in the elementary grades were separated from those for assignments in the secondary grades; and several technical corrections were made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This set of amendments arises almost entirely from enactment of P.A. 93-679, which was signed by the Governor on June 30, 2004, and took effect immediately. That legislation made significant changes in the requirements for renewal of teaching and administrative certificates, teachers' movement from the initial to the standard certificate, and certification testing for out-of-state applicants. Many procedural requirements for certificate renewal have been eliminated, and additional activities have been identified as options for meeting the respective requirements. One of these is to meet the requirements for being considered "highly qualified" for purposes of the No Child Left Behind Act in an additional teaching field, necessitating the addition of the Illinois criteria for this federal consideration into the State Board's rules. Refinements are also being made in several other Sections of Part 25 to make the rules more workable or to correct oversights.
- 16) Information and questions regarding these adopted amendments shall be directed to:
Dennis Williams, Certification and Professional Development
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001 (217) 782-7702

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

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Section

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25.11 New Certificates (February 15, 2000)
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25.65 Alternative Certification
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25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared
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- 25.90 Transitional Bilingual Certificate and Examination
- 25.92 Visiting International Teacher Certificate
- 25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate (Repealed)
- 25.99 Endorsing Teaching Certificates
- 25.100 Endorsing Teaching Certificates (2004)

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EDUCATORS IN THE STATE OF ILLINOIS

Section

- 25.110 System of Approval: Levels of Approval (Repealed)
- 25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs
- 25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)
- 25.125 Accreditation Review of the Educational Unit
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- 25.130 Special Provisions for Institutions Subject to Conditions for Continuing Accreditation
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- 25.136 Interim Provisions for Continuing Accreditation – Institutions Visited from Spring of 2002 through Spring of 2003
- 25.137 Interim Provisions for Continuing Accreditation and Approval – July 1, 1999, through June 30, 2000 (Repealed)
- 25.140 Transitional Requirements for Unit Assessment Systems
- 25.145 Approval of New Programs Within Recognized Institutions
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- 25.155 Initial Recognition Procedures
- 25.160 Notification of Recommendations; Decisions by State Board of Education
- 25.165 Discontinuation of Programs

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- 25.200 Relationship Among Credentials in Subpart D
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25.225	Certification of School Counselors (2004)
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 25.940 Examination
25.942 Requirements for Additional Options
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- 25.APPENDIX A Statistical Test Equating – Certification Testing System
 25.APPENDIX B Certificates Available Effective February 15, 2000
 25.APPENDIX C Exchange of Certificates
 25.APPENDIX D Criteria for Identification of Teachers as "Highly Qualified" in Various Circumstances~~National Board and Master Certificates (Repealed)~~
 25.APPENDIX E Endorsement Structure Beginning July 1, 2004

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22

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Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; peremptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; peremptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; peremptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744, effective March 21, 2003; amended at 27 Ill. Reg. 8071, effective April 28, 2003; emergency amendments at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 12523, effective July 21, 2003; amended at 27 Ill. Reg. 16412, effective October 20, 2003; emergency amendment at 28 Ill. Reg. 2451, effective January 23, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 8556, effective June 1, 2004; emergency amendments at 28 Ill. Reg. 12438, effective August 20, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1212, effective January 4, 2005.

SUBPART B: CERTIFICATES

Section 25.11 New Certificates (February 15, 2000)

Section 21-2 of the School Code [105 ILCS 5/21-2] ~~established~~establishes a new system of teaching certificates effective February 15, 2000. A complete list of the certificates that ~~were~~will ~~be~~ available as of that date is found in Appendix B to this Part. The transition to the new system ~~affected~~will affect certified individuals as set forth in subsection (a) of this Section; under the new system, and candidates for certification shall be treated in accordance with the remaining provisions of as set forth in this Section.

- a) Holders of certain current Illinois teaching certificates shall receive corresponding standard teaching certificates when they next renew any of their current certificates.
 - 1) Certificates subject to exchange are listed in Appendix C to this Part.
 - 2) No certificate-holder shall be penalized in the exchange of certificates. Each endorsement held by a certificate-holder prior to February 15, 2000, shall be recorded on the appropriate certificate received pursuant to this subsection (a). Qualifications accepted for particular teaching assignments

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prior to February 15, 2000, shall continue to be acceptable for those assignments, unless Section 25.100(l) of this Part applies.

- b) Out-of-state candidates who qualify for Illinois teaching certificates pursuant to Section 25.425 of this Part and who pass the applicable examinations (see Section 25.720 of this Part) shall receive either initial or standard teaching certificates, and, except as provided in subsection (b)(3) of this Section, those who receive initial certificates shall be subject to the requirements of subsection (d) of this Section in terms of their subsequent receipt of standard teaching certificates. An out-of-state applicant who does not qualify for an initial or standard certificate may qualify to receive a provisional certificate subject to the provisions of Section 21-10 of the School Code [105 ILCS 5/21-10].
- 1) *Standard certificates will be issued to candidates who present evidence of at least four years of teaching experience on a valid certificate issued by a state, territory, or possession of the United States, ~~unless a candidate elects to receive an initial certificate to afford himself or herself time to complete the requirements of Subpart K of this Part. (Section 21-2(b-5) of the School Code [105 ILCS 5/21-2(b-5)])~~*
 - 2) Initial certificates will be issued to qualified candidates with fewer than four years of teaching experience.
 - A) A recipient of an initial certificate pursuant to this subsection (b)(2) shall be eligible to apply for a comparable standard certificate when he or she has accumulated a total of four years' teaching experience on a valid certificate, including the time taught outside Illinois and may either count his or her teaching time outside Illinois or elect to wait until he or she has accumulated four years' teaching on the Illinois initial certificate.
 - B) Pursuant to Section 21-2(b-5) of the School Code, the 12 semester hours of graduate-level coursework needed to complete the option discussed in Section 25.905(d) of this Part and the 60 continuing professional development units (CPDUs) needed to complete the option discussed in Section 25.905(e) of this Part shall be reduced in proportion to the amount of teaching time a candidate needs to accumulate in Illinois in order to complete four years of teaching. The number of hours or CPDUs required shall be reduced by one-fourth for each full year of teaching completed outside Illinois.

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- 3) *The requirements of Subpart K of this Part shall not apply to an individual who holds a second-tier certificate from another state. (Section 21-2(b-5) of the School Code) A "second-tier certificate" is one that is issued after a teacher has:*
- A) held a prerequisite teaching certificate that was valid for the same area or areas of assignment, other than an emergency, provisional, or substitute certificate; and*
 - B) met specified additional requirements for professional development or induction to the profession of teaching.*
- 4) Certificates will be endorsed in accordance with the provisions of Sections 25.100 and Section 25.425 of this Part.
- c) A candidate completing an approved Illinois teacher preparation program on or after February 15, 2000, may qualify for an initial teaching certificate by passing the applicable examinations as set forth in Section 25.20, 25.30, 25.40, or 25.80 of this Part, or in Section 25.22, 25.32, 25.42, or 25.82 of this Part, as applicable.
- d) An individual who has completed four years of teaching on an initial certificate (or on another certificate that was issued in conjunction with an initial certificate) may qualify for a comparable standard certificate as set forth in Subpart K of this Part.
- 1) All endorsements shall be carried forward from an initial to the comparable standard certificate.
 - 2) *A holder of an initial certificate who has not completed four years of teaching within four years may renew and register the certificate for additional four-year periods without limitation. (Section 21-14(b) of the School Code [105 ILCS 5/21-14(b)])*~~*A candidate who does not complete four years of teaching within twelve years after his or her initial certificate is issued may receive another initial certificate by taking and passing the initial certification examinations required at that time and meeting all other requirements then in force for that certificate. However, if an individual assumes employment on an administrative or school service personnel certificate before completing four years of teaching, the 12-year period shall toll (i.e., the 12-year "clock" shall be stopped) during that period of employment.*~~

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- 3) A candidate who has taught for four years on an initial certificate but has not met the requirements of Subpart K of this Part may not receive another comparable initial teaching certificate. For example, a holder of an initial elementary certificate will not be eligible to receive another initial elementary certificate. *However, such an individual may receive a reinstated certificate, valid for one year, during which he or she may complete the option chosen as a means of qualifying for the standard teaching certificate.* (Section 21-14(b) of the School Code) No initial certificate-holder may receive a reinstated certificate more than once pursuant to this subsection (d)(3).
- 4) When an individual completes four years of teaching experience on an initial certificate, that certificate shall become invalid on the following June 30.
- e) A holder of an Illinois teaching certificate who has teaching experience on a valid certificate as required by Section 21-11.2 of the School Code [105 ILCS 5/21-11.2] may receive an additional certificate of another type as set forth in Section 25.35 of this Part. Once an individual has received a standard teaching certificate, any other subsequently issued early childhood, elementary, secondary, special K-12, or special preschool-age 21 certificate shall also be a standard certificate, with the exception of any master certificate for which the individual also qualifies.
- f) "Four years of teaching experience" means the equivalent of four years' full-time employment, i.e., eight semesters of scheduled full-time teaching, which may, however, be accumulated in any combination of increments. That is, it need not be accumulated through full-time teaching.
- g) "Evidence of teaching experience" means a letter signed by the chief administrator or other designated official of the employing school district or nonpublic school documenting the nature and duration of the candidate's teaching. A letter signed by an official of the state education agency in another state may be substituted for an employer's letter when the latter cannot be secured. Experience gained while teaching in a home school shall not be applicable to the fulfillment of this requirement.
- h) For purposes of this Section, "valid certificate" means a certificate equivalent to an Illinois master, standard, initial, or provisional early childhood, elementary, secondary, or special certificate.
- i) Upon application, a holder of certification issued by the National Board for

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Professional Teaching Standards (NBPTS) shall be issued a comparable Illinois master certificate. Endorsements comparable to those held by the individual shall appear on the master certificate. The State Board shall make available the list of NBPTS certifications for which Illinois master credentials are available and shall update that list as the NBPTS expands its areas of certification.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.100 Endorsing Teaching Certificates (2004)

Beginning July 1, 2004, the structure of endorsements available on Illinois certificates will be changed. Appendix E to this Part provides a list of the endorsements that will become available at that time, other than the endorsements in special education that are the subject of federal court orders of February 27 and August 15, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al. Appendix E shows for each new endorsement the related endorsements that were previously issued and will be discontinued or replaced. Any semester hours of credit presented toward fulfillment of the requirements of this Section may be earned in on-line or electronically-mediated courses, provided that college credit is awarded for the coursework by a regionally accredited institution of higher education.

- a) Subject-area "designations" shall be required in conjunction with some endorsements, as shown in Appendix E to this Part. Except in the case of foreign language, a certificate-holder shall be authorized to teach all the subjects encompassed by a particular endorsement, regardless of the designation or designations received in conjunction with that endorsement. However, a certificate-holder may not teach honors courses, as these are defined by the employing district, or Advanced Placement courses in a subject for which he or she does not hold the specific designation, unless he or she holds an applicable master certificate. For example, a secondary science teacher with a biology designation may not teach honors physics or chemistry unless he or she holds a master certificate endorsed for sciences.
- b) Endorsement(s) at Time of Issuance
Pursuant to Section 21-1b of the School Code [105 ILCS 5/21-1b], *all certificates initially issued under this Article... shall be specifically endorsed by the State Board of Education for each subject the holder of the certificate is legally qualified to teach.*
 - 1) For each application for certification received on or before September 30, 2004, the certificate issued shall be endorsed in keeping with the program completed and the related test passed by the candidate, as well as for any

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additional subject in which the candidate completed the required coursework.

- 2) For each application received on or after October 1, 2004, the certificate issued shall be endorsed in keeping with the program completed and the related content-area test or test of subject matter knowledge passed by the candidate and, except as provided in subsections (g), (h), (i), (j), and (k) of this Section:
 - A) any additional area in which the individual has completed a major area of concentration, totaling 32 semester hours or as otherwise identified by a regionally accredited institution on the individual's official transcript; and
 - B) any additional area in which the individual presents evidence of having accumulated 24 semester hours of college credit demonstrably related to the subject area, either as a subset of an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education, and has passed the applicable content-area test (or test of subject matter knowledge); and
 - C) any additional area for which the individual has met the applicable requirements of subsection (e) of this Section.
- 3) An individual who passes a test of subject matter knowledge prior to July 1, 2004, and applies for the related certificate no later than five years after the date on which the test was taken shall receive an endorsement valid only for the specific subjects covered under the prior system, unless the institution that offered the program completed by the candidate certifies to the State Board of Education that the candidate completed a program that met the applicable standards set forth at 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields). An endorsement under the new structure will be issued to an individual who either passes the applicable new content-area test or completes a program based upon the applicable standards for the content area.
- 4) To account for the differing stages of preparation attained by candidates who were already enrolled in approved programs as of July 1, 2004, each institution may, through June 30, 2006, recommend to the State Board of Education the issuance of one or more endorsements under the structure in

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effect prior to July 1, 2004, to a candidate who has completed the coursework required for those endorsements and, in the judgment of the institution's certification officer, did not have a sufficient opportunity to complete the requirements for the comparable new endorsements instead.

- c) Pursuant to Section 21-4 of the School Code [105 ILCS 5/21-4], an individual who is eligible to receive a special certificate may elect to receive both an elementary and a secondary certificate, each endorsed as the special or special preschool-age 21 certificate would have been endorsed. An individual who elects to hold a special certificate may add endorsements to it by submitting an application pursuant to Section 21-12 of the School Code and demonstrating that he or she has met the applicable requirements of subsection (f)(3) of this Section.
- d) Endorsements issued under the system used prior to July 1, 2004, shall continue to be valid only for the specific subjects covered. An individual who wishes to teach other subjects in the same field shall be required to apply for the relevant new endorsement in keeping with Section 21-12 of the School Code and meet the applicable requirements of this Section.
- e) Each endorsement or designation indicated by an asterisk in Appendix E to this Part has no corresponding content-area test. The provisions of this subsection (e) shall apply to the issuance of these endorsements and designations.
 - 1) For an applicant who is receiving an Illinois teaching certificate, the institution that offered the approved program completed by the applicant shall indicate that the applicant has met the standards applicable to the endorsement or the particular designation.
 - 2) An applicant prepared out of state, or an applicant who is already certified in Illinois and is seeking to add a new endorsement or designation in one of these subjects, other than an endorsement in safety and driver education, shall:
 - A) present verification from an institution with an approved teacher preparation program that he or she is prepared in the area covered by the endorsement or designation sought; or
 - B) present evidence of completion of nine semester hours of coursework in the area covered by the endorsement or designation sought; or

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- C) present evidence of at least one year's teaching experience on a valid certificate in the area covered by the endorsement or designation sought.
- 3) An applicant prepared out of state or an applicant who is already certified in Illinois and is seeking to add a new endorsement in safety and driver education shall be subject to the requirements set forth at 23 Ill. Adm. Code 1.730(q).
- f) **Addition of Endorsements to Previously Issued Certificates**
Individuals seeking to endorse previously issued certificates shall apply for such endorsements, using a format specified by the State Board of Education, in accordance with the provisions of Section 21-12 of the School Code [105 ILCS 5/21-12].
- 1) An applicant who qualifies for an endorsement shall receive a new copy of the original certificate with the endorsement and date of the endorsement affixed.
 - 2) Applications received through June 30, 2005, shall, at the request of the applicant, be reviewed against the requirements in place immediately prior to July 1, 2004, and deficiency statements shall be issued when an applicant does not qualify for the requested endorsements. Each deficiency statement shall be honored by the State Board of Education for a period of one year from the date of issue, except in the case of reading as provided in subsection (i)(1)(C) of this Section. Applicants will receive the endorsements only if they remove the identified deficiencies within one year after the date of the deficiency statement. Subsequent applications for the same endorsements shall be accompanied by another fee and shall be subject to any new requirements.
 - 3) Except as provided in subsections (g), (h), (i), (j), and (k) of this Section, for applications received on or after July 1, 2005, an endorsement will be issued to each applicant who:
 - A) has completed a major area of concentration, totaling 32 semester hours or as otherwise identified by a regionally accredited institution on the individual's official transcript; or
 - B) presents evidence of having accumulated 24 semester hours of college credit demonstrably related to the subject area, either as a

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subset of an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education, and has passed the applicable content-area test (or test of subject matter knowledge); or

- C) has met the applicable requirements of subsection (e) of this Section.
- g) Special provisions shall apply to the addition of endorsements in self-contained general education. An individual who holds a secondary, special K-12, or special preschool-age 21 certificate, or an individual who holds an elementary certificate endorsed in some other field by virtue of having "split" a special or special preschool-age 21 certificate, may qualify for the endorsement in self-contained general education on that certificate only by completing an approved program for the elementary certificate in accordance with Section 25.37 of this Part and passing the elementary/middle grades test. Fulfillment of these requirements qualifies the individual for an elementary certificate with this endorsement. However, an individual with an early childhood or a secondary certificate may choose whether to receive the elementary certificate or to add the endorsement to his or her existing certificate, thereby restricting his or her capacity for assignment to the grade levels encompassed by that certificate. An individual who elects to receive a separate certificate pursuant to this subsection (g) shall be required to pass the test of basic skills and/or the applicable assessment of professional teaching if passage of one or both of these tests would be required for receipt of a standard certificate as explained in Section 25.720 of this Part.
- h) Special provisions shall apply to the issuance of endorsements in the sciences and social sciences.
 - 1) An individual seeking to add an endorsement and a designation in either of these fields who does not already hold that endorsement with one of its other available designations shall be required to pass the content-area test for the designation sought and either:
 - A) be recommended for the endorsement and the designation by an institution with an approved program in the subject area based on having completed coursework sufficient to address the applicable content-area standards; or

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- B) present evidence of having accumulated 32 semester hours of college coursework in the field, from one or more regionally accredited institutions, that meets the following requirements:
- i) at least 12 semester hours of credit must have been earned in the subject area of the designation sought; and
 - ii) some portion of the coursework completed must have addressed at least two additional designations within the field.
- 2) The requirement stated in subsection (h)(1) of this Section shall apply whenever an individual seeks to add his or her first endorsement in one of these fields.
- 3) An individual may receive a subsequent designation in the same field if he or she has:
- A) passed the applicable content-area test; or
 - B) completed a major in the content area of the designation.
- 4) An individual who holds an endorsement in the sciences or social sciences under the structure that was in effect prior to July 1, 2004, may receive an endorsement and a designation in that field under the new structure by passing the content-area test for the designation sought. He or she may then qualify for additional designations in the field pursuant to subsection (h)(3) of this Section.
- i) Special provisions shall apply to the issuance of endorsements for reading teachers and reading specialists. A reading teacher is one whose assignment involves teaching reading to students, while a reading specialist is one whose assignment involves the provision of technical assistance and/or professional development to other teachers and may also include teaching reading to students.
- 1) Reading Teacher
This endorsement shall not be issued as an individual's first teaching credential. An individual who holds or receives an Illinois early childhood, elementary, secondary, or special certificate shall be eligible to receive this additional endorsement on that certificate (and on any other certificate held or subsequently earned) when he or she presents evidence of:

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- A) having passed the applicable content-area test (or test of subject matter knowledge) and having been recommended for the endorsement by virtue of completing an approved reading teacher's preparation program based on the standards set forth at 23 Ill. Adm. Code 27.110 that requires at least 24 semester hours of graduate or undergraduate coursework in reading, including a practicum, at an institution that is recognized to offer teacher preparation programs in Illinois; or
- B) having passed the applicable content-area test (or test of subject matter knowledge) and having completed 24 semester hours of graduate or undergraduate coursework in reading, including a practicum, at one or more regionally accredited institutions of higher education, provided that all the following areas were addressed:
- i) foundations of reading,
 - ii) content-area reading,
 - iii) assessment and diagnosis of reading problems,
 - iv) developmental and remedial reading instruction and support,
 - v) developmental and remedial materials and resources, and
 - vi) literature appropriate to students across all grade ranges; or
- C) having completed, on or before June 30, 2005, the 18 semester hours of college coursework in reading described at 23 Ill. Adm. Code 1.740(a), in which case passage of the content-area test or test of subject matter knowledge shall not be required and no deficiency statement shall extend the timeline for completion of the coursework beyond June 30, 2005.
- 2) **Reading Specialist**
The reading specialist's endorsement shall require two years of teaching experience. An individual who holds an Illinois early childhood, elementary, secondary, or special certificate shall be eligible to receive this

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endorsement on that certificate or on a separate special K-12 certificate when he or she presents evidence of having completed the required teaching experience and:

- A) having completed a K-12 reading specialist's program approved pursuant to Subpart C of this Part that includes a practicum and leads to the issuance of a master's or higher degree; and
 - B) having been recommended for the endorsement by the institution offering the program; and
 - C) having passed the content-area test for reading specialist.
- 3) An individual who elects to receive a separate special K-12 certificate pursuant to subsection (i)(2) of this Section shall be required to pass the test of basic skills and/or the applicable assessment of professional teaching if passage of one or both of these tests would be required for receipt of a subsequent standard certificate as explained in Section 25.720 of this Part.
- j) Special provisions shall apply to the addition of endorsements and designations in foreign languages.
- 1) An endorsement and a designation for a foreign language may be added to an existing certificate when an individual has completed a major area of concentration in the language, totaling 32 semester hours or as otherwise identified by a regionally accredited institution on the individual's official transcript.
 - 2) An endorsement and a designation for a foreign language may be added to an existing certificate when an individual presents evidence of having accumulated 20 semester hours of college credit in the language, either as a subset of an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education, and has passed the applicable content-area test (or test of subject matter knowledge). The 20 semester hours may be calculated by including semester hours of study that were waived by the institution offering the coursework based on the individual's prior learning, provided that the individual presents verification issued by the institution to this effect (i.e., a statement on the official transcript or a letter signed by the certification officer identifying

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the number of hours involved). ~~Each additional designation for a foreign language shall be subject to the requirements of this subsection (j).~~

- 3) Each additional designation for a foreign language shall be subject to the requirements of this subsection (j).
 - 4) Sections 25.85 and 25.86 of this Part set forth additional provisions for certification in foreign languages under specified circumstances.
- k) The requirements of 23 Ill. Adm. Code 1.720 (Requirements for Teachers of Middle Grades), rather than the requirements of this Section, shall apply to credentials and assignments in the middle grades, including reading assignments in the middle grades. The requirements of 23 Ill. Adm. Code 1.780, 1.781, and 1.782, rather than the requirements of this Section, shall apply to credentials and assignments in the areas of bilingual education and English as a Second (New) Language.
- l) Each individual who is first assigned to teach a particular subject on or after July 1, 2004, based on completion of the minimum requirements for college coursework in that subject that are set forth at 23 Ill. Adm. Code 1.737(b), 1.745(b)(3), or 1.755(c), as applicable, but who has not met the requirements of this Section for an endorsement in that subject area shall have three years after the date of first assignment to meet those requirements and receive the relevant endorsement. An individual who does not do so shall become ineligible to teach the subject in question in any subsequent semester, unless he or she later receives the endorsement.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF
ADMINISTRATIVE AND SUPERVISORY STAFF

Section 25.315 Renewal of Administrative Certificate

The requirements set forth in this Section apply to renewal of administrative certificates in accordance with Section 21-7.1 of the School Code [105 ILCS 5/21-7.1].

- a) **Professional Development Required**
Pursuant to Section 21-7.1 of the School Code, renewal of administrative certificates held by public school administrators who are serving in positions requiring administrative certification is contingent upon certificate-holders'

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presentation of evidence of continuing professional education. For the purposes of this Section, the terms "continuing professional education" and "continuing professional development" shall be considered synonymous. Renewal of any affected administrative certificate whose period of validity begins on or after July 1, 2003, shall require the certificate-holder's: ~~1) preparation of an individual plan for continuing professional development that conforms to the requirements of subsection (b) of this Section and submission of the plan for review as set forth in subsection (f) of this Section (unless the individual is exempted from the requirement for a plan as provided in subsection (c-15) of Section 21-7.1 of the School Code or is subject to the limits on employment set forth in Section 16-118 of the Illinois Pension Code [40 ILCS 5/16-118] and will use the administrative certificate only within those limits);~~ 2) completion of professional development activities sufficient to satisfy the requirements of Section 21-7.1 of the School Code enumerated in the plan (or completion of a reduced quantity of activities as applicable to the validity or remaining validity of the certificate, if subsection (c-15) of Section 21-7.1 of the School Code applies); and 3) presentation, upon request by the regional superintendent or a representative of the State Board of Education or if required as part of an appeal under this Section, of evidence of completion of the activities enumerated in the plan or completed pursuant to subsection (c-15) of Section 21-7.1 of the School Code, in accordance with subsection (h) of this Section.

- b) ~~Requirements of the Plan~~ 1) Each plan shall include at least three goals developed by the individual administrator related to continuing professional development. ~~2) Each plan shall include at least five professional development activities that will be completed during the period of the certificate's validity (see subsection (c) of this Section), for a total of not fewer than 100 continuing professional development hours, unless otherwise provided in subsection (k) of this Section. Each plan shall describe how each of these activities will address one or more of the administrator's goals, how it will contribute to the achievement of one or more of the Illinois Professional School Leader Standards (see 23 Ill. Adm. Code 29.100), and how it will Each activity shall be required to address one or more of the following purposes:~~

1)A) improving the administrator's knowledge of instructional practices and administrative procedures;

2)B) maintaining the basic level of competence required for initial certification; and

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- ~~3)⊖~~ *improving skills and knowledge regarding the improvement of teaching performance in clinical settings and assessment of levels of student performance.* (Section 21-7.1 of the School Code)
- ~~3)~~ ~~In addition to the activities required under subsection (b)(2) of this Section, each administrator's plan shall provide for annual completion of a course conducted by the Illinois Administrators' Academy established pursuant to Section 2-3.53 of the School Code [105 ILCS 5/2-3.53] (see subsection (d) of this Section), resulting in the accumulation of no fewer than 36 continuing professional development hours during the period of the certificate's validity, unless otherwise provided in subsection (k) of this Section.~~
- ~~4)~~ ~~Each plan shall identify at least one activity from among those completed pursuant to this Section that will address a need identified in the certificate holder's school improvement plan at either the district or the school level or, for a regional administrator, the applicable regional improvement plan.~~
- c) Activities selected to fulfill the requirement for 100 hours of professional development (see Section 21-7.1(c-10) of the School Code)~~requirements of subsection (b)(2) of this Section~~ shall be subject to the provisions of this subsection (c).
- 1) Activities chosen for this purpose may include but need not be limited to:
 - A) Completion of college/university courses;
 - B) Participation in state and national conferences of professional organizations or in workshops, seminars, symposia, or other, similar training events;
 - C) Teaching college/university courses or making presentations at conferences, workshops, seminars, symposia, or other, similar training events;
 - D) Providing formal mentoring to one or more other administrators;
 - E) Independent study; and

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- F) Other activities related to the Illinois School Leader Standards and other applicable standards (see 23 Ill. Adm. Code 29) such as developing or revising school programs, participating in Administrators' Academy courses, research, and other, similar projects.
- 2) ~~For each activity completed, the certificate holder must either: A) apply what he or she has learned in his or her practice and create a written record of its application for submission to the responsible reviewer; or B) disseminate an analysis of what was learned to some other group of educators, including its results, benefits, and/or implications for the needs of one or more districts, schools, or individual administrators.~~ 3) Continuing professional development hours for the activities chosen pursuant to this subsection (c) ~~required by subsection (b)(2) of this Section~~ shall be credited as follows.
- A) Fifteen hours shall be credited for each semester hour of college credit earned.
- B) One hour shall be credited for each hour of the administrator's direct participation in a relevant activity other than college coursework, as verified by a log the administrator shall maintain and present upon request by the regional superintendent or a representative of the State Board of Education, or if required as part of an appeal under this Section ~~to the responsible reviewer~~, describing what was done with respect to each activity, with dates and amounts of time spent in each case.
- d) Required Administrators' Academy Courses ~~courses may be used to fulfill the requirements of subsection (b)(2) as well as subsection (b)(3) of this Section.~~
- 1) An individual who fails to complete an Administrators' Academy course in a given year as required by Section 21-7.1(c-10)(B) ~~21-7.1(e-10)(2)(B)~~ of the School Code shall be required to complete two courses for each one missed. He or she may make these up at any time during the remainder of the certificate's validity or while holding a reinstated certificate pursuant to subsection (e)(5)(i)(7) of this Section.
- 2) Each administrator who completes an Administrators' Academy course shall receive written, dated verification that indicates the title of the course and the number of hours to be credited toward the applicable requirement.

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e) ~~Reviewers, Designees, and Panels~~

~~Section 21-7.1(c-10)(3) of the School Code identifies the individual reviewers or review panels that will be responsible for considering the plans of administrators who are subject to the requirements of this Section except that, for assistant regional superintendents, the respective regional superintendents shall serve as the responsible reviewers. For purposes of this Section, the term "responsible reviewer" includes both individuals and review panels.~~

~~1) Each regional superintendent of schools shall establish one or more panels that will be responsible for reviewing the plans of the region's district superintendents and directors of special education programs, cooperative programs, and State-operated schools.~~

~~A) Each panel shall consist of at least three members and an alternate. No individual shall serve on a panel that reviews his or her plan.~~

~~B) Each member of a panel shall be employed as a district superintendent or director of a special education program, cooperative program, or State-operated school in the region for which the regional superintendent is responsible.~~

~~C) Each panel shall choose one member to serve as facilitator. This individual shall be responsible for providing a signature on behalf of the panel when called for pursuant to this Section.~~

~~D) Panels may conduct their reviews of administrators' plans electronically, provided that at least three members of a panel participate in the determination as to whether each individual's plan conforms to the applicable requirements of this Section.~~

~~2) The State Superintendent of Education shall establish one or more panels to review the plans of regional superintendents. Each panel shall be made up of three members and an alternate, each of whom shall be a regional superintendent. No regional superintendent shall serve on a panel that reviews his or her plan. The provisions of subsections (e)(1)(C) and (D) of this Section shall apply to the operation of panels under this subsection (e)(2) as well.~~

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~~3) A responsible reviewer, other than a review panel, may identify one or more designees to assist him or her with this function, provided that each designee shall be an individual who serves in a position requiring administrative certification and is employed by the same entity as the responsible reviewer.~~

~~f) Submission and Review of the Plan~~

~~Each certificate holder shall submit his or her plan, in a format specified by the State Board of Education, to the responsible reviewer.~~

~~1) An administrator may submit his or her plan during the semester preceding the beginning of the certificate's period of validity and shall submit the plan no later than 120 days after the beginning of the certificate's period of validity or after the date on which the individual assumes employment requiring administrative certification, whichever occurs later. An administrator shall not accrue credit for activities that are completed outside the certificate's period of validity or begin before submission of the plan to the responsible reviewer.~~

~~2) The responsible reviewer shall respond within 60 days after receiving an individual's plan as to whether that plan conforms to the requirements of subsection (b) of this Section. Failure of the responsible review to respond within the required time shall entitle the certificate holder to request a determination from:~~

~~A) the regional superintendent, if the certificate holder is other than a regional superintendent or assistant regional superintendent; or~~

~~B) the State Superintendent, if the certificate holder is serving as a regional superintendent or assistant regional superintendent.~~

~~3) Within 30 days after receiving a notice that his or her plan does not conform to the requirements of subsection (b) of this Section, the affected administrator shall either:~~

~~A) revise the plan to provide for compliance with subsection (b) of this Section and resubmit it; or~~

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- ~~B) submit an appeal to the regional superintendent of schools or the State Superintendent of Education, as applicable under subsection (c-10)(4) of Section 21-7.1 of the School Code.~~
- 4) ~~The regional superintendent or State Superintendent shall respond to the certificate holder within 30 days after receipt of an appeal.~~
- ~~A) If the regional superintendent or State Superintendent disagrees with the original determination, the individual's plan shall stand as originally submitted.~~
- ~~B) If the regional superintendent or State Superintendent agrees with the original determination, the certificate holder shall submit a revised plan to the original reviewer or review panel.~~
- ~~C) The regional superintendent or State Superintendent shall notify both the certificate holder and the original reviewer or review panel of his or her determination, using a format made available by the State Board of Education, and shall facilitate any necessary revisions to a plan so that it will be acceptable.~~
- 5) ~~Administrators' plans for continuing professional development and all other documents relating to them shall be considered part of those individuals' certification files. Each certificate holder's file shall be maintained by the responsible reviewer separately from other employee and/or personnel files. Access to these documents shall be limited to the certificate holder and to the individuals who are responsible for reviewing them pursuant to this Section. Each individual who has access to these documents and the information contained in them shall maintain the confidentiality of the documents and information at all times.~~
- g) ~~Review or Revision of the Plan~~
- 1) ~~A certificate holder may submit proposed revisions to a plan to the responsible reviewer at any time.~~
- 2) ~~A certificate holder shall submit his or her plan to the new responsible reviewer if he or she accepts employment in a different district, special education or cooperative program, or State-operated school, or when he or she assumes or resumes employment requiring the administrative certificate. All activities credited as of the date of submission to a new~~

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~~reviewer shall continue to be credited toward meeting the requirements of this Section, and the new responsible reviewer may indicate that changes are needed to the plan only:~~

~~A) to ensure that the certificate holder will meet the requirement of subsection (b)(4) of this Section, if that requirement has not already been met; or~~

~~B) to correct an area of noncompliance with the requirements of this Section or Section 21-7.1 of the School Code.~~

~~3) The provisions of subsection (e) of this Section shall apply when review of a plan is sought pursuant to subsection (g)(2) of this Section and when revisions to an existing plan are proposed.~~

h) Evidence of Completion

~~1) When a certificate holder has completed any of the activities set forth in his or her plan, he or she may transmit to the appropriate reviewer a copy of the standard format supplied by the State Board of Education for this purpose:~~

~~A) The standard format shall require the certificate holder to describe how he or she met the requirement of subsection (c-10)(2)(A)(v) of Section 21-7.1 of the School Code for communication, dissemination, or application of the knowledge or skills acquired.~~

~~B) For at least one activity completed under either subsection (b)(2) or subsection (b)(3) of this Section, each certificate holder shall include in his or her evidence of completion an analysis of what was presented or learned in terms of its implications for serving students with disabilities in the least restrictive environment as required by the Individuals with Disabilities Education Act (20 USC 1400 et seq.) and Article 14 of the School Code [105 ILCS 5/Art. 14].~~

~~2) The responsible reviewer shall respond to each submission of evidence of completion within 30 days after receiving it.~~

~~A) If the reviewer determines that the activity meets an applicable requirement of this Section, the reviewer shall sign the evidence to~~

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~~confirm that the activity has been credited and return it to the certificate holder. The reviewer shall also maintain a summary in a format provided by the State Board of Education that verifies the certificate holder's progress toward fulfillment of the requirements of this Section.~~

~~B) If the reviewer determines that the activity does not meet any applicable requirement of this Section, the reviewer shall notify the certificate holder to this effect.~~

~~3) A certificate holder shall have 30 days to appeal an unfavorable determination by the responsible reviewer with regard to evidence of completion.~~

~~A) A certificate holder other than a regional superintendent of schools or assistant regional superintendent shall submit his or her appeal to the regional superintendent for the region in which he or she is employed. A regional superintendent or assistant regional superintendent shall submit his or her appeal to the State Superintendent of Education. The certificate holder shall provide a written indication of how the activity in question or the evidence of completion corresponds to an applicable requirement of this Section.~~

~~B) The regional superintendent or State Superintendent, as applicable, shall respond to the certificate holder and the original reviewer within 30 days after receipt of an appeal. If the reviewer at this level disagrees with the original determination, the activity shall be credited toward fulfillment of the requirements of this Section. If the reviewer at this level agrees with the original determination, the certificate holder shall not receive credit for the activity.~~

~~4) Failure of the responsible reviewer to respond within the required time shall entitle the certificate holder to request a determination from the regional superintendent or the State Superintendent, as applicable under subsection (h)(3)(A) of this Section.~~

e)† Application for Renewal of Certificate

1) Each application for renewal of an administrative certificate, other than an application of a regional superintendent of schools, shall be submitted to

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~~the regional superintendent and shall be accompanied by the appropriate fee and a verification format developed by the State Board of Education certifying that the required number of hours of professional development activities and the required number of Administrators' Academy courses have been completed. (Section 21-7.1(c-10) of the School Code) A certificate-holder who fails to submit this material so as to ensure its receipt by the regional superintendent no later than April 30 may not be able to preserve his or her right of appeal under subsection (f) of this Section. During the final year of his or her administrative certificate's period of validity, each certificate holder other than a regional superintendent of schools shall request from the responsible reviewer a signed copy of the summary format required pursuant to subsection (h)(2) of this Section, confirming that the certificate holder has met the requirements of this Section. A certificate holder who does not make this request by March 1 of the final year may not be able to preserve his or her right of appeal under subsection (j) of this Section.~~

- 2) ~~Within 30 days after receipt of a request for verification, the reviewer shall either sign the summary format and provide it to the certificate holder or provide it unsigned and notify the certificate holder and the regional superintendent in writing of the basis for refusal to sign.~~
- 3) ~~If the reviewer has signed the verification format, the certificate holder shall enclose it with his or her application for certificate renewal and forward these materials along with the required fee to the regional superintendent of schools. Based on the available information regarding the individual's compliance with the requirements for certificate renewal set forth in this Section, the regional superintendent shall, within 30 days after receipt of an individual's application, forward a recommendation for renewal or non-renewal of the administrative certificate to the State Superintendent of Education and notify the certificate-holder in writing of that recommendation.~~
- 4) ~~If the reviewer declines to sign the verification format but the certificate holder believes that he or she is nevertheless eligible for renewal of the certificate, he or she may request the regional superintendent's reconsideration of his or her eligibility for certificate renewal by submitting, along with the renewal application and the required fee, a letter outlining the basis for his or her assertion of eligibility and evidence supporting it. A certificate holder who fails to submit this material so as to ensure its receipt by the regional superintendent no later than May 31~~

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~~may not be able to preserve his or her right of appeal under subsection (j) of this Section.~~

- ~~3)5)~~ A certificate-holder who is a regional superintendent of schools shall submit the verification format referred to in subsection ~~(e)(1)(h)(2)~~ of this Section to the State Superintendent of Education along with his or her application for certificate renewal and shall deposit the applicable fee in the region's institute fund.
- ~~4)6)~~ Within 30 days after receiving an application, the State Superintendent of Education shall notify any certificate-holder whose certificate will not be renewed, including the rationale for nonrenewal.
- ~~5)7)~~ An individual whose certificate is not renewed because of his or her failure to complete professional development in accordance with this Section may apply for a reinstated certificate valid for one year. With respect to the year of reinstatement, completion of one Administrators' Academy course and one or more additional professional development activities meeting the requirements of subsections ~~(b)(b)(2)~~ and (c) of this Section and totaling no fewer than 20 hours shall be required. After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable administrative certificate only if he or she has also made up activities missed during the preceding renewal cycle by completing the requirements of subsection ~~(e)(5)(A)(i)(7)(A)~~ of this Section, subsection ~~(e)(5)(B)(i)(7)(B)~~ of this Section, or both, as applicable.
- A) The certificate-holder shall complete two Administrators' Academy courses for each year during which he or she failed to complete one, if not already made up as discussed in subsection (d)(1) of this Section.
- B) If the certificate-holder failed to complete the applicable number of professional development activities or hours ~~pursuant to subsections (b)(2) and (k) of this Section~~, he or she shall complete the balance of that requirement and ten additional hours of professional development meeting the requirements of subsections ~~(b)(b)(2)~~ and (c) of this Section.

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6)8) The period of validity of an administrative certificate issued after a year of reinstatement shall be adjusted to coincide with the validity of the holder's teaching certificate.

1) Appeal to State Teacher Certification Board
Within 14 days after receipt of notice from the State Superintendent that his or her administrative certificate will not be renewed based upon failure to complete the requirements of this Section, a certificate-holder may appeal that decision to the State Teacher Certification Board, using a form made available by the State Board of Education.

1) Each appeal shall state the reasons why the State Superintendent's decision should be reversed and shall be sent by certified mail, return receipt requested.

A) Appeals shall be addressed to:

State Teacher Certification Board
Secretary
100 North First Street
Springfield, Illinois 62777

B) No electronic or facsimile transmissions will be accepted.

C) Appeals postmarked later than 14 calendar days after receipt of the non-renewal notice will not be processed.

2) In addition to the appeal letter, the certificate-holder ~~shall~~ may submit the following material when the appeal is filed:

A) evidence that he or she has satisfactorily completed the required types and quantity of activities ~~set forth in his or her approved certificate renewal plan~~; and

B) any other relevant documents.

3) The State Teacher Certification Board shall review each appeal regarding renewal of an administrative certificate in order to determine whether the certificate-holder has met the requirements of this Section. The Certification Board may hold an appeal hearing or may make its determination based upon the record of review, which shall consist of:

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- A) the regional superintendent's~~original reviewer's~~ rationale for ~~refusing to sign the verification form or otherwise~~ recommending nonrenewal of the certificate, if applicable;
 - B) any evidence submitted to the State Superintendent along with the individual's application for renewal; and
 - C) the State Superintendent's rationale for non-renewal of the certificate.
- 4) If the Certification Board holds an appeal hearing, it may request the certificate-holder to appear before it, in which case no less than ten days' notice of the date, time, and place of the hearing shall be given to the affected individual.
 - 5) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certification Board determines is necessary to decide the appeal.
 - 6) The State Teacher Certification Board shall notify the certificate-holder of its decision regarding certificate renewal by certified mail, return receipt requested, no later than 30 days after reaching a decision.
 - 7) The decision of the State Teacher Certification Board is a final administrative decision and shall be subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].

~~g)(k)~~ Proportionate Reduction; Part-Time Service

The requirements of this Section regarding continuing professional development are subject to reduction in accordance with ~~subsection (c-15) of~~ Section 21-7.1(~~c-15~~15) of the School Code.

- 1) The requirements of this Section shall be subject to reduction on the same annual basis as provided in ~~subsection (c-15) of~~ Section 21-7.1(~~c-15~~15) of the School Code in relation to years when a certificate-holder is not employed in a position requiring administrative certification.
- 2) The number of hours required under subsection ~~(c)(b)(2)~~ of this Section shall also be reduced by 50 percent with respect to periods of time when a certificate-holder is serving on an administrative certificate only and

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performing services for less than 50 percent of the school day or school term, unless the individual is one whose continued retirement status is subject to the limitations of Section 16-118 of the Illinois Pension Code. Each such individual shall be subject only to the requirement for completion of one Administrators' Academy course for each year during which he or she is employed on the administrative certificate, provided that his or her employment does not exceed the limitations of Section 16-118.

- 3) Further, special provisions shall apply when an individual is performing services on more than one type of certificate. The certificate used by the individual for 50 percent or more of the school day or school term shall govern the continuing professional development required of the individual with respect to that period of time.
 - A) Example: An individual who performs duties on the administrative certificate for 60 percent of the time and teaches for 40 percent of the time shall be subject only to the requirements of this Section with regard to continuing professional development.
 - B) Example: An individual who teaches for 60 percent of the time and performs duties on the administrative certificate for 40 percent of the time shall be subject only to the requirements of Subpart J of this Part with regard to continuing professional development.
 - C) Example: An individual who performs services for 50 percent of the time on an administrative certificate and 50 percent of the time on a standard or master teaching certificate shall choose either the requirements of this Section or the requirements of Subpart J of this Part to fulfill. Completion of one set of requirements shall suffice for renewal of both types of certificates. ~~i)~~ An individual who chooses to fulfill the requirements of this Section shall notify the local professional development committee that is responsible for his or her teaching certificate, if any, that he or she will be completing continuing professional development with respect to the administrative certificate.
 - ii) ~~An individual who chooses to fulfill the requirements of Subpart J of this Part shall notify the reviewer responsible for the administrative certificate that he or she will be~~

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~~completing continuing professional development with respect to a teaching certificate.~~

~~h)~~ Section 21-7.1(c-10) of the School Code provides that *those persons holding administrative certificates on June 30, 2003 who are renewing those certificates on or after July 1, 2003 shall be issued new administrative certificates.* The certificates that are subject to this provision include:

- 1) Limited Supervisory (Type 60);
- 2) All-Grade Supervisory (Type 61);
- 3) Limited Elementary Supervisory (Type 62);
- 4) Limited High School Supervisory (Type 63);
- 5) Life General Supervisory (Type 70); and
- 6) Life Supervisory (Type 71).

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.335 General Administrative Endorsement (2004)

This endorsement is required for principals, assistant principals, assistant or associate superintendents, and staff filling other similar or related positions as indicated in 23 Ill. Adm. Code 1.Appendix B. (See also 23 Ill. Adm. Code 29.120.)

- a) Each candidate for the general administrative endorsement shall hold a master's degree awarded by a regionally accredited institution of higher education ~~and shall have completed that encompasses~~ the coursework in educational administration and supervision required by Section 21-7.1(e)(2) of the School Code [105 ILCS 5/21-7.1(e)(2)].
- b) Each candidate shall have completed an Illinois program approved for the preparation of administrators pursuant to Subpart C of this Part or a comparable approved program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part).
- c) Each candidate shall have *two years' full-time teaching or school service personnel experience in public schools, schools under the supervision of the*

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Department of Corrections, schools under the administration of the Department of Human Services, or nonpublic schools recognized by the State Board of Education or meeting comparable out-of-state recognition standards (Section 21-7.1(e)(2) of the School Code).

- d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills if its passage would be required for receipt of a standard certificate pursuant to Section 25.720(a) of this Part.
- e) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

SUBPART F: GENERAL PROVISIONS

Section 25.425 Individuals Prepared in Out-of-State Institutions

An applicant who holds or is eligible to hold another state's or another country's teacher, school service personnel, or administrative certificate may be granted a corresponding Illinois certificate if he or she meets all the generally applicable requirements of Article 21 of the School Code (e.g., age; good character; or citizenship or legal presence) and the requirements for the certificate sought, as specified in the applicable Sections of this Part.

- a) The certificate sought must be comparable to the out-of-state certificate for which the applicant is eligible. A comparable Illinois certificate is that which is most nearly like that of the other state (e.g., a K-6 certificate from another state most nearly approximates the Illinois elementary (K-9) certificate). See Section 25.245 of this Part for requirements applicable to out-of-state applicants for certification in school nursing.
- b) Each out-of-state applicant for an Illinois teaching certificate must have met certification requirements that are similar to Illinois requirements.
 - 1) For those who have completed traditional preparation programs, these requirements include college coursework in professional education, including pre-student teaching clinical experiences or equivalent experience, student teaching or equivalent experience, and a major in a subject area that is relevant to the area of certification.

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- 2) For those who have completed alternative certification programs, these requirements include graduation from a regionally accredited institution with a bachelor's degree, an intensive course of study approved by that state for this purpose, and student teaching or another structured teaching experience that forms part of the approved alternative program.
- 3) An applicant who holds a certificate from another state, territory, or possession of the U.S. but has not completed a preparation program approved by that state shall be required to present a written statement, signed by a representative of the agency issuing the certificate indicating that, at the time when the applicant was certified, the state of certification had certification requirements related to general education, professional education, and an area of specialization for the certificate issued and the applicant met the requirements in all three areas.
- c) An individual may receive additional endorsements by meeting the applicable requirements of Section 25.100 of this Part.
- d) Special provisions apply to applicants from states that do not require certification of school psychologists or school social workers or for administrative positions for which certification is required in Illinois. When an applicant presents evidence of having served in such a position in a state where certification for the position is not required, eligibility for the Illinois certificate sought shall be contingent upon evidence that the applicant:
 - 1) has met all applicable requirements of Illinois law relative to the certificate and endorsement sought;
 - 2) has passed the Illinois test of basic skills and the relevant Illinois content-area test; and
 - 3) has met any three of the conditions described in subsections (d)(3)(A) through (E) of this Section.
 - A) The individual has completed a degree program that prepares candidates for service in the endorsement area sought in the public schools of the state where the program was completed or the state where the service was provided.
 - B) The individual has completed a program that was accredited by NCATE at the time of completion.

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- C) The individual has completed a program that formerly served as a basis for certification in the state where the program was completed.
- D) The titles or content descriptions of courses listed on the individual's official transcript indicate that the courses were designed to address standards substantially comparable to those that apply to the Illinois certificate or endorsement sought.
- E) The individual presents evidence of work experience in the public schools in the position for which Illinois certification is sought.

e) A candidate whose credentials were earned at an institution outside the United States shall submit the documents prepared by the foreign institution to a service whose evaluations are accepted by the State Board pursuant to subsection ~~(f)~~(e) of this Section.

- 1) After reviewing the documents submitted, the service shall provide to the State Superintendent of Education a statement identifying the degree held by the individual and indicating whether or not the individual has been prepared as an educator. The service shall also provide a list of the courses completed, with the credits earned equated to semester hours.
- 2) The transcript provided by the service pursuant to subsection ~~(e)(1)(d)(1)~~ of this Section shall be reviewed to determine whether the individual qualifies for a certificate; if so, he or she shall receive such a certificate with all endorsements indicated by the coursework completed.
- 3) If the review of the individual's transcript indicates that he or she does not qualify for a certificate, he or she shall receive a notification of the deficiencies for the certificate.

~~f)~~e) Evaluation services shall be approved to review foreign credentials for purposes of Illinois certification if they demonstrate experience working on behalf of either the National Association of Foreign Student Affairs or the American Association of Collegiate Registrars and Admissions Officers. However, the State Board of Education may discontinue acceptance of evaluations from any service based on evidence of material inconsistencies in reviews. The State Board shall maintain an up-to-date list of all organizations whose reviews are being accepted and shall make this list readily available.

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(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.450 Lapsed Certificates

- a) A lapsed certificate, one that has not been registered or renewed for a period of five or more years since expiration of last registration, shall be reinstated for a one-year period upon payment of all accumulated registration fees.
- b) The Regional Superintendent shall notify the holder of a reinstated certificate of:
 - 1) The specific time of reinstatement, including beginning and ending dates.
 - 2) The requirement that during the time of reinstatement, the certificate holder in order to renew the certificate at the end of reinstatement must:
 - A) Earn five semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties, or
 - B) Present evidence of holding a valid regular ~~Illinois~~ certificate of some other type, whether issued by Illinois or by another state, territory, or possession of the U.S.
- c) As a reinstated certificate is a reissued certificate, the expiration of all reinstated certificates shall be on June 30 following the date of reinstatement in accordance with Section 21-22 of the School Code.
- d) The Regional Superintendent shall stamp the back of a lapsed certificate with the date of reinstatement.
- e) Standard Certificates issued between July 1, 1929, and July 1, 1951, do not lapse.
- f) When a lapsed certificate that was issued prior to February 15, 2000, has been reinstated and then is to be renewed pursuant to this Section, it shall be exchanged for a comparable standard teaching certificate in accordance with Section 25.11 and Appendix C of this Part. The certificate-holder shall thereupon become subject to the requirements of Sections 21-2 and 21-14 of the School Code and Subpart J of this Part regarding continuing professional development.
 - 1) Subsequent renewals of such an individual's certificate(s) shall be

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contingent upon his or her completion of continuing professional development activities in accordance with the requirements of Subpart J of this Part~~preparation of a continuing professional development plan that meets the requirements of Section 25.805 of this Part, completion of the activities set forth in that plan during the certificate's period of validity, and presentation of the required evidence of completion for each such activity.~~

- 2) College credit earned pursuant to subsection (b)(2)(A) of this Section shall not be used to satisfy any portion of the continuing professional development requirements of Section 21-14 of the School Code.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.464 Short-Term Authorization for Positions Otherwise Unfilled

Subject to the provisions of this Section, a school district, cooperative, or joint agreement may receive short-term approval to employ an individual who does not hold the qualifications required for a vacant teaching position, other than a special education teaching position, when the employing entity has been unable to recruit a fully qualified candidate for that position.

Short-term authorization as described in this Section shall be available not only with respect to individuals who lack full qualifications in a subject area, but also with respect to individuals who have not completed the six semester hours of coursework specified at 23 Ill. Adm. Code 1.720 for teachers of middle grades (see Section 1.720(a)(2)(A) and (B)).

- a) The employing entity shall file with the regional superintendent:
 - 1) a description of the vacant position, including the subject area and the grade level;
 - 2) evidence of inability to fill the position with a fully qualified individual, including a list of the candidates who applied, a list of those who were interviewed, and the reason each was not interviewed or was not selected, as applicable;
 - 3) a statement that the employing entity has not honorably discharged anyone in the past year who was fully qualified for the position;
 - 4) the name and Social Security number of the individual the entity wishes to employ for the position, as well as a list of the certificate number(s) and type(s) held by that individual;

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- 5) a written assurance that the district will provide the teacher to be employed with mentoring and high-quality professional development each year in the subject area to be taught;
 - 6) one of the following:
 - A) a written assurance from an institution of higher education that operates a program approved pursuant to Subpart C of this Part that leads to certification in the subject area to be taught that the individual who will be employed is enrolled in coursework that is courses that are designed to meet the standards applicable to that subject area, or
 - B) a written assurance from the certification officer of another institution of higher education that offers one or more approved educator preparation programs that the individual is enrolled in courses that will enable him or her to qualify for the endorsement, or
 - C) other evidence of enrollment in relevant coursework supplied by the individual who will be employed, or
 - D) a written assurance signed by the individual who will be employed, indicating his or her intention to enroll in one or more identified courses at a specified institution of higher education in the next semester; and
 - 7) a statement of intent, signed and dated by the individual who will be employed, stipulating that he or she will complete all requirements for an endorsement in the subject to be taught (see Section 25.100 of this Part or 23 Ill. Adm. Code 1.720, as applicable) within three school years after the issuance of authorization under this Section.
- b) Short-term authorization pursuant to this Section shall be issued only when the individual identified by the employing entity:
- 1) holds an initial, standard, or master certificate that is valid for the grade level of the proposed assignment;

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- 2) has successfully completed at least nine semester hours of college coursework in the subject area to be taught; and
 - 3) has filed the statement of intent called for in subsection (a)(7) of this Section.
- c) When the requirements of this Section have been met, the State Superintendent of Education shall issue to the employing entity a letter granting short-term authorization for the named individual to teach in the specific position for which the application was made.
- 1) Such a letter shall constitute an authorization to the employing entity and not a credential issued to the individual. As such it shall not be transferable to any other individual, employing entity, or teaching assignment.
 - 2) Each employing entity that receives an authorization pursuant to this Section shall maintain the State Superintendent's letter on file and make it available for inspection by representatives of the State Board of Education upon request.
- d) Short-term teaching authorization issued pursuant to this Section shall be issued with respect to a specific school year and shall expire on June 30 of the third school year following the date of issuance.
- e) After the end of the validity of authorization received under this Section, the individual shall not be eligible to teach in the subject area for which approval was granted unless he or she has received an endorsement for that subject.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section 25.720 Applicability of Testing Requirement and Scores

The provisions of subsections (d) through (i) of this Section shall apply with respect to applications for certification that are received or processed on or after July 1, 2004.

- a) Beginning July 1, 1999, each person seeking a school service personnel or administrative certificate or an initial early childhood, elementary, secondary, or special certificate must pass the Illinois Certification Testing System's test of

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basic skills and a test of subject matter knowledge. Beginning with the 2002-2003 academic year, however, passage of those tests shall be required as specified in Section 21-1a(d) of the School Code. Beginning October 1, 2003, each person seeking an initial early childhood, elementary, secondary, or special certificate shall also be required to pass the applicable assessment of professional teaching, which shall be based upon the standards set forth in "Standards for All Illinois Teachers" (23 Ill. Adm. Code 24). An individual seeking a standard certificate shall be required to pass the test of basic skills, the test of subject matter knowledge, or (beginning October 1, 2003) the applicable assessment of professional teaching only if:

- 1) he or she has not already passed that examination (except that an individual who met all applicable requirements for certification and applied for an initial certificate before October 1, 2003, shall not subsequently be required to take the assessment of professional teaching for that certificate); or
- 2) he or she has passed that examination but the score is more than five years old and no certificate has been issued on the basis of that score; or
- 3) in the case of the basic skills test, the score is more than five years old and the individual was not admitted to an Illinois teacher preparation program on the basis of that score.

b) The required test of subject matter knowledge is ~~the~~that test ~~that~~which corresponds to the individual's major field of study in a teacher education program in the State of Illinois approved pursuant to Subpart C of this Part.

c) Persons who are graduates of colleges or universities outside the State of Illinois and who are seeking an Illinois certificate must take the test of basic skills, the subject matter knowledge test ~~that~~which corresponds to the Illinois certificate or endorsement sought, and, beginning October 1, 2003, the assessment of professional teaching relevant to the certificate sought. For example, someone seeking to teach whose major field of study is urban studies would, in addition to the basic skills test, also take the subject matter knowledge test in the social sciences and the assessment of professional teaching for the secondary certificate.

d) It is the individual's responsibility to take the appropriate tests. Upon request, the State Board of Education shall assist individuals in identifying appropriate tests.

e) [Basic Skills Test](#)

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Except as provided in subsections (e)(1) and (3) of this Section, each candidate seeking his or her first Illinois certificate (teaching, administrative, or school service personnel) shall be required to pass the test of basic skills. Further, Section 21-1a(d) of the School Code requires passage of this test as a prerequisite to enrollment in an Illinois teacher preparation program beginning with the 2002-2003 academic year.

- 1) A person who has passed the test of basic skills as a condition of admittance to an Illinois preparation program approved pursuant to Subpart C of this Part shall not be required to retake that test.
 - 2) A person who has passed the basic skills test and has been issued an Illinois certificate on the basis of the test shall not be required to retake the basic skills test when seeking any subsequent certificate.
 - 3) A person who holds a valid and comparable out-of-state certificate is not required to take a test of basic skills. (Section 21-1a of the School Code [105 ILCS 5/21-1a]) For purposes of this subsection (e)(3), a "comparable certificate" is one that either:
 - A) was issued on or before June 30, 2004; or
 - B) was issued on or after July 1, 2004, based on the individual's passage of a test of basic skills.
 - 4) The provisions of subsection (e)(3) of this Section notwithstanding, any individual who has attempted the Illinois basic skills test without passing it shall be required to pass it in order to qualify for an Illinois certificate.
 - 5) When a person who was not required to take the basic skills test pursuant to subsection (e)(3)(A) of this Section seeks a subsequent Illinois certificate, he or she shall be required to pass the Illinois test of basic skills. However, a person applying for another Illinois certificate based on an additional out-of-state certificate or qualifications shall be treated as an out-of-state applicant and shall be subject to subsection (e)(3) of this Section.
- f) Content-Area Tests
- 1) Except as provided in subsection (f)(2) of this Section, each candidate seeking an Illinois certificate, whether his or her first certificate or a

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subsequent certificate, shall be required to pass a content-area test. The required content-area test is that which corresponds to the approved program completed or the endorsement for which the applicant otherwise qualifies. Further, Section 21-1a(d) of the School Code requires passage of this test as a prerequisite to student teaching in Illinois beginning with the 2004-2005 academic year.

- 2) A person who holds a valid and comparable out-of-state certificate is not required to take the applicable content-area test if he or she has passed a certification test in another state or territory that is directly related in content to the specific area of certification. (Section 21-1a of the School Code) For purposes of this Section, a test is "directly related in content" if it covered material encompassed by any of the subject areas in which the individual otherwise qualifies for an Illinois endorsement.

- g) Assessment of Professional Teaching (APT)
Each candidate seeking his or her first Illinois early childhood, elementary, secondary, or special certificate shall be required to pass the APT relevant to the certificate sought (see Section 25.710 of this Part). A candidate seeking a subsequent teaching certificate of one of these types must also pass the APT relevant to the certificate sought, unless he or she either:

- 1) has already passed an APT that encompasses the grade levels of the subsequent certificate sought; or
- 2) already holds another Illinois teaching certificate that encompasses the grade levels of the certificate sought.

- h) Except as provided in subsections (e)(1) and (g)(1) of this Section, for each person seeking an Illinois certificate, no score on a required test may be more than five years old at the time application is made. The five-year period shall be calculated from the date the test was taken and passed to the date of receipt of the application by the State Board of Education. Scores more than five years old will not be accepted as part of an application.

- i) Any person may retake any test during any subsequent, regularly scheduled administration of that test, subject only to registration in accordance with the provisions of this Subpart I.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

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Section 25.725 Applicability of Scores (Repealed)

- ~~a) Each person seeking certification in Illinois must pass the test of basic skills.~~
- ~~b) Each person seeking certification must pass the appropriate test of subject matter knowledge, as set forth in Section 25.720(b) and (c) of this Part, for each certificate sought.~~
- ~~c) Beginning October 1, 2003, each person seeking an early childhood, elementary, secondary, or special certificate must also pass the assessment of professional teaching relevant to the certificate sought, unless he or she has already passed an assessment of professional teaching that encompasses the grade levels of the certificate sought or is subject to the exception stated in Section 25.720(a)(1) of this Part.~~
- ~~d) Except as provided in subsections (c), (e) and (f) of this Section, for each person seeking an Illinois certificate, neither the score on the basic skills test, nor the score on the assessment of professional teaching, nor the score on the subject matter test may be more than five years old at the time application is made. The five-year period shall be calculated from the date the test was taken and passed to the date of receipt of the application by the State Board of Education. Scores more than five years old will not be accepted as part of an application.~~
- ~~e) A person who has passed the test of basic skills as a condition of admittance to an Illinois teacher education program approved pursuant to Subpart C of this Part shall not be required to retake that test.~~
- ~~f) A person who has passed the basic skills test and has been issued a certificate on the basis of the test shall not be required to retake the basic skills test when seeking any subsequent certificate.~~
- ~~g) Any person may retake any test during any subsequent, regularly scheduled administration of that test, subject only to registration in accordance with the provisions of this Subpart.~~

(Source: Repealed at 29 Ill. Reg. 1212, effective January 4, 2005)

SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section 25.800 Professional Development Required

- a) Pursuant to Section 21-2 of the School Code [105 ILCS 5/21-2], renewal of standard and master teaching certificates is contingent upon certificate-holders' presentation of proof of continuing education or professional development. For the purposes of this Subpart J, the terms "continuing education" and "professional development" shall be considered synonymous. ~~The terms "certificate renewal plan", "plan for continuing professional development", "continuing professional~~

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~~development plan", and "plan" shall also be considered synonymous.~~

- b) Except as provided in Section 25.880 of this Part and in subsection (d) of this Section, renewal of an individual's standard or master certificate(s) shall require the certificate-holder's ~~1) preparation of an individual plan for continuing professional development that conforms to the requirements of Section 25.805 of this Part and submission of the plan for approval to the local professional development committee (LPDC) in accordance with Section 25.815 of this Part; 2) completion of the professional development activities enumerated in the plan; and sufficient to satisfy the requirements of Section 21-14 of the School Code [105 ILCS 5/21-14], as modified by Section 21-2(c)(8) of the School Code [105 ILCS 5/21-2(c)(8)] if applicable. Each certificate-holder shall:~~
- ~~1) maintain the required form of evidence of completion for each activity, as specified in Sections 25.805, 25.865, and 25.875 of this Part, throughout the period of validity that follows the renewal of the certificate based on completion of the activities documented; and~~
 - ~~2) present the evidence of completion upon request by the regional superintendent or a representative of the State Board of Education or if required as part of an appeal under this Subpart J.~~
 - ~~3) presentation of the required form of evidence of completion for each such activity, as specified in Sections 25.865 and 25.875 of this Part.~~
- c) *A certificate-holder with multiple certificates shall complete professional development activities that address ~~the develop a certificate renewal plan that addresses only that~~ certificate or certificates that are required for his or her certificated teaching position, if the certificate-holder is employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, or that certificate or those certificates most closely related to his or her teaching position, if the certificate-holder is employed in a charter school [105 ILCS 5/21-14(e)(2)].*
- d) *A speech-language pathologist or audiologist who is licensed under the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] and has met the continuing professional development requirements of that Act and the rules of the Illinois Department of Professional Regulation at 68 Ill. Adm. Code 1465 shall be deemed to have satisfied the requirements of this Subpart J. (Section 21-14(e)(2) of the School Code)*

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- 1) Upon application for certificate renewal, a speech-language pathologist licensed as provided in this subsection (d) shall provide to the regional superintendent of schools a copy of his or her currently valid license and a written assurance that the professional development requirements for that license were met.
- 2) Upon application for certificate renewal, a speech-language pathologist licensed as provided in this subsection (d) who held a valid and active standard certificate issued before July 1, 2002, shall also be required to demonstrate to the regional superintendent that he or she has completed the prorated portion of continuing professional development that was required for the period of the certificate's validity prior to that date.
- 3) ~~Speech language pathologists licensed as provided in this subsection (d) whose standard certificates are issued or renewed on or after July 1, 2002, shall not be required to submit plans for continuing professional development.~~

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.805 Continuing Professional Development Options Requirements of the Plan

Except as provided in subsections (a) through (g) of this Section, professional development activities shall generate credit for purposes of certificate renewal only if they address one or more of the purposes identified in Section 21-14(e)(2) of the School Code.

- a) Completion of an advanced degree from a regionally accredited institution in an education-related field may be used to fulfill 100% of the requirement for continuing professional development. (Section 21-14(e)(3)(A) of the School Code [105 ILCS 5/21-14(e)(3)(A)])
- b) Eight semester hours of college coursework in an undergraduate or graduate-level program related to education may be used to fulfill 100% of the requirement for continuing professional development, provided that at least 2 semester hours are chosen to address the purpose described in Section 21-14(e)(2)(A) of the School Code. (Section 21-14(e)(3)(B) of the School Code [105 ILCS 5/21-14(e)(3)(B)])
- c) Completion of all required activities in pursuit of certification or recertification by the National Board for Professional Teaching Standards (NBPTS) may be used

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to fulfill 100% of the requirement for continuing professional development (Section 21-14(e)(3)(D) of the School Code [105 ILCS 5/21-14(e)(3)(D)]). The presence of an individual's name on NBPTS' composite list of those who have completed the certification process (as distinct from having received certification) shall be considered evidence of completion.

- d) Receipt of a subsequent Illinois certificate or endorsement may be used to fulfill 100% of the requirement for continuing professional development. (Section 21-14(e)(3)(K) of the School Code [105 ILCS 5/21-14(e)(3)(K)])
- e) Becoming "highly qualified" in an additional teaching area may be used to fulfill 100% of the requirement for continuing professional development. (Section 21-14(e)(3)(L) of the School Code [105 ILCS 5/21-14(e)(3)(L)]) The criteria applicable to Illinois teachers and the required evidence of completion shall be as set forth in Appendix D to this Part. Each individual using this option shall have completed at least some portion of the requirements in the additional field during the period of validity to which the professional development credit is attributed.
- f) Successful completion of four semester hours of graduate-level coursework on the assessment of one's own performance in relation to the Illinois Professional Teaching Standards may be used to fulfill 100% of the requirement for continuing professional development, provided that the coursework meets the requirements of Section 21-2(c)(2)(B) of the School Code [105 ILCS 5/21-2(c)(2)(B)] and Section 25.915 of this Part. (Section 21-14(e)(3)(M) of the School Code [105 ILCS 5/21-14(e)(3)(M)])
- g) Successful completion of four semester hours of graduate-level coursework in preparation for meeting the requirements for certification by the National Board for Professional Teaching Standards may be used to fulfill 100% of the requirement for continuing professional development, provided that the coursework meets the requirements of Section 21-2(c)(2)(C) of the School Code [105 ILCS 5/21-2(c)(2)(C)] and Section 25.920 of this Part. (Section 21-14(e)(3)(N) of the School Code [105 ILCS 5/21-14(e)(3)(N)])
- a) The continuing professional development plan of each affected certificate holder shall include at least three individual improvement goals reflecting the purposes enumerated in subsection (b) of this Section (Section 21-14(e)(2) of the School Code [105 ILCS 5/21-14(e)(2)]). Each goal shall include a brief statement of the knowledge and skill(s) to be enhanced, which shall reflect relevant professional teaching or content area standards set forth in the applicable rules of the State Board of Education (see 23 Ill. Adm. Code 24 (Standards for All Illinois

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~~Teachers); 23 Ill. Adm. Code 26 (Standards for Certification in Early Childhood Education and in Elementary Education); 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields)) or the policies of the State Board of Education related to certification in special education under the federal court order of August 15, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al.~~

- b) ~~Each continuing professional development plan shall include activities that:~~
- ~~1) Advance the certificate holder's knowledge and skills in his or her area(s) of certification, endorsement, or teaching assignment in relationship to the relevant standards set forth in this Part;~~
 - ~~2) Develop the certificate holder's knowledge and skills in one or more areas identified by the State Board of Education as "State priorities" (see Section 25.810 of this Part); and~~
 - ~~3) Address the knowledge, skills, and goals that are relevant to the certificate holder's local school improvement plan, if the individual is employed in a school that is required to have such a plan.~~
- e) ~~A continuing professional development plan may also include activities that expand the certificate holder's knowledge and skills in an additional teaching field or advance the individual toward acquisition of an additional teaching certificate, endorsement, or degree in the field of education.~~
- d) ~~Completion of all required activities in pursuit of certification by the National Board for Professional Teaching Standards (NBPTS) may be used to fulfill 100% of the requirement for continuing professional development (Section 21-14(e)(3)(D) of the School Code [105 ILCS 5/21-14(e)(3)(D)]). The presence of an individual's name on the National Board's composite list of those who have completed the certification process (as distinct from having received certification) shall be considered evidence of completion.~~
- e) ~~Completion of an advanced degree from an approved institution in an education-related field may be used to fulfill 100% of the requirement for continuing professional development (Section 21-14(e)(3)(A) of the School Code [105 ILCS 5/21-14(e)(3)(A)]). Eight semester hours of college coursework in an undergraduate or graduate level program related to education may be used to fulfill 100% of the requirement for continuing professional development, provided that at least 2 semester hours are chosen to address the purpose described in~~

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~~subsection (b)(1) of this Section (Section 21-14(e)(3)(B) of the School Code [105 ILCS 5/21-14 (e)(3)(B)]):~~

~~h)Ⓕ~~ Twenty-four continuing education units ("CEUs"; see Sections 25.865 and 25.870 of this Part) may be used to fulfill 100% of the requirement for continuing professional development, ~~provided that:~~

- ~~1) at least half of such units are earned in activities relevant to the purposes described in subsections (b)(1) and (2) of this Section;~~
- ~~2) an identified portion of at least one activity addresses the purpose specified in subsection (b)(3) of this Section, unless the certificate holder is not employed in or assigned to a school that is required to have a school improvement plan; and~~
- ~~3) any remaining units address the purpose specified in subsection (c) of this Section.~~

~~i)Ⓖ~~ Completion of 120 continuing professional development units ("CPDUs"; see Section 25.875 of this Part) may be used to fulfill 100% of the requirement, ~~provided that:~~

- ~~1) at least half of such units are earned in activities relevant to the purposes described in subsections (b)(1) and (2) of this Section;~~
- ~~2) an identified portion of at least one activity addresses the purpose specified in subsection (b)(3) of this Section, unless the certificate holder is not employed in or assigned to a school that is required to have a school improvement plan; and~~
- ~~3) any remaining units address the purpose specified in subsection (c) of this Section.~~

~~j)Ⓗ~~ A certificate-holder may choose any combination of the types of activities described in subsections ~~(b), (h), and (i)(e), (f), and (g)~~ of this Section, provided that the total effort represents the equivalent of 120 CPDUs or 24 CEUs ~~and the distribution of such units conforms to the requirements of subsection (g) of this Section~~. For purposes of calculating ~~approvable~~ combinations from different categories:

- 1) one semester hour of college credit shall be considered the equivalent of

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15 CPDUs or three CEUs; and

2) one CEU shall be considered the equivalent of 5 CPDUs.

~~k) i)~~ The provisions of subsections ~~(b), (h), (i), and (j)(e) through (h)~~ of this Section; ~~other than the option for completion of an advanced degree~~, shall be subject to the proportionate reductions specified in Section 21-14 of the School Code with respect to part-time teaching and periods when certificates have been maintained valid and exempt ~~and shall also be subject to any applicable reductions provided in Section 21-2(c)(8) of the School Code for any individual whose application for certificate renewal is received or processed on or after July 1, 2004.~~ (See Section 25.880 of this Part.)

~~j)~~ ~~Each plan shall be submitted on a form supplied by the State Board of Education and shall:~~

- ~~1) identify the certificate holder;~~
- ~~2) list all certificates and endorsements held;~~
- ~~3) indicate the period of validity;~~
- ~~4) identify the certificate holder's current position or assignment;~~
- ~~5) identify the certificate holder's improvement goals;~~
- ~~6) list and briefly describe the certificate holder's planned or potential activities or types of activities, relating each to the improvement goal(s) and purpose(s) it will fulfill; and~~
- ~~7) provide a timeline that will ensure the completion of the plan during the certificate's period of validity.~~

~~l) k)~~ A given professional development activity may be attributed to all of the purposes ~~enumerated in subsections (b) and (e) of this Section~~ to which it relates. However, the units of credit awarded for a particular activity may be counted only once in calculating the total earned.

~~m)~~ Credit earned for any activity that is completed (or for which the certificate-holder receives evidence of completion) on or after April 1 of the final year of a certificate's validity, if not claimed with respect to that period of validity, may be

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carried over and claimed in the subsequent period of validity, provided that the activity in question is relevant to the requirements that apply to that period.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.810 State Priorities

The "State priorities" referred to in Section 21-14(e)(2)(B) of the School Code~~25.805(b)(2) of this Part~~ shall periodically be identified by the State Board of Education.

- a) No later than 60 days after the State Board votes to establish or change the list of such priorities, the agency shall so notify each school district superintendent, each regional superintendent of schools, and any organization that requests such notification. This notice shall include a list of the priorities and state the date upon which the list takes effect.
- b) A certificate-holder who has completed~~whose approved plan for professional development contains~~ activities that address one or more of the State priorities ~~may complete those activities and~~ shall be allowed to count their completion toward fulfilling the requirements of this Subpart J, even if changes are made to the list of priorities during his or her certificate's period of validity.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.815 Submission and Review of the Plan (Repealed)

- a) ~~Each certificate holder who is or chooses to be subject to the requirements of this Subpart J shall prepare a plan for continuing professional development that conforms to the requirements of Section 25.805(j) of this Part. Except as provided in subsection (d)(3) of this Section, each such certificate holder shall submit his or her plan to the responsible local professional development committee no earlier than one semester before and no later than 120 days after the beginning of the period of validity of the certificate(s) held. Submission and approval of this plan shall not entitle the certificate holder to earn credit for any coursework or activity described in the plan. Upon completion of the plan and application for renewal, as described in Section 25.830 of this Part, renewal of the holder's certificate shall be determined by the State Teacher Certification Board.~~
 - 1) ~~Each certificate holder employed in a charter school established pursuant to Article 27A of the School Code [105 ILCS 5/Art. 27A] or in a position that legally requires a teaching certificate in any of the other types of public schools enumerated in Section 21-14(d) of the School Code [105~~

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- ~~ILCS 5/21-14(d)], other than a State-operated school, shall submit his or her plan to the chair or designee of the local professional development committee ("LPDC") that is responsible for certificates of the relevant type. (See Section 25.845 of this Part.)~~
- ~~2) Each certificate holder employed in a State-operated school shall submit his or her plan to the regional superintendent of the educational service region in which the teaching (as defined in Section 21-14 of the School Code) is done. Certificate holders employed by regional offices of education to teach in regional safe schools operated pursuant to Article 13A of the School Code [105 ILCS 5/Art. 13A] shall be subject to this subsection (a)(2).~~
 - ~~3) Each certificate holder employed in a nonpublic school who wishes to maintain his or her certificate(s) as valid and active shall submit his or her plan to the regional superintendent of the educational service region in which the teaching is done.~~
 - ~~4) Each certificate holder not employed as a teacher who nevertheless wishes to maintain his or her certificate(s) as valid and active shall submit his or her plan to the regional superintendent responsible for the area in which he or she resides.~~
 - ~~5) For the purposes of this Subpart J, the responsible regional superintendent shall be considered the LPDC of any individual referred to in subsections (a)(2) through (4) of this Section.~~
- b) ~~An LPDC shall respond, using a form supplied by the State Board of Education, within 60 days after receipt of an individual's plan as to whether that plan is approved or disapproved. In the case of disapproval, the LPDC's response shall include the specific reasons for its refusal to approve the plan. Failure of an LPDC to respond within the required time shall entitle the certificate holder to appeal for approval to the regional professional development review committee as provided in subsection (e)(2) of this Section.~~
- e) ~~Grounds for an LPDC's refusal to approve a plan shall be limited to those enumerated in this subsection (e).~~
- ~~1) Fewer than three personal goals for improvement are set forth in the plan.~~
 - ~~2) A proposed activity does not relate to any of the certificate holder's goals for improvement.~~
 - ~~3) A proposed activity does not relate to one or more of the purposes identified for it by the certificate holder.~~
 - ~~4) The proposed distribution of activities among the various purposes does not comply with the requirements of Section 21-14 of the School Code, or the proposed quantity of activities will not generate sufficient units of credit.~~
 - ~~5) The projected timeline for completion of the proposed activities will not~~

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- ~~permit their completion within the period of validity of the individual's certificate(s).~~
- d) ~~A certificate holder may either await approval of his or her plan before engaging in the activities it contains or engage in activities while the plan is pending.~~
- ~~1) If a certificate holder engages in a professional development activity while approval of his or her proposed plan is pending, that activity shall be credited toward fulfillment of the requirements of this Subpart J if it is covered in the plan that is eventually approved for that individual.~~
 - ~~2) Except as provided in subsection (d)(3) of this Section, if an individual begins an activity without having either an approved plan in place or a proposed plan pending that covers that activity, or if the activity is not covered in the plan that is eventually approved for that individual, the activity shall not be credited toward fulfillment of the requirements of this Subpart J.~~
 - ~~3) An individual who receives a standard or master teaching certificate that is valid beginning July 1, 2000, may receive credit for activities that occur before January 1, 2001, without having either an approved plan in place or a proposed plan pending, provided that any such activity is covered in the plan that is eventually approved for that individual.~~
 - ~~4) In the semester before he or she will first receive a certificate whose renewal is subject to the requirements of this Subpart J, a certificate holder shall be entitled to file a plan for continuing professional development with the LPDC that is responsible for certificates of the relevant type, so that the certificate holder will be able to accrue credit for activities completed between the effective date of the standard certificate and the deadline for plan submission specified in subsection (a) of this Section.~~
- e) ~~Upon notification that his or her proposed plan has been disapproved, a certificate holder may either:~~
- ~~1) modify the plan to remedy the deficiencies identified by the LPDC and resubmit it, or~~
 - ~~2) appeal the plan's disapproval to the responsible regional professional development review committee ("RPDRC") established pursuant to Section 25.850 of this Part.~~
- f) ~~An RPDRC shall respond, using a form supplied by the State Board of Education, within 60 days after receipt of an appeal as to whether a proposed plan is approved or disapproved:~~
- ~~1) If the RPDRC disagrees with the LPDC, the plan shall be approved.~~
 - ~~2) If the RPDRC agrees with the LPDC, the plan shall be disapproved and the certificate holder shall submit a revised plan to the responsible LPDC.~~
 - ~~3) The RPDRC shall notify both the certificate holder and the LPDC of its decision and the basis for it, using a form supplied by the State Board of~~

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- ~~g) Each certificate holder's plan for continuing professional development and all other documents relating to it shall be considered part of the individual's certification file and shall not be used in the employer's evaluation of the certificate holder. Each certificate holder's file shall be stored separately from other employee and/or personnel files and shall be maintained by the LPDC. Access to these documents shall be limited to the certificate holder and to those members of local and regional committees and other individuals who are responsible for reviewing them pursuant to this Subpart J. Each individual who has access to these documents and the information contained in them shall maintain the confidentiality of the documents and information at all times.~~

(Source: Repealed at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.820 Review of Approved Plan (Repealed)

- ~~a) A certificate holder may submit proposed revisions to an approved plan to the responsible LPDC at any time.~~
- ~~b) A certificate holder shall submit his or her approved plan to the responsible LPDC for review if he or she changes teaching assignments or districts. The LPDC shall review the plan and may indicate any changes that are needed for continued approval. A change in assignment occurs whenever:~~
- ~~1) a certificate holder accepts employment in a different district;~~
 - ~~2) a certificate holder is assigned to teach at a different attendance center;~~
 - ~~3) a certificate holder is assigned to teach in a different subject area or in a grade that is more than three grade levels removed from his or her previous position or for which a different certificate is required; or~~
 - ~~4) a certificate holder resumes teaching or otherwise elects to activate his or her certificate after a period during which the certificate has been maintained valid and exempt.~~
- ~~e) The provisions of Section 25.815 of this Part shall apply when continuing approval of a plan is sought after a change in assignment and when revisions to an approved plan are proposed.~~

(Source: Repealed at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.825 Progress Toward Completion (Repealed)

~~When a certificate holder has completed any of the activities set forth in his or her approved plan, he or she may transmit a copy of the required evidence of completion to the responsible LPDC under cover of a form supplied by the State Board of Education. This form shall enable~~

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~~the certificate holder to identify all the purposes among those enumerated in Section 25.805(b) and (c) of this Part to which each completed activity applies and the number of semester hours, CEUs, or CPDUs claimed.~~

- a) ~~The LPDC shall review the evidence of completion in the context of the certificate holder's approved plan and shall notify the certificate holder within 45 days whether the credits claimed have been awarded.~~
- b) ~~Grounds for an LPDC's refusal to award credits as claimed shall be limited to the LPDC's determination that:~~
 - 1) ~~the activity in question does not relate to any of the individual's goals for improvement;~~
 - 2) ~~the activity does not relate to one or more of the purposes identified by the certificate holder;~~
 - 3) ~~the number of credits claimed by the certificate holder does not conform to the applicable provisions of Section 25.875 of this Part;~~
 - 4) ~~the activity was not conducted by an approved provider, if approval of the provider is required;~~
 - 5) ~~the activity claimed does not conform to the applicable definition set forth in Section 25.875 of this Part; or~~
 - 6) ~~the certificate holder has not presented the evidence of completion required pursuant to Section 25.875 of this Part.~~
- e) ~~If the LPDC determines that an activity qualifies for credit pursuant to this Subpart but does not relate to one or more purposes identified by the certificate holder, the LPDC shall use a form supplied by the State Board of Education to inform the holder of the purpose(s) to which the credit claimed has been attributed and the rationale for its determination.~~
- d) ~~The LPDC shall note its determination in the record maintained by the committee pursuant to Section 21-14(f) of the School Code [105 ILCS 5/21-14(f)].~~
- e) ~~A disagreement between a certificate holder and the responsible LPDC regarding the awarding of credit for completed activities may be appealed to the responsible RPDRC.~~
 - 1) ~~If the RPDRC disagrees with the LPDC's assignment of credit, the activity shall be credited as claimed by the certificate holder.~~
 - 2) ~~If the RPDRC agrees with the LPDC, the LPDC's decision regarding the awarding of credit shall stand (subject to the certificate holder's right of appeal as delineated in Sections 25.835 and 25.840 of this Part).~~
 - 3) ~~The RPDRC shall notify both the certificate holder and the LPDC of its decision within 45 days after receipt of an appeal, using a form supplied by the State Board of Education.~~
- f) ~~Awarding of credit shall not entitle the certificate holder to renewal of the certificate. Upon completion of the plan and application for renewal, as described in Section 25.830 of this Part, renewal of the holder's certificate shall be~~

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- ~~determined by the State Teacher Certification Board.~~
- g) ~~Credit earned for any activity that is completed (or for which the certificate-holder receives evidence of completion) on or after March 1 of the final year of a certificate's validity, if not claimed with respect to that period of validity, may be carried over and claimed in the subsequent period of validity, provided that the activity in question satisfies the requirements of the plan applicable to that period.~~

(Source: Repealed at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.830 Application for Renewal of Certificate(s)

No sooner than September 1 and no later than ~~April 1~~~~March 1~~ of the final year of his or her certificate's period of validity and using a form or format supplied by the State Board of Education, each certificate-holder shall submit to the responsible LPDC, if any, on a form provided by the State Board of Education, a unified application for the renewal of his or her standard teaching certificate(s). (See Section 25.832 of this Part for additional provisions relating to master certificates.) Any individual for whom no responsible LPDC is in operation, including any individual who is not employed in the public schools at the time of application, shall submit the required materials to the regional superintendent of schools, accompanied by the fee required under Section 21-16(b) of the School Code. Access to these documents shall be limited to the certificate-holder and to those members of local and regional committees and other individuals who are responsible for reviewing them pursuant to this Subpart J. Each individual who has access to these documents and the information contained in them shall maintain the confidentiality of the documents and information at all times.

- a) The application shall identify by certificate number all the certificates the person holds, including any certificate that was issued after the beginning of the period covered by the plan and is therefore not yet due to expire.
- 1) If the standard certificates that are due to expire are renewed, any more recently issued standard certificate shall be renewed at the same time, thereby establishing the same five-year period of validity for all the certificates held.
 - 2) When a master certificate is renewed, any standard certificate(s) held by the same individual shall be renewed at the same time.
 - 3) If the certificates that are due to expire are not renewed, the original period of validity of any more recently issued standard certificate shall continue to apply to that certificate only.

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- b) The application shall provide a statement of assurance regarding~~summary of~~ the professional development activities completed, including a list of the activities, the provider offering each, the number of credits earned for each, and the purpose or purposes to which each activity is attributed~~and the credit awarded or claimed for them.~~ (Section 21-14(e)(4) of the School Code [105 ILCS 5/21-14(e)(4)])
- c) ~~The application may transmit the required evidence of completion for any activities not yet reviewed and acknowledged by the LPDC that are needed for the certificate holder's satisfaction of the requirements of Sections 21-2 and 21-14 of the School Code.~~
- d) A certificate-holder who wishes to receive evidence of ~~an~~the LPDC's receipt of his or her application shall include a receipt for the LPDC's use.
- d)e) Submission of this application form shall not entitle the certificate-holder to renewal of the certificate. Renewal of the holder's certificate shall be determined by the State Teacher Certification Board.
- e)f) A certificate-holder who does not apply by ~~April 1~~March 1 may not be able to preserve his or her right of appeal regarding a recommendation for nonrenewal of his or her standard teaching certificate(s).

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.832 Validity and Renewal of Master Certificates

- a) Each application for renewal of a master teaching certificate shall be subject to the provisions of Section 25.830 of this Part.
- b) An Illinois master certificate shall have a ten-year period of validity. When an individual receives an Illinois master certificate, any standard certificate(s) held by the same individual shall be renewed as of the date of issuance of the master certificate. Any such standard certificate shall automatically qualify for renewal at the end of its five-year period of validity, as long as the individual continues to hold the master certificate.
- c) When an Illinois certificate-holder successfully renews his or her National Board certification, he or she shall be entitled to renew his or her Illinois master certificate and any other certificate(s) held if the applicable requirements of this Subpart J have also been met. However, a holder of a master certificate may also

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use completion of the NBPTS' process for renewal of certification (as distinct from renewal of NBPTS certification) to fulfill 100% of the requirement for continuing professional development.

- d) The holder of an Illinois master certificate whose certification through the NBPTS is not renewed shall nevertheless be entitled to renew the master certificate when it expires, provided that the applicable requirements of this Subpart J have been met during the master certificate's period of validity.
- e) A holder of a standard teaching certificate endorsed for speech-language pathology who has also received a Certificate of Clinical Competence from the American Speech-Language Hearing Association shall be subject to the ten-year renewal cycle set forth in Section 21-2(d) of the School Code [105 ILCS 5/21-2(d)], provided that his or her ~~certificate renewal plan is based upon an~~ assignment ~~that~~ requires the speech-language pathology endorsement. Each such individual shall be required to renew his or her standard teaching certificate at the end of its original five-year period of validity and to pay the applicable registration fee but shall not be required to submit evidence of continuing professional development in order to qualify for renewal of the certificate at that time.
- 1) An individual who held both a standard teaching certificate endorsed for speech-language pathology and a Certificate of Clinical Competence on June 1, 2002, shall become subject to the ten-year renewal cycle set forth in Section 21-2 (d) of the School Code, beginning with the first year of the teaching certificate's validity. ~~No revision to the individual's approved certificate renewal plan shall be required to reflect the ten-year cycle. However, the~~ The individual shall supply a copy of the Certificate of Clinical Competence to the responsible LPDC or regional superintendent, as applicable, under cover of a letter calling the LPDC's or regional superintendent's attention to the applicability of the ten-year cycle.
- 2) An individual who holds a standard certificate and later receives a Certificate of Clinical Competence shall be subject to the ten-year renewal cycle set forth in Section 21-2(d) of the School Code, beginning with the first year of the certificate's then-current period of validity. ~~No revision to an individual's approved certificate renewal plan shall be required to reflect the ten-year cycle. However, the~~ The individual shall supply a copy of the Certificate of Clinical Competence to the responsible LPDC or regional superintendent, as applicable, under cover of a letter calling the LPDC's or regional superintendent's attention to the applicability of the

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ten-year cycle.

- 3) An individual who holds a Certificate of Clinical Competence and later receives a standard teaching certificate shall ~~prepare a plan for certificate renewal that reflects the ten-year cycle set forth in Section 21-2(d) of the School Code and shall~~ submit a copy of the Certificate of Clinical Competence to the responsible LPDC or regional superintendent, as applicable, to support the applicability of the ten-year cycle.
- 4) All standard certificates held by an individual to whom this subsection (e) applies shall qualify for renewal along with the standard teaching certificate endorsed for speech-language pathology.
- 5) At the conclusion of a ten-year renewal cycle, an individual who renews his or her standard teaching certificate shall be subject to another ~~submit a new certificate renewal plan, which shall be based upon a~~ ten-year cycle only if the individual submits to the responsible LPDC or regional superintendent, as applicable, a copy of a then-current Certificate of Clinical Competency.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.835 Review of and Recommendation Regarding Application for Renewal

- a) ~~An~~The LPDC shall review each application it receives that conforms with the requirements of Section 25.830 of this Part and, within 30 days after receiving it, ~~shall use a form supplied by the State Board of Education to provide 30 days' written notification to the certificate holder of the recommendation it will~~ forward the application to the regional superintendent of schools accompanied by the LPDC's recommendation regarding certificate renewal, provided on a form supplied by the State Board of Education. ~~Such notification shall include a copy of the summary form referred to in Section 25.830(b) of this Part, signed by the chair of the LPDC and indicating whether the quantity and distribution of credit displayed thereon demonstrate that the certificate holder has met the requirements of his or her approved plan.~~
- b) If the recommendation ~~is~~will be for nonrenewal of the affected certificate(s), ~~such notification to this effect shall be provided concurrently to the certificate-holder, including~~include a return receipt and an explanation of the LPDC's rationale for recommending nonrenewal.

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- b) ~~At any time before the recommendation is to be forwarded to the regional superintendent, the certificate holder may submit a written request to appear before the committee or a written request that the LPDC reconsider its intention to forward an unfavorable recommendation.~~
- e) ~~If requested to do so, the LPDC shall:~~
- 1) ~~permit the certificate holder to appear before it to justify his or her contention that the certificate(s) held should be renewed; or~~
 - 2) ~~reconsider its recommendation.~~
- d) ~~The committee shall forward a recommendation to the regional superintendent, on a form provided by the State Board of Education, no later than 30 days after receipt of the certificate holder's request pursuant to subsection (b) of this Section. The committee shall provide concurrent notification to the certificate holder that:~~
- 1) ~~states the recommendation and the rationale for it;~~
 - 2) ~~indicates the date on which the recommendation was forwarded to the regional superintendent; and~~
 - 3) ~~includes a return receipt if the recommendation is for nonrenewal.~~
- c)e) Upon receipt of notification by the LPDC that a recommendation has been forwarded to the regional superintendent, the certificate-holder shall pay to the regional superintendent the fee required pursuant to Section 21-16(b) of the School Code [105 ILCS 5/21-16(b)].
- d)f) The certificate-holder may appeal to the responsible RPDC for consideration of his or her application for renewal if the LPDC does not respond within the time allowed under subsection (a)~~any of the timelines set forth in subsections (a) and (d)~~ of this Section.
- e)g) Within 14 days after receiving notice that a recommendation for nonrenewal has been forwarded by an LPDC, the certificate-holder may appeal the recommendation to the RPDC. Such an appeal shall be transmitted on a form supplied by the State Board of Education, shall include a return receipt, and shall include~~may include any supporting documentation the certificate holder deems relevant.~~

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- 1) the required evidence of completion for the activities upon which the appeal is based; and
 - 2) any other relevant documents.
- h) ~~Within seven business days after receipt of such an appeal, the RPDC shall request the LPDC's record of review. The LPDC's record shall be forwarded to the RPDC within seven business days and shall include:~~
- 1) ~~the individual's approved plan for continuing professional development and any amendments that have been made thereto;~~
 - 2) ~~any evidence of completion for activities submitted by the certificate-holder that has been maintained by the LPDC, and the summary form that shows how credits were awarded; and~~
 - 3) ~~copies of any determinations made by the LPDC not to award credit as claimed by the certificate holder and any evidence that supports such determinations.~~
- f) Within 45 days after receiving such an appeal, the RPDC shall make a recommendation to the regional superintendent in keeping with the requirements of Section 21-14(g)(2) of the School Code [105 ILCS 5/21-14(g)(2)]. The RPDC shall use a form provided by the State Board of Education for this purpose and shall include the rationale for its recommendation. To assist it in arriving at its recommendation, the RPDC may require the submission of additional information or may request that the certificate-holder appear before it. The RPDC shall also forward to the regional superintendent the material received from the certificate-holder under subsection (e) of this Section~~LPDC's record of review, as well as any supporting documentation supplied by the certificate holder.~~
- g) Within 14 days after receiving the last recommendation required under subsections (a) through (f) of this Section, the regional superintendent shall forward his or her recommendation to the State Teacher Certification Board along with the information required pursuant to Section 21-14(g)(1) of the School Code [105 ILCS 5/21-14(g)(1)]. Forms supplied by the State Board of Education shall be used for this purpose. A copy of ~~any~~the recommendation for nonrenewal shall be sent to the certificate-holder concurrently. If the recommendation is not to renew the certificate(s) held, or if the application indicates the individual is or

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may be out of compliance with Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] with regard to child support payments, the certificate-holder's copy shall be sent by certified mail, return receipt requested; and the regional superintendent shall return the registration fee therewith.

- 1) The regional superintendent shall forward to the Secretary of the State Teacher Certification Board a list that identifies each certificate-holder with respect to whom the regional superintendent is concurring with an LPDC's recommendation for certificate renewal or is recommending renewal without the involvement of any LPDC. This list shall be prepared on a form supplied by the State Board of Education.
- 2) If the regional superintendent is recommending certificate renewal despite a local or regional committee's recommendation for nonrenewal, the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:
 - A) the material received from the certificate-holder under subsection (e) of this Section~~LPDC's record of review~~;
 - B) the RPDRC's recommendation and any additional~~the~~ material received by the RPDRC pursuant to~~called for in~~ subsection (f)(i)~~(f)~~ of this Section, ~~if any~~; and
 - C) the regional superintendent's rationale for recommending renewal.
- 3) If the regional superintendent is recommending nonrenewal (regardless of local and/or regional recommendations) the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:
 - A) the LPDC's recommendation, if any~~record of review~~;
 - B) the RPDRC's recommendation, ~~and~~ the material called for in subsection (e)~~(e)~~ of this Section, and the material received pursuant to subsection (f) of this Section, if any; and
 - C) the regional superintendent's rationale for recommending nonrenewal.

h)k) Within 14 days after receipt of notice that the regional superintendent has recommended nonrenewal of his or her certificate(s), the certificate-holder may

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of the School Code [105 ILCS 5/21-14(h)] and verify that the certificate-holder has met the renewal criteria set forth in Section 21-14(g)(1) of the School Code [105 ILCS 5/21-14(g)(1)], subject to the certificate-holder's right of appeal as specified in that Section.

- b) Within 60 days after receipt of an appeal filed by a certificate-holder challenging a regional superintendent's recommendation for nonrenewal, the State Teacher Certification Board shall hold an appeal hearing. The Board shall notify the certificate-holder of the date, time, and place of the hearing.
- 1) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certification Board determines is necessary to decide the appeal.
 - 2) *The State Teacher Certification Board may request that the certificate-holder appear before it. (Section 21-14(h)(2) of the School Code [105 ILCS 5/21-14(h)(2)])* The certificate-holder shall be given at least ten days' notice of the date, time, and place of the hearing.
 - 3) In verifying whether the certificate-holder has met the renewal criteria set forth in Section 21-14(g)(1) of the School Code, *the State Teacher Certification Board shall review:*
 - A) *the recommendation of the regional superintendent of schools;*
 - B) *the Regional Professional Development Review Committee's recommendation, if any;*
 - C) *the Local Professional Development Committee's recommendation, if any; and*
 - D) *all relevant documentation.*
- c) The State Teacher Certification Board shall notify the certificate-holder of its decision regarding certificate renewal as set forth in Section 21-14(h)(2) of the School Code [105 ILCS 5/21-14(h)(2)]. If the decision is not to renew the individual's certificate(s), the notification shall state the reason(s) for that decision.
- 1) An individual whose certificate is not renewed because of his or her failure to complete professional development in accordance with this

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Subpart J may apply for a reinstated certificate valid for one year.

- 2) After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable standard certificate only if he or she has:
 - A) completed the balance of the professional development activities that were required for renewal of the certificate previously held; and
 - B) earned five additional semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties.
- ~~3) In order to comply with the requirement set forth in subsection (c)(2)(A) of this Section, an individual may either complete the plan that was previously in place or submit proposed revisions to the responsible LPDC in order to align the balance of the activities with his or her current teaching assignment.~~
- d) The State Teacher Certification Board shall not renew any certificate if the holder has been found to be more than 30 days delinquent in payment of child support or has failed to comply with a subpoena or warrant relating to a paternity or child support proceeding. Any disciplinary action taken against a certificate-holder for failure to make the certification required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] shall be in accordance with that Section and the rules of the State Board of Education for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). The decision of the State Board of Education is a final administrative decision and shall be subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.845 Responsibilities of School Districts

As used in this Section, the term "school district" shall be understood to include charter schools, cooperatives, and joint agreements.

- a) Each school district shall designate an employee who will have the responsibility for making all forms required pursuant to this Subpart J available to certificate-

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holders, members of local professional development committees, and others who need to use them.

- b) Each school district, in conjunction with its exclusive representative, if any, shall determine the number and type(s) of any LPDCs that will be established at the local level.
- 1) ~~The number of committees that will operate in a district shall be sufficient to comply with the requirements of Section 21-14(f) of the School Code [105 ILCS 5/21-14(f)] regarding the maximum number of plans for which each committee is to be responsible and to permit the committees to accomplish the functions assigned to them in accordance with the timelines set forth in this Subpart J. The maximum number of plans established in Section 21-14(f) of the School Code shall be observed inclusive of the number of initial certificate holders who notify an LPDC that they have chosen accumulation of continuing professional development units as the requirement they will meet for standard certification under Section 21-2(c)(2) of the School Code [105 ILCS 5/21-2(c)(2)].~~
- 2) ~~Distribution of responsibility among LPDCs may be according to building, grade level, type of certificate, subject matter area, or any other factor that seems appropriate.~~
- c) ~~Each school district shall name the administrator and at-large member who will serve on each LPDC. A district superintendent or other chief administrator may identify a designee to represent him or her on an LPDC.~~
- d) Each school district shall publicize to certificate-holders:
- 1) the number and respective areas of responsibility of the district's LPDCs, if any;
- 2) the name of each committee's chairperson; and
- 3) the method by which individuals may contact the LPDCs and the address to which materials shall be submitted.
- e) ~~Each school district shall convene the first meeting of one LPDC.~~
- d)f) Each school district shall file with the regional superintendent, on a form supplied

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by the State Board of Education, a list of its LPDCs, indicating for each LPDC the area(s) of responsibility, the chairperson's name, and the other members' names. Revisions to these lists shall be submitted as changes occur. Each district shall notify the regional superintendent whenever there is a change in this information.

- g) ~~Each school district without an exclusive representative shall make available an opportunity for those classroom teachers who are employed in the district and who are subject to the requirements of this Subpart J to select an adequate number of classroom teachers to serve on the district's LPDCs. For purposes of this Subpart J, "classroom teachers" includes all individuals who are subject to the requirements of this Subpart J.~~
- h) ~~Each school district shall arrange for secure storage of the files required pursuant to this Subpart J.~~

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.848 General Responsibilities of LPDCs

- a) Each LPDC shall post the schedule of its meetings.
- b) Each LPDC shall comply with the applicable timelines set forth in this Subpart J and shall maintain records demonstrating such compliance.
- c) Each LPDC shall acknowledge in writing its receipt of an application for renewal of an individual's certificate(s) if such an acknowledgment is requested by the certificate-holder pursuant to Section ~~25.830(c)~~25.830(d) of this Part.
- d) Each LPDC shall request from the exclusive representative the appointment of such alternates for its teacher members as may be necessary to ensure that no certificate-holder participates in recommending renewal or nonrenewal of his or her own certificate or that reviews his or her own plan for continuing professional development, evidence of completion of activities, or application for certificate renewal or the plan, evidence, or application of another individual who supervises or evaluates, or is supervised or evaluated by, him or her. If another LPDC is operating within the same school district, such alternates shall be chosen from among the teacher members of that LPDC.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.850 General Responsibilities of Regional Superintendents

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- a) Each regional superintendent of schools shall designate an employee who will be responsible for making all forms required pursuant to this Subpart J available to certificate-holders, members of local and regional professional development committees, and others who need to use them. Each regional superintendent of schools shall also designate an employee who will be responsible for tracking the receipt and distribution of the written materials called for in this Subpart J that are submitted to or through the regional office. Nothing shall preclude the same individual from fulfilling both the functions specified in this subsection (a).
- b) Each regional superintendent shall determine the number of regional professional development review committees needed in the region.
- 1) The number of committees that will operate in a region shall be at the regional superintendent's discretion, so long as the committees established are able to accomplish the functions assigned to them in accordance with the timelines set forth in this Subpart J.
 - 2) Each regional superintendent may distribute responsibility among RPDRCs according to district, building, grade level, type of certificate, subject matter area, or any other factor the regional superintendent deems appropriate.
 - 3) Each regional superintendent shall ensure that sufficient alternate members are available to the region's RPDRC or RPDRCs to ensure that no member reviews any matter raised by an individual for whom he or she is either a supervisor or a subordinate and to avoid other potential conflicts of interest.
- c) Each regional superintendent shall publicize the way in which certificate-holders can contact the RPDRCs. In each case, the address of the regional superintendent's office shall be identified as the address of the RPDRC. If a schedule for RPDRC meetings is set, the regional superintendent shall publicize that schedule.
- d) Each regional superintendent shall provide written information to members of the RPDRCs concerning the method for reimbursement of their expenses, identification of reimbursable items, and rates of reimbursement.
- e) ~~Each regional superintendent shall receive, review, respond to, and keep on file the plans of the teachers for which he or she serves as the LPDC (i.e., nonpublic~~

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~~school teachers, teachers in State-operated schools, and substitute and inactive teachers who elect to maintain their certificates as valid and active).~~

~~1) A regional superintendent may identify one or more designees to assist him or her in functioning as an LPDC and may further designate individuals or committees to provide him or her with advice and recommendations on related matters.~~

~~2) No designee appointed by the regional superintendent to assist in serving as an LPDC may serve on an RPDC that considers matters related to the same type(s) of certificates.~~

~~f)~~ Each regional superintendent shall review all recommendations for certificate renewal or nonrenewal in light of the assurances and other information presented and, using a form supplied by the State Board of Education, shall forward those recommendations to the State Teacher Certification Board along with an indication of his or her concurrence or non-concurrence. The regional superintendent shall forward the documentation specified in Section 25.835(g)25.835(i) of this Part as applicable in each case.

~~f)g)~~ If any individual's application indicates that he or she may be or is out of compliance with Section 10-65 of the Illinois Administrative Procedure Act with regard to child support payments, the regional superintendent shall separate any such application or applications from those pertaining to certificates that are recommended for renewal and shall forward them to the Secretary of the State Teacher Certification Board whenever he or she forwards the remainder of the materials called for in subsection ~~(e)f)~~ of this Section, calling the Secretary's attention to the potential noncompliance.

~~g)h)~~ Each regional superintendent shall notify all LPDCs and RPDCs in his or her region of the State priorities referred to in Section 25.810 of this Part.

~~h)i)~~ Based upon information provided by the certificate-holders in his or her region, each regional superintendent shall enter data into the centralized registry indicating the valid and active or valid and exempt status of each certificate for each semester of its validity.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.855 Approval of Illinois Providers

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Illinois-based entities that offer professional development activities, such as training organizations, institutions, school districts, regional offices of education, firms, teacher unions and professional associations, and universities and colleges, may apply to the State Board of Education and the State Teacher Certification Board for approval to issue CEUs or CPDUs for conferences, workshops, institutes, seminars, symposia, or other similar training events whose goal is the improvement of teaching skills and knowledge. A certificate-holder may not receive credit for CEUs or CPDUs with respect to activities offered by Illinois-based entities that are not so approved, unless Section 25.872 of this Part applies.

- a) Except as provided in subsection (b) of this Section, each provider wishing to receive such approval shall submit an application on a form supplied by the State Board of Education. For each area of professional knowledge or skill in which the provider wishes to secure approval, the application shall include:
 - 1) a description of the intended offerings in terms of relevant standards to be addressed;
 - 2) the qualifications and experience the provider will require of presenters to be assigned in each area;
 - 3) an indication as to whether the application is for approval to issue CEUs or CPDUs and, if approval is sought for both, identification of the activities that will generate each form of credit; and
 - 4) assurances that the requirements of subsection (c) of this Section and the requirements of Section 25.870 of this Part will be met.
- b) An organization that has affiliates based in Illinois may apply for approval on their behalf.
 - 1) The applicant organization shall provide a list of its affiliates for which approval is sought and supply the information required pursuant to subsection (a) of this Section with respect to each one.
 - 2) The applicant organization's provision of the assurances required pursuant to subsection (a)(4) of this Section shall be understood to apply to each affiliate for which approval is sought.
 - 3) The applicant organization shall notify the State Board of Education any time it determines that one or more affiliates should be added to or removed from the list of approved providers or that the areas of training

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should be changed for one or more of the affiliates. For affiliates to be added, the applicant organization shall supply the information required pursuant to subsection (a) of this Section.

- 4) The approval status of the applicant organization shall be contingent upon its affiliates' compliance with the applicable requirements of this Subpart J.
- c) Each provider approved to issue CEUs or CPDUs shall:
- 1) submit written notice to the State Board of Education no later than 30 days prior to the initial date of each of its training activities, including the title, description, target audience, instructional method, and intended learning outcomes of the activity, along with a sample of the syllabus, program, or outline for it;
 - 2) verify attendance at its training activities, provide to participants the standard forms referred to in Section 25.865 of this Part, and require completion of the evaluation portion of these forms;
 - 3) maintain participants' evaluation forms for a period of not less than three years and make them available for review upon request by staff of the State Board of Education;
 - 4) maintain attendance records for each event or activity it conducts or sponsors for a period of not less than five years; and
 - 5) include in each announcement regarding an event or activity whether CEUs or CPDUs will be available.
- d) Applicants may be asked to clarify particular aspects of their materials.
- e) The State Superintendent of Education, on behalf of the State Board of Education and the State Teacher Certification Board, shall respond to each application for approval no later than 30 days after receiving it.
- f) A provider shall be approved to issue CEUs for a given type of activity only if the provider's application provides evidence that:
- 1) the activities will be developed and presented by persons with education and experience in the applicable subject matter area(s);

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- 2) the activities will include an activity such as discussion, critique, or application of what has been presented, observed, learned, or demonstrated; and
 - 3) there is an apparent correlation between the proposed content of the training activities, the relevant standards set forth in Subpart B of this Part, and one or more of the purposes the recipients are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.
- g) A provider shall be approved to issue CPDUs for a given type of activity only if the provider's application provides evidence that:
- 1) the activities and events it sponsors or conducts will be developed and presented by persons with education and experience in the applicable subject matter area(s); and
 - 2) there is an apparent correlation between the proposed content of the training activities, the relevant standards set forth in Subpart B of this Part, and one or more of the purposes the recipients are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.
- h) The State Board of Education shall maintain and publicize the list of all approved providers. The list shall indicate any limitations on the type(s) of activities for which an entity has received approval.
- i) Approval of a provider shall be valid for three years. To request renewal of such approval, a provider shall, no later than March 1 of the year of expiration, submit an application on a form supplied by the State Board of Education and containing:
- 1) a description of any significant changes in the material submitted as part of its approved application; or
 - 2) a certification that no such changes have occurred.
- j) A provider's approval shall be renewed if the application conforms to the requirements of subsection (i) of this Section, provided that the Boards have received no evidence of noncompliance with the requirements of this Subpart J.

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- k) The State Board of Education may evaluate any approved provider at any time to ensure compliance with the requirements of this Section. Upon request by the State Board, a provider shall supply information regarding its schedule of training events, which the State Board may, at its discretion, monitor at any time.
- 1) In the event ~~such~~ an evaluation indicates that applicable standards have not been met, the State Board of Education and the State Teacher Certification Board may jointly withdraw approval for one or more types of activities or of the provider.
 - 2) Staff of the State Board of Education shall periodically report to the State Teacher Certification Board on the providers reviewed and any changes in their approval status.
 - 3) Pursuant to Section 21-14(e)(3)(H) of the School Code [105 ILCS 5/21-14(e)(3)(H)], a teacher may not receive credit for any activity that is designed for entertainment, promotional, or commercial purposes or that is solely inspirational or motivational, and the State Board and the State Teacher Certification Board may jointly disapprove any activity found to be of this nature.
 - A) When an activity is disapproved under this subsection (k)(3), the provider may continue to offer the activity but shall immediately revise all relevant notices and advertisements to indicate the nature of the activity. The provider shall be required to state in each such notice or advertisement that the activity generates no credit applicable to certificate renewal. Individuals who complete the activity once it is accurately described shall not claim credit for it.
 - B) Individuals who have completed an activity that is later disapproved under this subsection (k)(3) shall not be penalized with respect to continuing professional development credit accrued for that activity.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.860 Out-of-State Providers

The requirements for approval of providers not based in Illinois shall be as set forth in this Section unless Section 25.872 of this Part applies.

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- a) Entities not based in Illinois that offer professional development activities for which the target audience is groups of Illinois teachers shall be subject to the requirements of Section 25.855 of this Part. A certificate-holder may not receive credit with respect to activities offered by such an entity unless it has been approved pursuant to that Section.
- b) When an entity not based in Illinois conducts an activity outside Illinois, a certificate-holder may receive CPDUs with respect to that activity, provided that:
- 1) the certificate-holder documents his or her participation by maintaining on file~~submits to the LPDC~~:
 - A) the program, agenda, or other announcement of the event; and
 - B) a completion form supplied by the provider to indicate the certificate-holder's attendance at the event or, if no such form was supplied, a signed statement by the certificate-holder to that effect; and
 - 2) if the certificate-holder's records are audited pursuant to Section 21-14(e)(4) of the School Code, the LPDC determines that the program, agenda, or other announcement of the event is found to demonstrate demonstrates that:
 - A) there is an apparent correlation between the content of the training received and one or more of the purposes the recipient must address ~~has addressed~~ in his or her continuing professional development ~~plan~~; and
 - B) the activities were conducted or presented by persons with education and experience in the applicable subject matter area(s).
- c) When an entity not based in Illinois conducts an activity outside Illinois, a certificate-holder may receive CEUs with respect to that activity, provided that:
- 1) the requirements of subsection (b) of this Section are met; and
 - 2) ~~the LPDC determines that~~ each activity for which CEUs are claimed included an activity such as discussion, critique, or application of what was presented, observed, learned, or demonstrated.

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- d) When a national or regional activity (e.g., the annual conference of the National Council of Teachers of Mathematics) happens to be held in Illinois, that activity shall not be treated as one for which the target audience is groups of Illinois teachers. That is, provider approval shall not be required and credit shall be available as described in subsections (b) and (c) of this Section.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.865 Awarding of Credit for Activities with Providers

The State Teacher Certification Board and the State Board of Education shall develop the requirements for a standard form that shall be used by approved providers. These forms shall serve two purposes: evaluation of the activity by the certificate-holder and evidence of completion for the certificate-holder with respect to the activity. The State Board of Education shall make available information about the required format and contents of this form so that providers may generate them for their own use, other than providers who are subject to the requirements of Section 25.872 of this Part.

- a) This form shall be provided to each participant who completes the activity, who shall ~~maintain it~~ ~~present it to the LPDC~~ as evidence of completion (see Section 25.875(k) of this Part).
- 1) In the case of a conference, workshop, or other event having more than one session, each session shall be considered an "activity" for purposes of this Subpart J.
 - 2) In the case of a conference, workshop, or other event having more than one session, the certificate-holder shall indicate by marking on the program or agenda which sessions he or she attended.
- b) The provider shall complete the standard form to indicate the title, time, date, location, and nature of the event.
- c) The provider shall indicate the number of CEUs issued, if applicable.
- d) ~~Local professional development committees shall credit CEUs in the amount issued by the approved provider.~~ ~~e) Local professional development committees shall examine completion forms to determine the~~ ~~The~~ number of CPDUs to be credited ~~shall be~~, in keeping with the provisions of Section 25.875(k) of this Part. Time spent on multiple topics at the same event may be combined to generate CPDUs.

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e) ~~f~~ If the certificate-holder's records are audited pursuant to Section 21-14(e)(4) of the School Code, With respect to activities held in Illinois, LPDCs shall credit CEUs or CPDUs claimed shall be affirmed only when the standard form is presented.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.872 Special Provisions for Interactive, Electronically Delivered Continuing Professional Development

The requirements of this Section shall apply to the approval of providers and the awarding of credit for activities that are electronically delivered, such as electronically mediated study groups, seminars, and conferences, interactive CD-ROMs, and on-line professional development curricula. The provisions of Sections 25.855, 25.860, 25.865, and 25.870 of this Part shall apply to such activities only to the extent set forth in this Section.

- a) A certificate-holder may accrue professional development credit for an activity under this Section if the provider of the activity is approved for the applicable subject area pursuant to subsections (b) through (f) of this Section. Alternatively, a certificate-holder may accrue credit for an activity without an approved provider by meeting the requirements of subsection (h) of this Section.
- b) Each provider wishing to receive approval under this Section shall submit an application using a format prescribed by the State Board of Education. For each area of professional knowledge or skill in which the provider wishes to secure approval, the application shall describe:
 - 1) the intended offerings in terms of relevant standards to be addressed;
 - 2) the qualifications and experience the provider will require of the presenters, moderators, and facilitators to be assigned in each area;
 - 3) the means by which individuals' participation and participants' identities will be verified, consistent with subsection (e)(4) of this Section;
 - 4) the assistance that the provider will furnish to participants to foster their understanding of the material covered in the activity and their ability to complete the activity's requirements successfully;

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- 5) the documentation that the provider will furnish to each individual who completes a continuing professional development activity; and
 - 6) whether the provider intends for CEUs or CPDUs to be available to participants.
- c) Each application shall provide assurances that the following requirements will be met.
- 1) The provider shall submit written notice to the State Board of Education no later than 30 days prior to the initial date of each of its training activities, including the title, description, target audience, instructional method, and intended learning outcomes of the activity, along with a sample of the syllabus, program, or outline for it.
 - 2) The provider shall verify individuals' participation in its training activities, provide documentation indicating whether those who participated in a particular activity have completed it, and require participants to complete evaluations of the activities that will gather at least such information as specified by the State Board of Education. The provider shall issue CEUs, if applicable, based upon the average or expected time required to complete a given activity and in accordance with Section 25.870 of this Part. For activities generating CPDUs, the evidence of completion provided to participants shall indicate the average or expected time required so that ~~LPDCs may award~~ one CPDU per hour of participation may be documented.
 - 3) The provider shall maintain participants' evaluations for a period of not less than three years and make them available for review upon request by staff of the State Board of Education.
 - 4) The provider shall maintain records of participation and completion for each activity it conducts or sponsors for a period of not less than five years.
- d) Applicants may be asked to clarify particular aspects of their materials.
- e) A provider shall be approved under this Section only if all of the following conditions are met.

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- 1) There is an apparent correlation between the content of the training activities, the standards applicable to their intended participants, and one or more of the purposes the participants are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.
- 2) The activities will be developed and presented by persons with education and experience in the applicable subject area(s).
- 3) The provider makes available to participants a mentor or facilitator who is qualified by education and experience to serve as a presenter of the activity.
- 4) Participation in or completion of any portion of the activity that is not designed to be attended in person is verified by some other means. That is, each individual's participation yields either a product (e.g., a lesson plan, a tape of teaching performance, a completed test) or a record of interaction with a representative of the provider or with other participants (e.g., a discussion board). These products and records are available for evaluation by the provider, and each participant's receipt of the evidence of completion for the activity is contingent upon their presentation to the provider along with a brief written statement in which the certificate-holder discusses the skills and/or knowledge acquired and indicates, where applicable, how the skills or knowledge will be applied in the context of his or her teaching. Alternatively, if the certificate-holder determines that the experience has not yielded knowledge or skills that can be used in his or her teaching, he or she shall indicate that fact and briefly explain why this is the case.
- 5) Each participant who completes the activity receives verification from the provider to that effect.
- f) The State Superintendent of Education, on behalf of the State Board of Education and the State Teacher Certification Board, shall respond to each application for approval no later than 30 days after receiving it.
- g) A certificate-holder may receive continuing professional development credit for an activity conducted by a provider approved under this Section ~~by submitting to the responsible LPDC the evidence of completion furnished by the provider,~~ to the extent that the activity is relevant to one of the purposes applicable to the certificate-holder.

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- h) A certificate-holder may receive continuing professional development credit for an activity not conducted by a provider approved under this Section (to the extent that the activity is relevant to one of the purposes applicable to the certificate-holder) by meeting the requirements of this subsection (h).
- 1) The certificate-holder shall ~~maintain~~provide to the responsible LPDC a syllabus, program, or summary prepared by the provider or a summary written by the certificate-holder.
 - 2) The certificate-holder shall ~~maintain~~provide to the LPDC any documents or other products developed during the activity and any verification of completion supplied by the provider.
 - 3) The certificate-holder shall ~~maintain~~provide to the LPDC a brief written statement meeting the requirements of subsection (e)(4) of this Section.
 - 4) The certificate-holder shall ~~maintain~~provide to the LPDC a statement issued by the provider indicating the average or expected amount of time required for completion of the activity, which shall serve as the basis for credit LPDC shall credit in the form of CPDUs at a rate of one per hour of direct participation or CEUs in accordance with Section 25.870(a) of this Part, as applicable.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.875 Continuing Professional Development Units (CPDUs)

The number of CPDUs to be awarded for completion of specific activities and the required evidence of completion for each shall be as set forth in this Section. ~~In addition to the specific requirements described in the various subsections of this Section, the evidence of completion required for each of the activities listed shall include a brief written statement prepared by the certificate holder which summarizes the activity or experience, discusses the skills and/or knowledge acquired, and indicates, where applicable, how the skills or knowledge will be applied in the context of the participant's teaching. Alternatively, if the certificate holder determines that the experience has not yielded knowledge or skills that can be used in his or her teaching, he or she shall indicate that fact and briefly explain why this is the case.~~

- a) *Participation on collaborative planning and professional improvement teams and committees* [105 ILCS 5/21-14(e)(3)(E)(i)]

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- 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group whose function is planning for professional development activities that will benefit groups of teachers and/or the school.
 - 2) Credit: Five CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.
 - 3) Evidence of Completion: Written description of the purpose and intended product of the team or committee; a record of the team's meetings demonstrating the member's attendance; and the plan, activity description, or other product that results from the group's work.
- b) *Peer review and coaching* [105 ILCS 5/21-14(e)(3)(E)(ii)]
- 1) Definitions
 - A) Peer review: A process of one-on-one assistance between pairs of teachers that is formally established by agreement between a school district and its teachers or their exclusive representative, in which the participants establish specific goals for the teacher being reviewed and conduct a program of intervention to assist that teacher with particular aspects of his or her teaching that includes observation and assessment of the teacher's performance in sessions lasting at least 20 minutes each, discussion of the observations made by the reviewing teacher, and preparation of a written summary by the reviewing teacher.
 - B) Peer coaching: A process of one-on-one assistance between pairs of teachers, whether by formal arrangement under the auspices of the employing district or by mutual agreement, in which the participants observe each other's teaching and discuss the observations made.
 - 2) Credit: For peer review, nine CPDUs shall be credited per semester in which there are three to five observations; 11 CPDUs shall be credited per semester in which there are six or more observations. For peer coaching, five CPDUs shall be credited per semester in which there are three to five observations; eight CPDUs shall be credited per semester in which there are six or more observations.

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- 3) Evidence of Completion
 - A) For peer review: The school's, district's, or exclusive representative's written program description or policy; a record of the certificate-holder's assignment and observation schedule; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.
 - B) For peer coaching: A log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.
- c) *Mentoring in a formal program, including service as a consulting teacher participating in a remediation process formulated under Section 24A-5 of the School Code [105 ILCS 5/24A-5] [105 ILCS 5/21-14(e)(3)(E)(iii)]*
 - 1) Definitions
 - A) For a mentor: A formally established sequence of sessions lasting no less than one quarter of a school year and involving preparation with the recipient teacher prior to observing that teacher in the classroom; observations; and provision of feedback, suggestions, and techniques to the recipient teacher in response to each period of observation.
 - B) For a consulting teacher: Participation in the remediation process, involving assistance in the development of a remediation plan, provision of advice to the teacher under remediation; and
 - i) meetings lasting at least 20 minutes each with the remediating teacher to discuss how to improve teaching skills and successfully complete the remediation plan, to review lesson plans, to conduct demonstrations, or to provide feedback on observations conducted by an administrator; or
 - ii) meetings of the same length with an administrator or other personnel to discuss the remediating teacher's progress or classroom observation; or
 - iii) classroom observation of the remediating teacher, including

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preparation with the remediating teacher prior to the observation and provision of feedback, suggestions, and techniques to the remediating teacher in response to each period of observation.

- C) For a recipient or remediating teacher: A formally established sequence of sessions lasting no less than one quarter of a school year and involving consultation with the mentor or consulting teacher in preparation for the lessons to be observed; teaching under observation of the mentor or consulting teacher; and interaction with the mentor or consulting teacher after each such teaching session to reflect upon the teaching and learning, receive feedback, discuss alternatives and suggestions, and determine how this information will be integrated into the teacher's future work.
- 2) Credit
 - A) For a mentor or for a recipient or remediating teacher: Nine CPDUs shall be credited for a semester in which there are three to five observations; 11 CPDUs shall be credited for a semester in which there are six or more observations.
 - B) For a consulting teacher: Six CPDUs shall be credited for a semester in which there are three to five meetings; eight CPDUs shall be credited for a semester in which there are six or more meetings; nine CPDUs shall be credited for a semester in which there are three to five meetings and one or more observations; 11 CPDUs shall be credited for a semester in which there are six or more meetings and one or more observations.
 - 3) Evidence of Completion
 - A) For a mentor or for a recipient or remediating teacher: The school's, district's, or institution's written description of its mentoring program or remediation process, including the required number and length of cycles of interaction; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.
 - B) For a consulting teacher: The district's written description of its remediation process; a record of assignment as a consulting

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teacher; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

- d) *Participating in site-based management or decision-making teams, relevant committees, boards, or task forces related to school improvement plans* [105 ILCS 5/21-14(e)(3)(E)(iv)]
- 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group whose function is formulating recommendations or plans related to budgeting or resource allocation, textbook choice, curriculum modification, scheduling, or other aspects of school operations related to issues noted in the school improvement plan.
 - 2) Credit: Eight CPDUs shall be credited per semester in which the individual attends three to five meetings; 11 CPDUs shall be credited per semester in which the individual attends six or more meetings.
 - 3) Evidence of Completion: A written description of the purpose and intended product of the team or committee; a record of the team's meetings; and a copy of the product or recommendation developed by the team or committee.
- e) *Coordinating community resources in schools, if the project is a specific goal of the school improvement plan* [105 ILCS 5/21-14(e)(3)(E)(v)]
- 1) Definition: Working with representatives of community agencies to structure or facilitate their interaction with the school's or district's staff or students for the purpose of meeting one or more needs identified in the school improvement plan; must include more than the class(es) directly taught by the certificate-holder.
 - 2) Credit: Four CPDUs shall be credited per semester of service, or two CPDUs per quarter.
 - 3) Evidence of Completion: The excerpt from the school improvement plan highlighting the need(s) being met; a written statement prepared by the certificate-holder indicating the purpose or desired outcome of the external entities' involvement; and a statement signed by the district administrator or designee responsible for corroborating the individual's assignment to or performance of this function.

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- f) *Facilitating parent education programs for a school, school district, or regional office of education directly related to student achievement or the school improvement plan* [105 ILCS 5/21-14(e)(3)(E)(vi)]
- 1) Definitions
 - A) Arranging for or coordinating presentations in the context of a formally established program consisting of two or more sessions and designed to serve parents of the students in a particular school or district by informing or training them in one or more areas related either to their children's achievement or to another need identified in a school improvement plan.
 - B) Delivering presentations in the context of a formally established program consisting of two or more sessions and designed to serve parents of the students in a particular school or district by informing or training them in one or more areas related either to their children's achievement or to another need identified in a school improvement plan (to the extent that such presentations are not part of the instruction routinely delivered as a function of the certificate-holder's assignment).
 - 2) Credit: For facilitating a program, four CPDUs shall be credited per semester, or two per quarter. For making presentations, eight CPDUs shall be credited per semester, or four per quarter.
 - 3) Evidence of Completion
 - A) For coordinating: The sponsoring entity's written description of the parent education program and a statement signed by the administrator or designee responsible for corroborating the individual's assignment as facilitator or coordinator or indicating that he or she performed these duties.
 - B) For making presentations: The written program description indicating that the certificate-holder served as a presenter in the program.
- g) *Participating in business, school, or community partnerships directly related to student achievement or school improvement plans* [105 ILCS 5/21-14(e)(3)(E)(vii)]

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- 1) Definition: Formal or informal exchange of information and resources between a teacher and a business, educational institution, or other entity for the purpose of improving student achievement or responding to a need identified in the school improvement plan.
 - 2) Credit: Five CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.
 - 3) Evidence of Completion: A written description of the partnership that states its goals, identifies the need(s) it is designed to meet, and describes the activities conducted by the certificate-holder; and a copy of the relevant portion of the school improvement plan that includes the specific need(s) identified.
- h) *Supervising a student teacher or teacher education candidate in clinical supervision, provided that the supervision may only be counted once during the course of 5 years [105 ILCS 5/21-14(e)(3)(E)(viii)]*
- 1) Definitions
 - A) Service (as determined by the teacher preparation institution in conformance with Section 25.620 of this Part) as a supervising teacher for a student teacher or a teaching candidate in clinical supervision who is enrolled in an approved teacher preparation program.
 - B) Provision of at least 40 hours of supervisory service connected with the pre-student-teaching practicum to one or more candidates who are enrolled in an approved teacher preparation program.
 - 2) Credit: Thirty CPDUs shall be credited for supervising a student teacher or a teaching candidate in clinical supervision; 12 CPDUs shall be credited for supervising one or more candidates in pre-student-teaching clinical experience. Each of these types of supervision may be counted once during the course of five years.
 - 3) Evidence of Completion: The written agreement between the school district and teacher preparation institution naming the certificate-holder as a supervising teacher for candidates of that institution; and, for supervision

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of candidates in pre-student-teaching clinical experience, a log showing the dates and times of service and the names of the candidates involved.

- i) *Completing undergraduate or graduate credit earned from a regionally accredited institution in coursework relevant to the certificate area being renewed, including coursework that incorporates induction activities and development of a portfolio of both student and teacher work that provides experience in reflective practices, provided the coursework meets Illinois professional teaching standards or Illinois content-area standards and supports the essential characteristics of quality professional development [105 ILCS 5/21-14(e)(3)(F)(i)]*
- 1) Fifteen CPDUs shall be credited for each semester hour of successfully completed college or university coursework that is related to an individual's certificate(s) and addresses the standards set forth in Subpart B of this Part relative to the certificate-holder's field(s) of teaching or assignment.
 - 2) Evidence of Completion: A grade report or official transcript issued by the institution indicating that the certificate-holder has passed the course.
- j) *Teaching college or university courses in areas relevant to the certificate area being renewed, provided that the teaching may only be counted once during the course of 5 years [105 ILCS 5/21-14(e)(3)(F)(ii)]*
- 1) Definition: Teaching a college-level course in a field that is related to an individual's certificate(s) and results in the granting of college credit to those enrolled.
 - 2) Credit: Twenty CPDUs shall be awarded for teaching a college course. A course shall be considered "the same" if its description is the same in different course catalogues issued by the same institution or, for a course offered at more than one institution, if the syllabus for the course is substantially the same. A course shall not be considered the same as another course if a student may receive credit for successfully completing both. In cases where two courses appear similar, the certificate-holder wishing to claim CPDUs for both shall be required to demonstrate how the two differ.
 - 3) Evidence of Completion: A course syllabus, signed contract or agreement, or other documentation prepared by the college or university that identifies

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the certificate-holder as the teacher of a particular course.

- k) *Completing non-university credit directly related to student achievement, school improvement plans, or State priorities* [105 ILCS 5/21-14(e)(3)(G)(i)]; *participating in or presenting at workshops, seminars, conferences, institutes, and symposiums* [105 ILCS 5/21-14(E)(3)(G)(ii)]
- 1) Definitions
 - A) Attendance at and participation in a conference, workshop, institute, seminar, symposium, or other similar training event that is organized by an entity approved pursuant to Section 25.855 or Section 25.860 of this Part and addresses educational concerns.
 - B) Making a presentation at a conference, workshop, institute, seminar, symposium, or other similar event whose goal is the improvement of teaching skills and knowledge.
 - 2) Credit: One CPDU shall be credited for each hour of a certificate-holder's attendance or participation. Eight CPDUs shall be credited for an individual's first presentation of a given topic; three CPDUs shall be credited for a subsequent presentation of the same topic.
 - 3) Evidence of Completion
 - A) For attendance: The standard form issued by the provider at the conclusion of the session or event pursuant to Section 25.865 of this Part, ~~including a statement regarding how the certificate-holder will use what he or she learned in the context of his or her teaching~~; the program prepared by the entity sponsoring or conducting the event, indicating the topics covered and the length of time devoted to each.
 - B) For presentation: The program prepared by the entity sponsoring or conducting the event, identifying the certificate-holder as presenter in a topic area relevant to his or her certification or teaching assignment.
- l) *Training as external reviewers for quality assurance* [105 ILCS 5/21-14(e)(3)(G)(iii)]

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- 1) Definition: Participation in a complete training sequence regarding the quality assurance process used by the State Board of Education pursuant to the Board's rules for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1).
 - 2) Credit: Ten CPDUs shall be credited for the first instance of an individual's participation. Five CPDUs shall be awarded for completion of one additional training sequence within any one period of a certificate's validity.
 - 3) Evidence of Completion: A certificate issued by the State Board.
- m) *Training as reviewers of university teacher preparation programs* [105 ILCS 5/21-14(e)(3)(G)(iv)]
- 1) Definition: Participation in a complete training sequence regarding the process used by the State Board of Education in approving teacher preparation programs or accrediting teacher preparation institutions pursuant to Subpart C of this Part.
 - 2) Credit: Ten CPDUs shall be credited for the first instance of an individual's participation. Five CPDUs shall be awarded for completion of one additional training sequence within any one period of a certificate's validity.
 - 3) Evidence of Completion: A certificate issued by the State Board.
- n) *Participating in action research and inquiry projects* [105 ILCS 5/21-14(e)(3)(H)(i)]
- 1) Definition: Conducting a teacher-developed study at least one quarter of the school year in length that is based upon a written protocol identifying the aspect of education that will be investigated, the approach to be used, and the desired or expected outcome of the project.
 - 2) Credit: Eight CPDUs per semester shall be credited for a project involving the certificate-holder's own class(es); 11 CPDUs per semester shall be credited for a project involving or affecting classes other than or in addition to the certificate-holder's own class(es).
 - 3) Evidence of Completion: The written protocol and a written summary of

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the inquiry and its results that describes what the certificate-holder has learned and identifies the implications of the experience for the individual's future teaching.

- o) *Observing programs or teaching in schools, related businesses, or industry that is systematic, purposeful, and relevant to certificate renewal [105 ILCS 5/21-14(e)(3)(H)(ii)]*
- 1) Definition: Engaging in a series of observations, either of teaching performed by others or of work activity directly related to the certificate-holder's area(s) of certification.
 - 2) Credit: Five CPDUs shall be credited per semester, or 2.5 CPDUs per quarter.
 - 3) Evidence of Completion: A description of the observations prepared by the certificate-holder, including work to be observed, the purpose for which the observations were to be conducted, the frequency and length of the periods of observation, what was learned, and how the information will be used in the individual's future teaching.
- p) *Traveling related to one's teaching assignment, directly related to student achievement or school improvement plans and approved by the responsible LPDC, if any, or, if no LPDC is responsible, by the regional superintendent or his or her designee at least 30 days prior to the travel experience, provided that the traveling shall not include time spent commuting to destinations where the learning experience will occur [105 ILCS 5/21-14(e)(3)(H)(iii)]*
- 1) Definition: Travel lasting no less than three consecutive, full days, ~~that which the LPDC~~ has been approved based on a plan submitted by the certificate-holder. The plan shall ~~relate the travel to one or more of the individual's improvement goals,~~ identify the activities or aspects of the travel that will contribute to his or her professional development, and describe what is to be accomplished through the travel experience. (Approval by the LPDC or the regional superintendent, as applicable, shall be understood to mean that CPDUs will be awarded if the planned travel is completed upon submission of the required evidence of completion.)
 - 2) Credit: Twelve CPDUs shall be awarded per year in which the certificate-holder engages in an episode of qualifying travel, except that 15 CPDUs shall be awarded per year in which a certificate-holder who is a teacher of

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a foreign language engages in an episode of qualifying travel to a destination where the foreign language he or she teaches is commonly spoken in public. If a certificate-holder engages in additional episodes of qualifying travel in a year in which he or she has been awarded the maximum number of CPDUs per year for qualifying travel, he or she may carry over and claim such travel in a subsequent year, provided that the certificate-holder may not exceed the maximum number of CPDUs allowable per year for qualifying travel.

- 3) Evidence of Completion: The travel itinerary and a written journal prepared by the certificate-holder that summarizes the experience and reflects on how he or she plans to use what was learned in the context of his or her teaching.
- q) *Participating in study groups related to student achievement or school improvement plans* [105 ILCS 5/21-14(e)(3)(H)(iv)]
- 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group that investigates one or more aspects of education in a series of regular, structured, collaborative interactions with a view to improving the members' practice or related outcomes among their students.
 - 2) Credit: Six CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.
 - 3) Evidence of Completion: A written statement of purpose for the group; a list of the group's members; and summaries of the meetings showing attendance by the certificate-holder.
- r) *Serving on a statewide education-related committee, including but not limited to the State Teacher Certification Board, State Board of Education Strategic Agenda Teams, or the State Advisory Council on Education of Children with Disabilities* [105 ILCS 5/21-14(e)(3)(H)(v)]
- 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of any such body.
 - 2) Credit: Fifteen CPDUs shall be credited per year of qualifying service, or 7.5 CPDUs per semester.

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- 3) Evidence of Completion: Minutes of the group demonstrating the individual's attendance during the period for which CPDUs are claimed. If submission of minutes would breach confidentiality, a record of attendance shall be sufficient.
- s) *Participating in work/learn programs or internships* [105 ILCS 5/21-14(e)(3)(H)(vi)]
- 1) Definition: Participation in a structured program that pairs the certificate-holder with an employer or other entity under whose auspices the certificate-holder can acquire knowledge or skills for use in his or her future teaching or position.
 - 2) Credit: Five CPDUs per semester shall be credited for one through ten contact hours (or 2.5 CPDUs per quarter for five or fewer contact hours); eight CPDUs per semester shall be credited for 11 through 20 contact hours (or four CPDUs per quarter for 5.5 through ten contact hours); and 11 CPDUs per semester shall be credited for 21 or more contact hours (or 5.5 CPDUs per quarter for more than ten contact hours).
 - 3) Evidence of Completion: A signed letter from the employer or other entity verifying the nature of the program or internship and stating the length and frequency of the certificate-holder's direct contact with other individuals from whose knowledge or experience he or she was to benefit.
- t) *Developing a portfolio of student and teacher work* [105 ILCS 5/21-14(e)(3)(H)(vii)]
- 1) Definition: Preparation of at least five portfolio "artifacts" or "entries", each of which relates to a different assignment and consists of:
 - A) samples of at least three students' work that responds to the specified assignment; and
 - B) a written analysis prepared by the certificate-holder that describes:
 - i) the assignment to which the work responds and the teacher's goal(s) for that assignment;
 - ii) the instructional strategies and materials used and the

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reasons for their selection;

iii) what the students' work reveals about whether the teacher's goal(s) for the assignment were met; and

iv) the successful and less-than-successful elements of the assignment and changes the teacher might make in the assignment or in his or her teaching in order to reach the specified instructional goal(s).

2) Credit: 15 CPDUs.

3) Evidence of Completion: The materials referred to in subsection (t)(1) of this Section.

u) *Participating in curriculum development or assessment activities at the school, school district, regional office of education, State, or national level* [105 ILCS 5/21-14(e)(3)(I)(i)]

1) Definition: Assisting in the planning, development, or refinement of curriculum or assessments, or in their alignment with applicable standards. The activity must be one sanctioned or structured either by the employing school or district or by a statewide, national, or international educational agency or organization. Requires participation in no fewer than two-thirds of the group's working sessions.

2) Credit: Eight CPDUs shall be credited per semester in which the individual attends five or fewer meetings (or four CPDUs per quarter for three meetings); 11 CPDUs shall be credited per semester in which the individual attends six or more meetings (or 5.5 CPDUs per quarter for more than three meetings).

3) Evidence of Completion: Membership list and meeting summaries showing the certificate-holder's presence and participation; and the product of the group's work, such as a curriculum guide or new assessment.

v) *Participating in team or department leadership in a school or school district* [105 ILCS 5/21-14(e)(3)(I)(ii)]

1) Definition: Service in a position of leadership established by a school or

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district as part of its formal structure and lasting no less than one semester; limited to those activities that relate to instruction in the area of assignment; shall not include tasks unrelated to teaching knowledge, skills, performance, or competence.

- 2) Credit: Five CPDUs shall be awarded per semester of service.
 - 3) Evidence of Completion: A job description or other document created by the district or the administrator responsible for assigning a leadership role to the incumbent that is specific in terms of the responsibilities to be carried out within particular periods of time relative to the instructional goals of the department, school, or district.
- w) *Participating on external or internal school or school district review teams* [105 ILCS 5/21-14(e)(3)(I)(iii)]
- 1) Definitions
 - A) Participating as an external or internal reviewer in a complete cycle of the quality assurance process used by the State Board of Education pursuant to the Board's rules for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1).
 - B) Participating on a curriculum review panel convened pursuant to Section 25.125(c) of this Part with respect to the approval of a teacher preparation program.
 - C) Participating on a review team convened pursuant to Section 25.125(e) of this Part with respect to the accreditation of an institution of higher education and its approval to provide teacher preparation programs.
 - 2) Credit: Fifteen CPDUs shall be credited for an external quality review visit, for service on a curriculum review panel, or for service on an institutional review team, provided that each of these types of activities shall be credited no more than once per semester. Eight CPDUs shall be credited per semester of service on a school's internal quality review team, or four CPDUs per quarter.
 - 3) Evidence of Completion: Documentation of the individual's assignment by State Board staff (for an external review team, curriculum review

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panel, or institutional review team) or by a school district administrator (for an internal review team); and a statement signed by the team's chair or convenor verifying the certificate-holder's participation for the duration of the process.

- x) *Publishing educational articles, columns, or books relevant to the certificate area being renewed* [105 ILCS 5/21-14(e)(3)(I)(iv)]
- 1) Definition: Writing about educational research, experiences, issues, approaches, systems, or another topic that is related to the effective practice of teaching.
 - 2) Credit: Forty CPDUs shall be credited for writing a book that is technical or research-based; 20 CPDUs shall be credited for writing a book of any other type. Fifteen CPDUs shall be credited for writing one or more chapters of a book or for writing an article published in a refereed journal. Eight CPDUs shall be credited for writing a column published at the statewide level. Five CPDUs shall be credited for writing a column published at the local level. In cases of multiple authorship, the CPDUs earned shall be divided among the authors as they agree, provided that no more than 100 percent of the available CPDUs shall be credited for any item published.
 - 3) Evidence of Completion: A copy of each item published, showing the date, publication, and publisher. In the case of an artistic work or other creative endeavor such as development of a curriculum unit or software package, the copyright shall serve as the evidence of "publication".
- y) *Participating in non-strike-related professional association or labor organization service or activities related to professional development* [105 ILCS 5/21-14(e)(3)(I)(v)]
- 1) Definition: Service on local professional development committees, regional professional development review committees (including service by certificate-holders in districts without exclusive representatives), or other bodies constituted by professional associations or labor organizations for specified purposes related to the profession of teaching. Requires formal selection by the organization. Examples include positions on committees planning for or formulating educational or professional policies, standards and structures. Activities related to the operations or functioning of the professional association or labor organization shall not

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be eligible.

- 2) Credit: Eight CPDUs shall be credited per semester in which the individual attends three to five meetings; 11 CPDUs shall be credited per semester in which the individual attends six or more meetings.
- 3) Evidence of Completion: A written description of the position or activity; if the purpose of the activity includes the preparation of a tangible product, a copy of that product.

z) Other

~~1) Continuing An LPDC may award continuing~~ professional development units shall be available for activities not enumerated in subsections (a) through (y) of this Section based upon written evidence ~~maintained~~presented by the certificate-holder that:

~~1)A)~~ describes the activity and its purpose, intensity, duration, and outcomes;

~~2)B)~~ discusses how the activity related to the improvement of the certificate-holder's knowledge and skills;

~~3)C)~~ identifies which of the activities enumerated in subsections (a) through (y) of this Section the claimed activity most closely resembles (e.g., auditing a college course is most similar to attendance at a workshop or seminar under subsection (k) of this Section); and

~~4)D)~~ proposes a number of CPDUs that is commensurate with the value assigned to the activity identified pursuant to subsection (z)~~(3)(4)(C)~~ of this Section.

~~2) Any disagreement regarding the appropriate number of CPDUs to be awarded shall be resolved by appeal to the RPDRC as provided in Section 25.825(e) of this Part.~~

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.880 "Valid and Exempt" Certificates; Proportionate Reduction; Part-Time Teaching

- a) The requirements of this Subpart J regarding continuing professional development are subject to proportionate reduction with respect to periods of time during which

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a certificate is maintained as valid and exempt.

- 1) Each certificate-holder shall notify the regional superintendent of schools ~~of any semester that he or she believes qualifies as a period of exemption each time there is a change in his or her teaching assignment, employer, or employment status.~~ The State Board of Education shall make a form available for this purpose that will allow the regional superintendent to determine whether an individual's certificates will be considered valid and active or valid and exempt for any given semester. The regional superintendent shall verify the certificate-holder's employment status and shall, as applicable:
 - A) enter the period of exemption into the centralized registry; or A certificate holder may notify the regional superintendent either when a change occurs or whenever it becomes apparent that a particular semester will qualify or has qualified as a period of exemption.
 - B) return the notification form to the certificate-holder with an indication as to why the period in question does not qualify as a period of exemption. The regional superintendent shall verify the certificate holder's employment status and shall return to the certificate holder a signed copy of the form indicating whether a period of exemption has been recorded.
- 2) Periods of exemption shall be established in one-semester increments. A period of exemption shall be available only for a semester during which a certificate-holder is employed and performing services for fewer than 45 school days. Each one-semester period of exemption shall result in a ten-percent reduction in the requirement for continuing professional development (for holders of standard certificates) or a five-percent reduction in the requirement (for holders of master certificates).
- 3) When applying for renewal of his or her certificate(s), each certificate-holder shall identify ~~for the LPDC~~ the periods of exemption that occurred during the period of validity and the proportionate reduction that applies to the requirements for continuing professional development. ~~The certificate holder shall present a copy of the form referred to in subsection (a)(1) of this Section to document any period of exemption claimed.~~
- 4) ~~If proportionate reduction in the requirements for continuing professional~~

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~~development results in a conflict between the total number of units of credit earned and the distribution of those units, a certificate holder shall be required to conform as closely as possible to the required distribution of units but shall not be obligated to accumulate units of credit in excess of the applicable reduced total.~~

A) ~~Example: An individual teaches for the first two years of a standard certificate's five-year period of validity and accumulates 60 CPDUs attributable to the purpose identified in Section 25.805(b)(3) of this Part ("Purpose 3"). The individual then maintains the certificate as valid and exempt for the remaining three years. By proportionate reduction, the total number of CPDUs required of this individual is 48. Because the individual has earned 60 CPDUs, he or she shall be considered to have met the requirement for continuing professional development, even though no units of credit have been attributed to the purposes identified in Section 25.805(b)(1) and (2) of this Part ("Purposes 1 and 2").~~

B) ~~Example: An individual teaches for the first two years of a standard certificate's five-year period of validity and accumulates 40 CPDUs attributable to Purpose 3. The individual maintains the certificate as valid and exempt for the third and fourth years and then returns the certificate to valid and active status for the fifth year because he or she resumes teaching. By proportionate reduction, the total number of units required of this individual is 72. Half of those units (36) are required to pertain to Purpose 1 or 2, but the individual only lacks 32 units for a total of 72. The certificate holder shall be required to use these 32 units to address Purposes 1 and 2 and shall amend his or her plan to include activities that comply with this requirement.~~

~~4)5) An individual whose certificate is valid and exempt may nevertheless keep an approved plan on file covering continuing professional development activities he or she wishes to complete during the period of exemption. Completion of professional development such activities during a period of exemption shall not affect ~~be appropriately credited by the responsible LPDC, without affecting~~ the proportionate reduction in the total number of units required.~~

b) The requirement for continuing professional development shall be reduced by 20

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percent for the first renewal cycle with respect to any individual who receives a standard certificate, or 10 percent for an individual who receives a master certificate, whose first year of validity expires on June 30, 2000.

- c) *The requirement for continuing professional development shall be reduced by 50 percent with respect to a period of time during which the certificate-holder has been employed on a part-time basis, i.e., has been teaching for less than 50 percent of the school day or school term. (Section 21-14(e)(1) of the School Code [105 ILCS 5/21-14(e)(1)])*
- d) The reduced requirements for continuing professional development that apply under Section 21-2(c)(8) of the School Code to certificate-holders who have acquired master's degrees, education specialists, doctorates, or master certificates and whose applications for certificate renewal are received or processed on or after July 1, 2004, shall also be subject to proportionate reduction if applicable under this Section.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.885 Funding; Expenses (Repealed)

- a) ~~School districts, charter schools, cooperatives, and joint agreements may use the funds provided to them by the State Board of Education under Section 21-14(k) of the School Code [105 ILCS 5/21-14(k)] for such of the following expenditures as may be accommodated within the maximum amount available:~~
- ~~1) supplies;~~
 - ~~2) duplicating and postage;~~
 - ~~3) equipment and maintenance thereof;~~
 - ~~4) telecommunications; and~~
 - ~~5) other administrative costs reasonably associated with conducting the meetings of LPDCs.~~
- b) ~~Regional superintendents of education shall use the funds provided to them under Section 21-14(k) of the School Code to pay school districts, charter schools, cooperatives, and joint agreements for:~~
- ~~1) travel costs incurred in staff attendance at the meetings of RPDCs and the training seminar that is required pursuant to Section 21-14(g)(2) of the School Code [105 ILCS 5/21-14(g)(2)], including lodging, mileage, per diem (or meal reimbursement, as applicable), and incidentals; and~~
 - ~~2) other costs reasonably associated with staff attendance at the meetings of RPDCs and the required training seminar.~~

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(Source: Repealed at 29 Ill. Reg. 1212, effective January 4, 2005)

SUBPART K: REQUIREMENTS FOR RECEIPT OF
THE STANDARD TEACHING CERTIFICATE

Section 25.900 Applicability of Requirements in this Subpart

Pursuant to Section 21-2(c) of the School Code [105 ILCS 5/21-2(c)], the requirements of this Subpart K shall apply beginning on July 1, 2003, to each holder of an Illinois initial or initial alternative teaching certificate, or an equivalent certificate issued by another state, who has completed four years of teaching and is seeking a standard teaching certificate. Beginning July 1, 2004, however, the requirements of this Subpart K shall not apply to any out-of-state candidate with four years of teaching experience. (Section 21-2(b-5) of the School Code)

- a) Each certificate-holder who is subject to the requirements of this Subpart K shall:
 - 1) maintain the required form of evidence of completion for the option chosen pursuant to Section 25.905 of this Part, as specified in Sections 25.910 through 25.942 of this Part, throughout the first period of validity of his or her standard certificate; and
 - 2) present the evidence of completion upon request by the regional superintendent or a representative of the State Board of Education or if required as part of an appeal under this Subpart K.
- b) An individual who has fulfilled the requirements of this Subpart K and received one standard certificate as a result shall be deemed to have satisfied the requirements of this Subpart K with respect to any subsequent early childhood, elementary, secondary, special K-12, or special preschool-age 21 certificate.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.905 Choices Available to Holders of Initial Certificates

Pursuant to Section 21-2(c) of the School Code, an individual who is subject to the requirements of this Subpart K shall successfully complete one of the options listed in this Section in order to qualify for a standard teaching certificate. Out-of-state applicants may qualify for a reduction in the requirements of subsection (d) or subsection (e) of this Section; see Section 25.11(b)(2)(B) of this Part. Each affected individual may choose to:

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- a) *Complete a program of induction and mentoring that meets the requirements of Section 25.910 of this Part;*
- b) *Complete at least four semester hours of graduate-level coursework on the assessment of one's own performance in relation to the Illinois Professional Teaching Standards (see 23 Ill. Adm. Code 24) that meets the requirements of Section 25.915 of this Part;*
- c) *Complete at least four semester hours of graduate-level coursework addressing the requirements for certification by the National Board for Professional Teaching Standards that meets the requirements of Section 25.920 of this Part;*
- d) *Complete at least 12 semester hours of graduate-level coursework towards, or either hold or receive, ~~Receive~~ an advanced degree from an accredited institution of higher education in an education-related field, provided that the coursework completed meets the requirements of Section 25.925 of this Part;*
- e) *Accumulate 60 continuing professional development units (CPDUs), or such quantity as may be applicable under Section 21-2(c)(2)(E) of the School Code [105 ILCS 5/21-2(c)(2)(E)], by completing selected activities as specified in Section 25.930 of this Part; ~~or~~*
- f) *Complete a nationally normed, performance-based assessment, if such an assessment is made available pursuant to Section 25.940 of this Part;*
- g) *Complete the requirements for being considered "highly qualified" in an additional teaching field (see Section 25.942 of this Part);*
- h) *Receive a post-baccalaureate, education-related professional development certificate issued by an Illinois institution of higher education in accordance with Section 25.942 of this Part;*
- i) *Complete all required activities in pursuit of certification by the National Board for Professional Teaching Standards (see Section 25.942 of this Part); or*
- j) *Receive a subsequent certificate or an additional endorsement (see Section 25.942 of this Part).*

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.910 Requirements for Induction and Mentoring

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Completion of a program of induction and mentoring as a means of qualifying for the standard teaching certificate shall be subject to the requirements of this Section.

- a) The program selected by a certificate-holder must have been approved for this purpose by the State Board of Education in consultation with the State Teacher Certification Board. Two or more school districts or other organizations may jointly offer a program of induction and mentoring under this Section. An entity or group of entities that wishes to offer an approved program of induction and mentoring shall submit to the State Superintendent of Education a written plan for the program that conforms to the requirements of Section 21-2(c)(2)(A) of the School Code [105 ILCS 5/21-2(c)(2)(A)]. A program shall be approved if the plan demonstrates that the program will meet the specifications of subsections (b) through (g) of this Section. Entities that were conducting programs of induction and mentoring prior to July 1, 2003, may apply to the State Superintendent under this Section for verification that those programs met the requirements of this Section so that individuals who have completed them may fulfill the requirements of this Subpart K on that basis. The State Board of Education shall annually publish a list of induction and mentoring programs that have been approved for this purpose.
- b) A formally trained mentor shall be assigned to assist each new teacher, and no mentor shall be assigned to assist more than five new teachers during any given school year. To the extent possible, mentor teachers shall hold the same type of certificate as the new teachers with whom they will work. Each mentor teacher assigned shall hold, or shall have retired while holding, a standard or master certificate and shall have completed a training program that addresses all the following topics:
 - 1) Content Knowledge and Pedagogy;
 - 2) Adult Learning Theory;
 - 3) Verbal and Non-Verbal Communication Skills;
 - 4) Attributes and Styles of Positive Critiques;
 - 5) Classroom Observation Skills Related to Assessment of Performance;
 - 6) Strategies for Providing Constructive Feedback and Social Support;

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- 7) Problem-Solving Skills; and
 - 8) Formative Assessment and Self-Assessment.
- c) Each new teacher shall receive formal mentoring, which may include mentoring conducted electronically, consisting of an established sequence of sessions no less than two school years in duration. The planned sequence for each teacher shall comprise no fewer than three episodes of observation, which may be conducted using videoconferencing or videotaping, that include preparation with the mentor teacher prior to observing the new teacher in the classroom; observation of the new teacher's teaching practice; and provision of feedback, suggestions, and techniques to the recipient teacher in response to each period of observation.
- d) The program shall afford mentor teachers and new teachers systematic opportunities for contact with each other so that new teachers will receive professional and social support in the school environment. The program shall include a formal mechanism for orienting new teachers to the school improvement and professional development plans that apply and for assisting them in understanding their respective employers' expectations with regard to the Illinois Professional Teaching Standards and the relevant content-area standards.
- e) New teachers shall be afforded at least one opportunity during each semester to participate in professional development opportunities that involve:
- 1) observing teaching practice modeled by experienced teachers and discussing selected aspects of teaching practice with these teachers; or
 - 2) participating in workshops, conferences, symposia, seminars, or other, similar training events that are designed to increase teachers' knowledge and skills with respect to the Illinois Professional Teaching Standards or the content-area standards that apply to their respective areas of certification or assignment.
- f) The program shall require formative assessment of new teachers' professional development. The mentor teacher shall participate in formative assessment by providing written feedback after observing the teaching performance of the new teacher and by providing written analysis of written materials prepared by the new teacher. The new teacher shall participate in formative assessment by preparing at least one written reflection on his or her teaching practice for each quarter of a school year, for review by the mentor teacher. New teachers' written reflections shall be required to focus on relevant aspects of the Illinois Professional Teaching

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Standards (see 23 Ill. Adm. Code 24) and the content-area standards that apply to their assignments and areas of certification and to issues identified in the feedback received from mentor teachers.

- g) Each plan for an induction and mentoring program shall include a specific method for collecting and maintaining information that will permit evaluation of the program and will contribute to an overall assessment of the effectiveness of induction and mentoring. For each program, at least the following information shall be collected and supplied to the State Board of Education upon request:
- 1) the length of time during which recipients of the program remain employed as teachers (if known) or remain employed as teachers in the district where mentoring and induction were received;
 - 2) the percentage of recipient teachers who received ratings of “satisfactory” or “excellent” each year since completing the program;
 - 3) any savings realized in the cost of recruiting new teachers due to increased retention; and
 - 4) any decrease in the number or percentage of teachers teaching outside their respective fields.
- h) ~~A certificate holder who elects to complete a program of induction and mentoring as the means of qualifying for the standard teaching certificate shall notify the local professional development committee (LPDC) that is responsible for comparable standard certificates to this effect and identify the program selected. Within 30 days after receipt of this notification, the LPDC shall respond to the certificate holder in writing, either confirming that the selected program has been listed by the State Board of Education as approved for this purpose or notifying the certificate holder that the program has not been approved and that completion of the program will not result in eligibility for the standard certificate.~~
- h) As evidence of completion for this requirement, the candidate for a standard certificate shall ~~maintain~~ submit to the responsible LPDC verification, in a format specified by the State Board of Education, signed by the administrator of the approved mentoring and induction program.
- i) An individual may transfer between programs approved under this Section.

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- j) Each holder of an initial certificate who chooses the option described in this Section shall be required to complete:
- 1) an approved program of at least one year's duration, if his or her initial certificate was issued before September 1, 2007;
 - 2) an approved program of at least two years' duration, if his or her initial certificate was issued on or after September 1, 2007.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.915 Requirements for Coursework on the Assessment of One's Own Performance

Completion of at least four semester hours of graduate-level coursework on the assessment of one's own performance as a means of qualifying for the standard teaching certificate shall be subject to the requirements of this Section.

- a) Only coursework offered by *an accredited institution of higher education, by such an institution in partnership with a teachers' association or union or with a regional office of education, or by another entity authorized to issue college credit* shall qualify for this purpose. (Section 21-2(c)(2)(B) of the School Code [105 ILCS 5/21-2(c)(2)(B)])
- b) An eligible entity that offers or plans to offer coursework that will result in candidates' eligibility for the standard teaching certificate shall submit to the State Superintendent of Education a syllabus, course description, or other material demonstrating that the coursework includes the activities required by Section 21-2(c)(2)(B) of the School Code.
- c) The State Board of Education, in consultation with the State Teacher Certification Board, shall approve coursework for this purpose if the syllabus demonstrates that its successful completion will involve observation, review, and analysis of each participant's teaching practice, as well as demonstration of professional expertise on the part of each participant in reflecting on his or her own practice, in accordance with the requirements of this subsection (c).
 - 1) Each participant's teaching practice shall be observed on at least one occasion, either in person or through videoconferencing or videotapes, either by the course instructor or by a designee identified by the instructor who:

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- A) holds, or at the time of his or her retirement held, a standard or master teaching certificate; or
 - B) has completed training covering the topics listed in Section 25.910(b) of this Part; or
 - C) in the judgment of the course instructor, has the knowledge and skills required in order to provide appropriate feedback to new teachers regarding their teaching practice.
- 2) Each participant shall assemble sufficient written lesson plans, assignments to students, samples of students' work responding to the assignments, and assessment instruments used with respect to the assignments to provide evidence of his or her performance with respect to all the standards set forth in 23 Ill. Adm. Code 24.100(a) through (i), provided that the material required by this subsection (c)(2) shall be presented for no fewer than two separate lessons, at least one of which is the subject of an observation conducted pursuant to subsection (c)(1) of this Section. The participant shall also provide a written discussion of how the material assembled relates to each of the Illinois Professional Teaching Standards referred to in this subsection (c)(2), with emphasis on the aspects listed in Section 21-2(c)(2)(B)(ii) of the School Code [105 ILCS 5/21-2(c)(2)(B)(ii)]. In using students' work for this purpose, participants shall ensure that students are not identifiable or shall obtain consent for the release of the students' work in keeping with the requirements of the Illinois School Student Records Act [105 ILCS 10] and the rules for Student Records (see 23 Ill. Adm. Code 375).
 - 3) The course instructor or a designee who meets the requirements of subsection (c)(1) of this Section shall review the documentation submitted by the participant and provide written feedback regarding the new teacher's strengths and weaknesses, factors to consider, and techniques with potential for improving the new teacher's practice.
 - 4) For each of the two lessons documented under subsection (c)(2) of this Section, each participant shall prepare his or her own written analysis of the strengths and weaknesses revealed by the applicable documentation and the implications of that analysis for improving his or her teaching in relation to the Illinois Professional Teaching Standards.

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- 5) The grades issued to participants in the coursework shall reflect the instructor's assessment of the participants' performance in reviewing, analyzing, and reflecting on their own practice, rather than the instructor's assessment of the participants' performance as teachers.
- d) As evidence of completion, the candidate for a standard certificate shall ~~maintain~~[submit to the responsible LPDC](#) a grade report or official transcript issued by the institution or other entity offering the coursework, indicating that the individual passed the course or courses.
- e) No course that has not been approved pursuant to subsections (b) and (c) of this Section shall be advertised as leading to eligibility for the standard teaching certificate under this Section.
- f) An eligible Illinois entity that offered coursework relevant to this Section prior to July 1, 2003, may apply to the State Superintendent, based on the submission of material meeting the requirements of subsection (b) of this Section, for verification that the coursework met the requirements of this Section so that individuals who have completed it may fulfill the requirements of this Subpart K on that basis. An individual who wishes to use coursework completed in another state to fulfill the requirements of this Section shall submit to the State Superintendent of Education a course description or syllabus. Based upon a comparison of the course's content with the requirements of this Section and Section 21-2(c)(2)(B) of the School Code, the State Superintendent shall determine whether the out-of-state course is equivalent and notify the candidate as to whether the course will be accepted.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.920 Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS)

Completion of at least four semester hours of graduate-level coursework related to the requirements for certification by the NPBTS as a means of qualifying for the standard teaching certificate shall be subject to the requirements of this Section.

- a) Only coursework offered by *an accredited institution of higher education, by such an institution in partnership with a teachers' association or union or with a regional office of education, or by another entity authorized to issue college credit* shall qualify for this purpose. (Section 21-2(c)(2)(C) of the School Code [105 ILCS 5/21-2(c)(2)(C)])

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- b) An eligible entity that offers or plans to offer coursework that will result in candidates' eligibility for the standard teaching certificate shall submit to the State Superintendent of Education a syllabus, course description, or other material demonstrating that the coursework addresses the five "core propositions" that guide the National Board's certification initiatives:
- 1) Teachers are committed to students and their learning.
 - 2) Teachers know the subjects they teach and how to teach those subjects to students.
 - 3) Teachers are responsible for managing and monitoring students' learning.
 - 4) Teachers think systematically about their practice and learn from experience.
 - 5) Teachers are members of learning communities.
- c) The State Board of Education, in consultation with the State Teacher Certification Board, shall approve coursework for this purpose if the syllabus demonstrates that its successful completion will involve observation, review, and analysis of each participant's teaching practice in light of applicable standards, as well as demonstration of professional expertise on the part of each participant in reflecting on his or her own practice.
- 1) These required elements may be provided either by means of the activities described in Section 25.915(c)(1) through (c)(4) of this Part or by using another sequence of activities that is designed to provide beginning teachers with direct feedback from experienced teachers and a structure for reviewing their own teaching in light of this feedback and in light of their students' performance.
 - 2) The grades issued to participants in the coursework shall reflect the instructor's assessment of the participants' performance in reviewing, analyzing, and reflecting on their own practice, rather than the instructor's assessment of the participants' performance as teachers.
- d) As evidence of completion, the candidate for a standard certificate shall maintain ~~submit to the responsible LPDC~~ a grade report or official transcript issued by the

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institution or other entity offering the coursework, indicating that the individual passed the course or courses.

- e) No course that has not been approved pursuant to subsections (b) and (c) of this Section shall be advertised as leading to eligibility for the standard teaching certificate under this Section.
- f) An eligible Illinois entity that offered coursework relevant to this Section prior to July 1, 2003, may apply to the State Superintendent, based on the submission of material meeting the requirements of subsection (b) of this Section, for verification that the coursework met the requirements of this Section so that individuals who have completed it may fulfill the requirements of this Subpart K on that basis. An individual who wishes to use coursework completed in another state to fulfill the requirements of this Section shall submit to the State Superintendent of Education a course description or syllabus. Based upon a comparison of the course's content with the requirements of this Section and Section 21-2(c)(2)(C) of the School Code, the State Superintendent shall determine whether the out-of-state course is equivalent and notify the candidate as to whether the course will be accepted.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.925 Requirements Related to Advanced Degrees and Related Coursework

Qualification for the standard teaching certificate based upon receipt of an advanced degree in an education-related field, or upon completion of at least 12 semester hours of graduate credit toward such a degree, shall be subject to the requirements of this Section.

- a) For purposes of this Section, an "advanced degree" is a master's degree, a doctoral degree, a certificate of advanced study, or an education specialist *that is earned by the individual either while he or she holds an initial teaching certificate or prior to his or her receipt of that certificate*. (Section 21-2(c)(2)(C-5) of the School Code [105 ILCS 5/21-2(c)(2)(C-5)])
- b) For purposes of this Section, an "education-related field" is one related to the requirements for the early childhood, elementary, secondary, special, or special preschool-age 21 certificate, the school service personnel certificate, the administrative certificate, or any endorsement available on any of these certificates pursuant to the rules of the State Board of Education (see 23 Ill. Adm. Code 23, 23 Ill. Adm. Code 24, 23 Ill. Adm. Code 25, 23 Ill. Adm. Code 26, 23 Ill. Adm. Code 27, and 23 Ill. Adm. Code 29) or the policies of the State Board of

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Education related to certification in special education under the federal court order of August 15, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al.

- c) ~~Regardless of the degree earned, at least eight semester hours of graduate level credit must be earned by the certificate holder for coursework that would count toward a degree, certificate, or endorsement in a teaching field [105 ILCS 5/21-2(e)(2)(D)].~~ d) As evidence of completion, the candidate for a standard certificate shall maintain either ~~submit to the responsible LPDC:~~
- 1) documentation provided by a regionally accredited institution of higher education indicating the individual's admission to the degree program and an official transcript showing that no fewer than 12 semester hours of graduate credit were earned toward that degree while the individual held the initial certificate; or
 - 2) an official transcript showing that the degree was issued ~~and that the requirements of subsection (e) of this Section were met.~~

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.930 Requirements for Continuing Professional Development Units (CPDUs)

The applicability of CPDUs toward receipt of the standard teaching certificate shall be subject to the requirements of this Section and Section 25.935 of this Part.

- a) Each candidate for the standard certificate shall be required to accumulate 60 CPDUs in conformance with this Section, *unless the candidate held an initial teaching certificate on August 10, 2002. (Section 21-2(c)(2)(E) of the School Code [105 ILCS 5/21-2(c)(2)(E)]*. A candidate who held an initial teaching certificate on that date shall be required to accumulate:
- 1) 45 CPDUs, if at least three but fewer than four years of teaching time remain on the initial certificate as of July 1, 2003, calculated by including the time when the certificate remains valid between the candidate's completion of four years of teaching experience and the following June 30 (see Section 25.11(d)(4) of this Part);
 - 2) 30 CPDUs, if at least two but fewer than three years of teaching time remain on the initial certificate as of July 1, 2003, calculated by including

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the time between the candidate's completion of four years of teaching experience and the following June 30; or

- 3) 15 CPDUs, if at least one year but fewer than two years of teaching time remain on the initial certificate as of July 1, 2003, calculated by including the time between the candidate's completion of four years of teaching experience and the following June 30.
- b) *Persons who elect to satisfy the requirements of this Section may earn credit. At least one-half the CPDUs a person must accrue in order to qualify for a standard teaching certificate must be earned through completion of coursework, workshops, seminars, conferences, and other similar training events that are pre-approved by the State Board of Education, in consultation with the State Teacher Certification Board, for the purpose of reflection on teaching practices in order to address all of the Illinois Professional Teaching Standards. (Section 21-2(c)(3) of the School Code [105 ILCS 5/21-2(c)(3))*
- c) The activities selected by a certificate-holder pursuant to subsection (b) of this Section shall conform to the requirements of clauses (A) through (D) of Section 21-2(c)(3) of the School Code [105 ILCS 5/21-2(c)(3)] and may have been completed at any time while the individual held an initial teaching certificate.
- d) Any school district, nonpublic school, cooperative or joint agreement, regional office of education, institution of higher education, teacher union or professional association, non-profit organization or corporation, for-profit entity, member of the International Association for Continuing Education and Training (IACET), or individual may apply for approval to offer activities that will be creditable under this Section. Each application shall include at least the following information:
 - 1) a description of the organization's or individual's experience in providing training of a similar nature;
 - 2) the qualifications that will be required of presenters who conduct the activities;
 - 3) the specific standards proposed to be addressed in each activity; and
 - 4) an outline, syllabus, videotape, or other descriptive material that demonstrates how each activity will fulfill the requirements and offer the components required by Section 21-2(c)(3) of the School Code.

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- e) The State Board of Education, in consultation with the State Teacher Certification Board, shall approve the provision of an activity for purposes of this Section if the application provides evidence that:
- 1) the activity will be presented or conducted by persons with education and experience in assisting teachers to focus on the fundamental aspects of their teaching practice, including:
 - A) knowledge of content and pedagogy;
 - B) assessment of students' learning and provision of timely and effective feedback to them;
 - C) classroom management strategies;
 - D) development of instructional goals;
 - E) design and delivery of instruction; and
 - F) reflection on and analysis of teaching practice and success in assisting students to reach instructional goals.
 - 2) The application demonstrates that the activity will address one or more of the Illinois Professional Teaching Standards or the content-area standards that are relevant to the participating teachers' areas of certification and assignment.
 - 3) The application demonstrates that the activity requires performance on the part of each participating teacher with respect to reflecting on his or her own teaching practice.
 - 4) The applicant provides assurances that attendance records for the activity will be maintained for a period of not less than five years and each participant will receive evidence of completion in a standard format required by the State Board of Education.
- f) A certificate-holder may use one activity or several activities to fulfill the requirements of this Section, provided that all applicable standards are addressed. A certificate-holder who chooses this method of qualifying for the standard certificate shall use a standard format (matrix) made available by the State Board of Education to correlate the activities completed with the standards they

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addressed. In addition, the certificate-holder shall maintain the documents supplied by providers under subsection (e)(4) of this Section as evidence of completion, as required by Section 25.900(a) of this Part~~prepare a brief written statement describing new knowledge or skills he or she has gained as a result of each activity completed.~~

- g) *One CPDU shall be available for each hour of direct participation by a holder of an initial teaching certificate in a qualifying activity under this Section. (Section 21-2(c)(3)(E) of the School Code [105 ILCS 5/21-2(c)(3)(E)])*
- h) The balance of the CPDUs an individual is required to accrue in combination with those earned pursuant to subsection (f) of this Section may be earned by completing activities chosen from among those described in Section 25.935 of this Section.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.935 Additional Activities for Which CPDUs May Be Earned

At the option of the certificate-holder, CPDUs in addition to those ~~available~~required under Section 25.930(b) of this Part may be earned for activities under this Section to complete the total number needed by the individual, provided that each activity is designed to advance a person's knowledge and skills in relation to one or more of the standards set forth in the rules of the State Board of Education at 23 Ill. Adm. Code 24, 26, or 27 (Standards for All Illinois Teachers; Standards for Certification in Early Childhood Education and in Elementary Education; and Standards for Specific Teaching Fields) or the policies of the State Board of Education related to certification in special education described in Section 25.925(b) of this Section. The permissible activities, the number of CPDUs to be credited for each, and the required evidence of completion for each shall be as described in Section 25.875(b), (c), (f), (g), (j), ~~(k)~~, (m), (n), (o), (s), (t), (u), (v), ~~(w)~~, (x), and (y) of this Part and in subsections (a) and (b) of this Section. In addition to the specific requirements described in those provisions, the evidence of completion required for each of the activities shall include a brief written statement prepared by the certificate-holder which summarizes the activity or experience, discusses the skills and/or knowledge acquired, and indicates, where applicable, how the skills or knowledge will be applied in the context of the participant's teaching. Alternatively, if the certificate-holder determines that the experience has not yielded knowledge or skills that can be used in his or her teaching, he or she shall indicate that fact and briefly explain why this is the case. Activities shall only be creditable under this Section if completed while the individual held an initial certificate or a comparable certificate issued by another state or territory.

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- a) *Completing non-university credit directly related to student achievement, the Illinois Professional Teaching Standards, or content-area standards [105 ILCS 5/21-2(c)(4)(C)(i)] participating in or presenting at workshops, seminars, conferences, institutes, and symposiums [105 ILCS 5/21-2(c)(4)(C)(ii)]*
- 1) Definitions
 - A) Attendance at and participation in a conference, workshop, institute, seminar, symposium, or other similar training event that is organized by an entity approved pursuant to Section 25.855 or Section 25.860 of this Part ~~and addresses student achievement and/or one or more of the standards set forth in the rules of the State Board of Education at 23 Ill. Adm. Code 24, 26, or 27 (Standards for All Illinois Teachers; Standards for Certification in Early Childhood Education and in Elementary Education; and Standards for Specific Teaching Fields) or the policies of the State Board of Education related to certification in special education described in Section 25.925(b) of this Section.~~
 - B) Making a presentation at a conference, workshop, institute, seminar, symposium, or other similar event whose goal is the improvement of teaching skills and knowledge.
 - 2) Credit: One CPDU shall be credited for each hour of a certificate-holder's attendance or participation. Eight CPDUs shall be credited for an individual's first presentation of a given topic; three CPDUs shall be credited for a subsequent presentation of the same topic.
 - 3) Evidence of Completion
 - A) For attendance: The standard form issued by the provider at the conclusion of the session or event pursuant to Section 25.865 of this Part, including a statement regarding how the certificate-holder will use what he or she learned in the context of his or her teaching; and the program prepared by the entity sponsoring or conducting the event, indicating the topics covered and the length of time devoted to each.
 - B) For presentation: The program prepared by the entity sponsoring or conducting the event, identifying the certificate-holder as

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presenter in a topic area relevant to his or her certification or teaching assignment.

- b) *Participating in study groups related to student achievement, the Illinois Professional Teaching Standards, or content-area standards* [105 ILCS 5/21-2(c)(4)(D)(iii)]
- 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group that investigates one or more aspects of student achievement, the Illinois Professional Teaching Standards, or the content-area standards relevant to its members in a series of regular, structured, collaborative interactions with a view to improving the members' practice or related outcomes among their students.
 - 2) Credit: Six CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.
 - 3) Evidence of Completion: A written statement of purpose for the group; a list of the group's members; and summaries of the meetings showing attendance by the certificate-holder.

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.942 Requirements for Additional Options

- a) "Highly Qualified"
An individual who wishes to qualify for a standard certificate by becoming "highly qualified" for purposes of the federal No Child Left Behind Act of 2001 in an additional teaching area shall maintain official transcripts or other documentation demonstrating that he or she completed at least a portion of the applicable requirements (see Appendix D to this Part) while holding the initial certificate.
- b) Professional Development Certificates
The "professional development certificate" discussed in Section 21-2(c)(2)(H) of the School Code represents verification by a regionally accredited institution of higher education that an individual has completed an organized program of study consisting of no fewer than 12 semester hours of graduate credit that may or may not be linked to pursuit of a specific graduate degree but is designed to lead to the individual's acquisition of a specific set of skills or knowledge. The required

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evidence of completion for this "certificate" is either a separate, identifiable document bearing the institution's seal or a notation on the individual's official transcript indicating that the "certificate" has been awarded.

c) Completion of NBPTS Process

An individual who wishes to qualify for a standard certificate by completing all required activities in pursuit of certification or recertification by the National Board for Professional Teaching Standards (NBPTS) shall maintain evidence that his or her name was included on the NBPTS' composite list of those who have completed the certification process (as distinct from having received certification) during the time that he or she held the initial certificate.

d) Acquisition of Subsequent Certificate or Endorsement

An individual who wishes to qualify for a standard certificate by acquiring a subsequent certificate or endorsement shall maintain evidence that the certificate or endorsement was issued during the time that he or she held the initial certificate.

(Source: Added at 29 Ill. Reg. 1212, effective January 4, 2005)

Section 25.945 Procedural Requirements

- a) In order to qualify for a standard teaching certificate, a holder of an initial teaching certificate shall choose one of the methods described in Section 25.905 of this Part. ~~Prior to completing four years of teaching experience, he or she shall provide written notification of the method chosen to the local professional development committee (LPDC) established pursuant to Section 25.845 of this Part that is responsible for the type of certificate held or, if applicable, to the regional superintendent who is considered to be the LPDC for holders of standard certificates in similar employment pursuant to Section 25.815(a) of this Part.~~
- b) ~~The responsible LPDC shall respond within 60 days after receiving written notification from an individual as to whether the method he or she has chosen is acceptable as a means of qualifying for a standard teaching certificate. If the individual has chosen a method not in conformance with Section 21-2(e) of the School Code and this Subpart K, the committee's response shall inform the individual of the nature of the method's nonconformance so that he or she may select a method that, upon successful completion, will contribute towards the acquisition of a standard teaching certificate.~~

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- be) *A person must complete his or her chosen requirement before the expiration of his or her initial teaching certificate and must submit a statement of assurance, using a format developed by the State Board of Education, that he or she has done so to the responsible local professional development committee, if any, or to the regional superintendent of schools, along with his or her application for a standard certificate and the required fee ~~evidence of having done so to the Local Professional Development Committee~~. An LPDC shall review each assurance it receives and, within 30 days after receipt, shall forward the materials submitted by the individual to the regional superintendent along with the LPDC's recommendation as to whether the person is eligible to receive a standard teaching certificate. [105 ILCS 5/21-2(c)(5)] ~~The required evidence of completion shall be as specified in Sections 25.910, 25.915, 25.920, 25.925, 25.930, 25.935, and 25.940 of this Part, as applicable to the requirement chosen.~~*
- cd) *Within 30 days after receipt of a person's statement of assurance, the regional superintendent evidence of completion, the LPDC shall review the assurance and, based upon compliance with all of the requirements for receipt of a standard certificate, including the completion of four years of teaching, shall forward to the State Board of Education his or her recommendation ~~the evidence of completion to the responsible regional superintendent of schools, along with the LPDC's recommendation, based on that evidence,~~ as to whether the person is eligible to receive a standard teaching certificate. Concurrently, the LPDC or regional superintendent shall provide a copy of this recommendation to the affected person if the recommendation is for non-issuance. [105 ILCS 5/21-2(c)(5)]*
- e) *Upon receipt of notification by the LPDC ~~that a recommendation has been forwarded to the regional superintendent, the certificate holder shall submit to the regional superintendent his or her application for a standard certificate, along with the fee required pursuant to Section 21-12 of the School Code~~ [105 ILCS 5/21-12].*
- f) *The regional superintendent of schools shall review the evidence of completion submitted by a person and, based upon compliance with all of the requirements for receipt of a standard teaching certificate, including the completion of four years of teaching, shall forward to the State Board of Education a recommendation for issuance or non-issuance. Concurrently, the regional superintendent shall notify the affected person of the recommendation forwarded. [105 ILCS 5/21-2(c)(5)] Using a format prescribed by the State Board of Education, the regional superintendent shall forward his or her recommendation regarding a particular individual, as well as the LPDC's recommendation, within*

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~~30 days after receiving the LPDC's recommendation regarding that person. The regional superintendent shall be responsible for retaining the evidence of completion submitted with respect to applicants for standard certification in accordance with the requirements of the Local Records Act [50 ILCS 205].~~

- ~~d)g)~~ If the regional superintendent's recommendation with regard to any person is to deny issuance of the standard teaching certificate:
- 1) the regional superintendent shall state his or her rationale for the recommendation;
 - 2) the individual's copy of the regional superintendent's notification shall be sent by certified mail, return receipt requested; and
 - 3) the regional superintendent shall return the application fee with the notification.
- ~~e)~~ Within 14 days after receiving notice that a recommendation for non-issuance has been forwarded, the certificate-holder may appeal the recommendation to the RPDRC. Such an appeal shall be transmitted on a form supplied by the State Board of Education, shall include a return receipt, and may include any supporting documentation the certificate-holder deems relevant.
- ~~f)~~ Within 45 days after receiving an appeal, the RPDRC shall forward its recommendation to the State Board of Education, along with the RPDRC's rationale for the recommendation and any supporting documentation. To assist it in arriving at its recommendation, the RPDRC may require the submission of additional information or may request that the certificate-holder appear before it.
- ~~gh)~~ *Upon review of regional superintendents' recommendations and any recommendations by RPDRCs, including any rationales provided pursuant to subsection (d)(1) or (f)(g)(1) of this Section, and the respective applications for certification, the State Board of Education shall issue standard teaching certificates to those who qualify and shall notify in writing, via certified mail, return receipt requested, persons affected by the denial of standard teaching certificates. [105 ILCS 5/21-2(c)(5)] Each notification shall include a rationale for the State Board's refusal to issue a standard certificate.*
- ~~hi)~~ Within 14 days after receipt of notice that the State Board of Education has denied him or her a standard teaching certificate based on failure to meet the requirements of this Subpart K, a certificate-holder may appeal that decision to

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the State Teacher Certification Board, using a form made available by the State Board of Education.

- 1) Each appeal shall state the reasons why the State Board's decision should be reversed and shall be sent by certified mail, return receipt requested.
 - A) Appeals shall be addressed to:

State Teacher Certification Board
Secretary
100 North First Street
Springfield, Illinois 62777
 - B) No electronic or facsimile transmissions will be accepted.
 - C) Appeals postmarked later than 14 calendar days after receipt of notifications of denial will not be processed.
 - 2) In addition to the appeal form, the certificate-holder may submit the following material when the appeal is filed:
 - A) evidence that he or she has satisfactorily completed one of the options outlined in this Subpart K as a means of qualifying for the standard teaching certificate; and
 - B) any other relevant documents.
- i) Upon receipt of an appeal, the State Teacher Certification Board shall request the record of review from the State Superintendent of Education for consideration at its next available meeting. In reviewing the appeal, the Certification Board may hold an appeal hearing or may make its determination based upon the record of review, which shall consist of:
- 1) the individual's application for a standard certificate, [along with his or her signed statement of assurance](#);
 - 2) the rationale for the State Board's refusal to issue a standard certificate;
 - 3) the ~~required~~ [available](#) evidence of completion [for the option chosen by the individual for fulfilling the requirements of this Subpart K](#);

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- 4) the appeal form; and
- 5) any additional information submitted by the individual to support the appeal.

jk) If the Certification Board holds an appeal hearing, it may request the certificate-holder to appear before it, in which case no less than ten days' notice of the date, time, and place of the hearing shall be given to the affected individual.

kl) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certification Board determines is necessary to decide the appeal.

lm) The State Teacher Certification Board shall notify the certificate-holder of its decision regarding the issuance of a standard certificate by certified mail, return receipt requested, no later than 30 days after reaching a decision.

mn) The decision of the State Teacher Certification Board regarding an appeal is a final administrative decision and shall be subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].

(Source: Amended at 29 Ill. Reg. 1212, effective January 4, 2005)

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Section 25.APPENDIX D Criteria for Identification of Teachers as "Highly Qualified" in Various Circumstances

Fulfillment of the applicable requirements set forth in this Appendix D may serve as the basis for acquisition of the standard teaching certificate after four years of teaching experience (see Section 25.905(g) of this Part) or as the basis for renewal of the standard or master teaching certificate (see Section 25.805(e) of this Part).

Group I – Requirements for "Current" Teachers

A teacher who received his or her first Illinois certificate on or before June 30, 2002, will be considered "highly qualified" with respect to each core academic area of assignment for which he or she holds a certificate that is valid for that assignment and:

- a) has passed the relevant content-area test for the area of assignment, which may include the Elementary/Middle Grades Test as applicable (see Section 25.710 of this Part or, for special education teachers, the policies of the State Board of Education that are the subject of a federal court order of August 15, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al.); or
- b) has completed a major or coursework equivalent to a major; or
- c) holds a graduate degree in a field directly related to the area of assignment; or
- d) has been certified in a comparable field by the National Board for Professional Teaching Standards (NBPTS); or
- e) holds an endorsement or the coursework that, prior to June 1, 2004, was considered the "minimum requirements" for the assignment under 23 Ill. Adm. Code 1.710, 1.720, 1.730, 1.735, or 1.740, or holds special education teaching approval, and either:
 - 1) has five years' teaching experience in the area of assignment; or
 - 2) has accumulated 100 points based on completion of any combination of the following requirements, for which purpose special education shall be considered the "subject area" or the "area of teaching assignment", as applicable.

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- A) Completion of semester hours of graduate or undergraduate credit in the subject area in addition to the number required for the endorsement: 10 points per semester hour.
- B) Teaching experience, regardless of subject: five points per year, up to a maximum of 25 points.
- C) Teaching experience in the subject area: 15 points per year, up to a maximum of 60 points.
- D) Completion of professional development activities.
- i) Participation in conference sessions, workshops, institutes, seminars, symposia, or other similar training events, each at least three hours in length and directly related to the area of teaching assignment: 15 points per activity (no maximum).
- ii) Approved travel related to the area of teaching assignment and meeting the requirements of Section 25.875(p) of this Part: 12 or 15 points, in accordance with Section 25.875(p)(2) of this Part.
- iii) Participation in a study group directly related to the area of teaching assignment: six or eight points, in accordance with Section 25.875(q) of this Part.
- iv) Participation in an internship directly related to the area of teaching assignment that meets the requirements of Section 25.875(s) of this Part: points shall accrue in relation to contact hours as set forth in Section 25.875(s)(2) of this Part.
- v) Work experience directly related to the area of teaching assignment (e.g., experience in a chemical laboratory on the part of an individual teaching chemistry): 10 points per year of experience.

Group II – Requirements for "New" Teachers, by Area of Assignment

Elementary Grades (K-4) – General Education

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A teacher in the elementary grades who received his or her first Illinois certificate on or after July 1, 2002, and who has primary responsibility for teaching content in core academic subjects in a self-contained classroom will be considered "highly qualified" if he or she:

- a) holds an elementary (Type 03) certificate with an endorsement for self-contained general elementary education and has passed the Elementary/Middle Grades test; or
- b) holds an early childhood (Type 04) certificate and has passed the Early Childhood test (applicable only through Grade 3); or
- c) holds a provisional early childhood (Type 04), elementary (Type 03), or special K-12 (Type 10) certificate that is based on certification in another state, possession, or territory of the U.S., or in another country (if applicable, must pass the Early Childhood test, the Elementary/Middle Grades test, or another content-area test, as applicable, within nine months after receipt of the provisional certificate); or
- d) holds a special K-12 (Type 10) certificate endorsed in the area of teaching responsibility and has passed the content-area test applicable to that endorsement.

Middle Grades (5-8) – General Education

A teacher in the middle grades who received his or her first Illinois certificate on or after July 1, 2002, and who has primary responsibility for teaching content in any of the core academic subjects in a middle-grades setting, whether self-contained or departmentalized, will be considered "highly qualified" if he or she:

- a) holds an elementary (Type 03) certificate and, for each core subject area of teaching responsibility in any of Grades 5-8:
 - 1) has passed the relevant content-area test (which may include the Elementary/Middle Grades test); or
 - 2) has completed a major or coursework equivalent to a major; or
 - 3) holds a graduate degree in a field directly related to the area of assignment; or
 - 4) has been certified in a comparable field by NBPTS; or

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- b) holds a secondary (Type 09) certificate and, for each core subject area of teaching responsibility in any of Grades 6-8:
- 1) has passed the relevant content-area test; or
 - 2) has completed a major or coursework equivalent to a major; or
 - 3) holds a graduate degree in a field directly related to the area of assignment; or
 - 4) has been certified in a comparable field by NBPTS; or
- c) holds a special K-12 (Type 10) certificate endorsed in the area of teaching responsibility and has passed the relevant content-area test; or
- d) holds a provisional elementary (Type 03), secondary (Type 09), or special K-12 (Type 10) certificate based on certification in another state, possession, or territory of the U.S., or in another country (if applicable, must pass the Elementary/Middle Grades test or the other relevant content-area test for each area of teaching responsibility within nine months after receipt of the provisional certificate).

Secondary Grades (9-12) – General Education

A teacher in the secondary grades who received his or her first Illinois certificate on or after July 1, 2002, and who has primary responsibility for teaching content in any of the core academic subjects in a secondary setting will be considered "highly qualified" if he or she:

- a) holds a secondary (Type 09) certificate and, for each core subject area of teaching responsibility:
- 1) has passed the relevant content-area test; or
 - 2) has completed a major or coursework equivalent to a major; or
 - 3) holds a graduate degree in a field directly related to the area of assignment; or
 - 4) has been certified in a comparable field by NBPTS; or

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- b) holds an elementary (Type 03) certificate and, for each core subject area of teaching responsibility in Grade 9:
 - 1) has passed both the Elementary/Middle Grades test and the relevant content-area test; or
 - 2) has passed the Elementary/Middle Grades test and has completed a major or coursework equivalent to a major; or
- c) holds a special K-12 (Type 10) certificate endorsed in the area of teaching responsibility and has passed the relevant content-area test; or
- d) holds a provisional elementary (Type 03, applicable only for Grade 9), secondary (Type 09), or special K-12 (Type 10) certificate based on certification in another state, possession, or territory of the U.S., or in another country (if applicable, must pass the content-area test relevant to each core subject area of teaching responsibility within nine months after receipt of the provisional certificate).

Special Education – All Grade Levels

A teacher who has primary responsibility for providing direct content instruction in a core academic area in a special education program and who received his or her first Illinois certificate on or after July 1, 2002, will be considered "highly qualified" if he or she:

- a) holds a special preschool-age 21 (Type 10) certificate, or an elementary (Type 03), early childhood (Type 04), or secondary (Type 09) certificate endorsed for a special education field, and has passed the content-area test relevant to the special education area of endorsement on that certificate; or
- b) holds a provisional certificate with an endorsement in a special education field based on certification in another state, possession, or territory of the U.S., or in another country (if applicable, must pass the relevant special education content-area test within nine months after receipt of the provisional certificate); or
- c) holds an elementary (Type 03) or early childhood (Type 04) certificate with teaching approval in special education or short-term emergency certification in special education, is serving in the elementary grades, and has passed the Elementary/Middle Grades test (or, through Grade 3, the Early Childhood test); or

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- d) holds a secondary (Type 09) or special K-12 (Type 10) certificate with teaching approval in special education or short-term emergency certification in special education, is serving outside the elementary grades, and:
- 1) has passed the content-area test applicable to the core academic subject area of the teaching assignment or the special education content-area test applicable to the students served; or
 - 2) has completed a major or the coursework equivalent to a major in the core academic subject area of the teaching assignment; or
 - 3) holds a graduate degree in a field directly related to the area of assignment; or
- e) holds NBPTS certification in special education.

Bilingual Education; English as a Second Language (ESL)

A teacher who has primary responsibility for teaching content in any of the core academic subjects to students with limited proficiency in English in a bilingual education or ESL program will be considered highly qualified if he or she:

- a) holds an early childhood (Type 04), elementary (Type 03), secondary (Type 09), special K-12 or preschool-age 21 (Type 10) certificate, as appropriate to the grade level of the teaching assignment; and
- b) holds an approval or endorsement for bilingual education or ESL, as applicable; and
- c) meets one of the following additional requirements for each core subject area of teaching responsibility:
 - 1) has passed the relevant content-area test; or
 - 2) has completed a major or coursework equivalent to a major; or
 - 3) holds a graduate degree in a field directly related to the area of assignment; or
 - 4) has been certified in a comparable field by NBPTS.

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Group III – Requirements for Teachers in Special CircumstancesTeachers in Charter Schools

A teacher who is employed in a charter school and who has primary responsibility for teaching content in any of the core academic subjects will be considered highly qualified if he or she either:

- a) holds a certificate applicable to the assignment and meets the other criteria applicable to the assignment, as outlined elsewhere in this Appendix D; or
- b) holds a bachelor's degree, has passed the relevant content-area test in each core subject area of teaching responsibility, and meets the other requirements of Section 27A-10(c) of the School Code [105 ILCS 5/27A-10(c)].

Teachers Who Hold Alternative Certificates

A teacher who holds an alternative certificate (see Sections 21-5b and 21-5c of the School Code [105 ILCS 5/21-5b and 21-5c]) that was attained through completion of an approved Illinois program and who has primary responsibility for teaching content in the core academic subject for which the certificate was issued will be considered highly qualified because he or she has passed the applicable content-area test. For an assignment in any additional core subject area (in the secondary or middle grades), a teacher with an alternative secondary certificate will be considered highly qualified if he or she has either passed the relevant content-area test or has completed a major or coursework equivalent to a major in that subject.

Teachers Who Hold Resident Teacher Certificates

A teacher who holds a resident teacher certificate (see Sections 21-11.3 and 21-11.4 of the School Code [105 ILCS 5/21-11.3 and 21-11.4]) and who has primary responsibility for teaching content in any of the core academic subjects will be considered highly qualified if he or she has passed the relevant content-area test for each core subject area of teaching assignment, which may include the Elementary/Middle Grades test if applicable to the grade level of the assignment, or has completed a major or coursework equivalent to a major in that area.

Teachers Who Hold Visiting International Teacher Certificates

A teacher who holds a visiting international teacher certificate (see Section 25.92 of this Part) will be considered highly qualified, provided that the certificate held is valid for the grade level or levels of his or her teaching assignment.

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Vocational Education Teachers

A teacher in a vocational education program who has primary responsibility for teaching content for which students receive credit in a core academic subject (e.g., a teacher of an agricultural education course whose students receive credit in science) will be considered highly qualified if he or she holds a secondary (Type 09) certificate appropriately endorsed for the vocational area of assignment.

Teachers Who Hold Transitional Bilingual (Type 29) Certificates

A teacher who holds a transitional bilingual certificate and who has primary responsibility for teaching content in any of the core academic subjects will be considered highly qualified if he or she:

- a) for each core subject area of teaching responsibility, has either:
 - 1) passed the Elementary/Middle Grades test or the other relevant content-area test (if applicable, must pass the content-area test within nine months after receipt of the transitional bilingual certificate); or
 - 2) completed a major or coursework equivalent to a major; and
- b) participates in an induction/mentoring program that conforms to the definition found in the regulations implementing the federal No Child Left Behind Act of 2001 at 34 CFR 200.56(a)(2)(ii)(A); and
- c) is continuously enrolled in a program that will lead to the elementary, secondary, or special certificate.

(Source: Section repealed at 28 Ill. Reg. 8556, effective June 1, 2004; new Section added at 29 Ill. Reg. 1212, effective January 4, 2005)

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- 1) Heading of the Part: North Point Marina
- 2) Code Citation: 17 Ill. Adm. Code 220
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
220.20	Amendment
220.30	Amendment
220.40	Amendment
220.50	Amendment
220.60	Amendment
220.70	Amendment
220.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1 and 4 of the State Parks Act [20 ILCS 835/1 and 4] and by Sections 805-120, 805-300 and 805-525 of the Civil Administrative Code of Illinois [20 ILCS 805/805-120, 805-300 and 805-525] and by Section 6z-10 of the State Finance Act [30 ILCS 105/6z-10]
- 5) Effective Date of Amendments: January 10, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 24, 2004; 28 Ill. Reg. 12957
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: This Part was amended to add information and to clarify requirements regarding vendor authorization, access and work requirements and penalties.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDSPART 220
NORTH POINT MARINA

Section	
220.10	Application and Scope
220.20	Compliance
220.30	Marina Slip Acquisition
220.40	Slip Use
220.50	Vessel Condition and Movement
220.60	Fees and Charges
220.70	Other Regulations
220.80	Emergency Boarding of Vessels
220.90	Waiver of Claims

AUTHORITY: Implementing and authorized by Sections 1 and 4 of the State Parks Act [20 ILCS 835/1 and 4] and by Sections 805-120, 805-300 and 805-525 of the Civil Administrative Code of Illinois [20 ILCS 805/805-120, 805-300 and 805-525] and by Section 6z-10 of the State Finance Act [30 ILCS 105/6z-10].

SOURCE: Adopted at 13 Ill. Reg. 9269, effective June 6, 1989; amended at 15 Ill. Reg. 1495, effective January 22, 1991; amended at 15 Ill. Reg. 14418, effective October 1, 1991; amended at 16 Ill. Reg. 7335, effective April 24, 1992; amended at 17 Ill. Reg. 6760, effective April 27, 1993; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 29 Ill. Reg. 1342, effective January 10, 2005.

Section 220.20 Compliance

Based upon the nature of the violation (see Section 220.30(a)(10)(A)), failure to comply with this Part may result in cancellation of the slip permit, in addition to the penalty prescribed by Section 6 of the State Parks Act [20 ILCS 835/6]"AN ACT in relation to the acquisition, control, maintenance, improvement and protection of State Parks" (Ill. Rev. Stat. 1989, ch. 105, par. 468b).

(Source: Amended at 29 Ill. Reg. 1342, effective January 10, 2005)

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Section 220.30 Marina Slip Acquisition

- a) Permit Conditions and Procedures
- 1) All vessels assigned slips must be registered in accordance with the "Boat Registration and Safety Act" ~~[625 ILCS 45](Ill. Rev. Stat. 1991, ch. 95 1/2, par. 311-1 et seq.)~~ ~~[625 ILCS 45/1-1 et seq.]~~.
 - 2) No permit will be granted in the name of an organization. Permittee must be an individual, and evidence of Permittee ownership (full or partial) or control of the vessel must be presented to the Marina Administrative Office (M.A.O.). Permittee may be a married couple. In the event of divorce, documentation of succession will be required by the Marina as the basis for issuing a new harbor occupancy agreement. Evidence of ~~Permittee~~ ~~ownership~~ ~~Ownership~~ or control shall be:
 - A) Title or Registration;
 - B) Bill of Sale or Sales Contract; or
 - C) Lease Agreement.
 - 3) No permit will be granted until the Permittee demonstrates proof of liability insurance to cover damage to the Marina, other boats or boat owners.
 - 4) Permit fees will be based upon the length of the vessel and lease status (seasonal or temporary). See Section 220.60 (Fees and Charges).
 - 5) Slip applications will be accepted on a "first-come, first-served" basis pursuant to position on the Applications Wait List administered by the M.A.O. A deposit must accompany the application. See Section 220.60 (Fees and Charges).
 - 6) Slip renters must accept the first slip offered, regardless of location. Refusal to accept the first slip offered shall result in the applicant's name being moved to the bottom of the list. A refusal to accept the offered slip the following season shall result in the applicant's name being removed from the list and the applicant's deposit shall be forfeited to the Department. (~~See In accordance with Ill. Rev. Stat. 1991, ch. 127, par.~~

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~~141.158~~[30 ILCS 105/5.158.]

- 7) Slip transfers may be requested by slip holders only. Such requests will be maintained and serviced pursuant to a Slip Transfer Wait List administered by the M.A.O. Requests for slip transfers will be given priority over slip applications from non-tenants as slips become available.
- 8) All Harbor Occupancy Agreements shall be non-transferable and shall not be leased or transferred to any other individual.
- 9) The Department of Natural Resources (Department) shall have the right to ~~temporarily~~ re-assign slip spaces and to move or cause to be moved any vessel so re-assigned. A Permittee, by applying for and accepting the use of a slip, shall be deemed to have consented to the ~~temporary~~ re-assignment and movement of his or her vessel to another slip for the proper operation, maintenance, and repair of the North Point Marina; or for the convenience of the Department while making repairs or improvements; and in the case of an emergency (see Section 220.80). Permittee further consents to the movement of his or her vessel by Departmental personnel. If, after notice to move the vessel is given by the Department, Permittee fails to comply with such notice, neither the Department nor any of its officials or employees shall be liable to and a Permittee waives all claims for damage to persons and property sustained by a Permittee resulting from the movement of his or her vessel.
- 10) Cancellation Provisions
 - A) By the Department: The Department shall cancel and terminate any permit upon ~~ten~~(10) days written notice to the Permittee for the Permittee's failure or refusal to comply with provisions of the permit, such as nonpayment of slip fees; failure to provide proof of ownership or proof of insurance; criminal violations that which endanger life or property; or repeated violations (3 or more ~~in one season~~) of this Part or 17 Ill. Adm. Code 110. The Permittee shall not be due any refund of slip fees paid.
 - B) By Permittee: The Permittee shall give the Marina office written notice of intent to vacate. The Permittee shall not be due any refund of slip fees paid.

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- C) In the event of sudden unemployment, catastrophic illness, or similar personal crisis, the slipholder may request a refund of slip fees paid. With the recommendation of the M.A.O. and approval of the Director, a refund may be granted in an amount not to exceed 50% of slip fees paid for that season, if requested by June 1.
- D) Removal of Vessel upon Cancellation of Permit: If Permittee ~~failshall fail~~ or ~~refusesrefuse~~ to remove his or her vessel from a slip or end tie by the date of cancellation or expiration of his or her permit, the Department will order and cause the vessel to be removed and stored at the Permittee's risk and expense and retake possession of the slip. Neither the Department nor any of its officials or employees shall be liable to and a Permittee waves all claims for damage to persons and property sustained by a Permittee resulting from the movement of his or her vessel pursuant to this provision.
- E) Slipholders who do not occupy their slip may be allowed a carryover to the succeeding year if a portion of their slip rental has been paid and if mitigating circumstances exist. If a slip is not rented in the succeeding year the carryover will be forfeited. Written application detailing the circumstances of the non-occupancy must be made to the M.A.O. to be considered for a carryover. Within 30 days the M.A.O. will notify the slipholder in writing whether the carryover will be allowed. The amount of carryover allowed will be prorated based on the date the written application from the slipholder was received in the M.A.O.'s office. Approval is entirely the M.A.O.'s decision and no appeal will be allowed.
- 11) In the event of the death of a slip holder, the surviving spouse or a child of the slip holder shall have the right of first refusal of the assignment of the slip, subject to the approval of the ~~M.A.O. Department~~. Approval shall be based upon such considerations as the survivor's history of compliance with Department rules and proper utilization of the Marina facilities. If approval of reassignment is not granted, a prorated refund shall be granted.

- b) Slip Renewals

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For slip renewal, the Harbor Occupancy Agreement must be received by the Department no later than December 31, of any given year. If the Harbor Occupancy Agreement has not been received by that date the slip shall be vacated.

c) Slip Vacancies

1) Vacancies in slips shall be filled as follows:

- A) The vacant slip will be made available to current slip holders registered on the Slip Transfer Waiting List in order of appearance.
- B) If no transfer request fills the vacancy within ~~5+0~~ days, the slip shall be made available to individuals registered on the Applications Wait List in order of appearance.

2) Sale of Permittee's Vessel

- A) A Permittee may retain his or her designated slip for a period of ~~thirty (30)~~ days after transferring title or agreeing to sell his or her vessel provided the Permittee ~~notifies shall notify~~ the Department in writing within ~~five (5)~~ days ~~after~~ the date Permittee enters into an agreement for the sale of the vessel and his or her intent to acquire another vessel. An extension ~~for~~ an additional period, ~~but~~ not to exceed ~~sixty (60) additional~~ days will be granted by the Department upon submission by Permittee of proof of a contract to purchase or construct another vessel. A further extension may be granted to commercial operators upon showing of a contract to purchase a different boat and a delivery date, not to exceed opening day of the next season.
- B) Permittee shall notify the Department in writing within ~~five (5)~~ days of any change of ownership in his or her vessel resulting from a gift, sale, lease, withdrawal, addition, or substitution of Partners, the sale or transfer of stock in a closely held corporate owner of the vessel or a change of officers or directors of a closely held corporation owning the vessel.
- C) In the event a slipholder, who has paid in full for the season, sells his or her boat, the slipholder may request North Point Marina to

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approve a new harbor occupancy agreement with the purchaser of the boat for the remainder of the season. If the M.A.O. approves, the slipholder shall relinquish all rights to said slip. Such permission shall not extend past the end of the then current boating season. If the purchaser desires a slip for the following season, he/she must apply for a slip as a new slipholder.

- d) Visiting Vessel Temporary Slip Permits
- 1) The M.A.O. may provide temporary slip permits to vessels visiting the Marina. See Section 220.60 (Fees and Charges). Permits shall be posted on vessels in accordance with instructions issued by the M.A.O.
 - 2) No temporary permit may last longer than ~~1430~~ days.
 - 3) The M.A.O. may assign temporary use of an already leased slip under limited slip vacancy conditions. See Section 220.40 (Slip Use).
 - 4) Temporary permits may be renewed for a like period at the discretion of the M.A.O., based upon the Permittee's compliance with Department rules and slip availability.

(Source: Amended at 29 Ill. Reg. 1342, effective January 10, 2005)

Section 220.40 Slip Use

- a) Vessel Length Limitations
- 1) Vessel length (length over all – LOA) includes all appendages (swim platform, bowsprit, anchor chock, etc.). Vessels may be measured by Marina staff in the slip after occupancy. No vessel having a vessel length (LOA) exceeding 3 feet longer than the designated slip length will be permitted. Vessels with an overall length (LOA) less than 5 feet of the slip length will not be permitted without written permission of the M.A.O. Permission will be based upon maximum utilization of the Marina facility resources. Violation of this provision will result in cancellation of the slip assignment.

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- 2) Vessel Extending Beyond Slip: A vessel shall not extend more than 3 feet beyond the end of any finger float including but not limited to the vessel's davits, booms, swingstop, bowsprit or bow pulpit.
 - 3) No part of any vessel shall extend over the main walkway.
- b) Vessel/Slip Occupancy
- 1) Slips shall be available for occupancy from April 1 through October 31, weather permitting. Boats not being stored for the winter season at North Point Marina must be removed from the Marina by October 31. If boats have not been removed by October 31, the M.A.O. has the authority to impose temporary slip fees and/or remove the vessel and charge the owner for cost of removal and temporary storage fees until the vessel is removed from the site.
 - 2) The assigned slip must be occupied by a vessel registered to the slip renter within 60 days after notification that the slip is available for occupancy, unless given written permission by the M.A.O. due to such circumstances as dry-dock time, unforeseen mechanical problems or unavailability of parts.
 - 3) The Permittee shall notify the harbor office anytime his/her vessel will be occupied by any person other than the Permittee or his or her family.
 - 4) No one under 18 years of age is to stay overnight on any vessel moored in the Marina without an adult present or without written permission from the M.A.O. Permission will be based upon such considerations as age of the minors, reason for the stay, and length of the stay.
 - 5) Slip holders desiring to live aboard their vessel must make application with the M.A.O. at least 24 hours in advance; for liveaboard status of 30+4 days or more. The M.A.O. may deny or terminate any application for liveaboard status, based upon such considerations as violations of Department rules, or safety.
 - 6) The M.A.O. reserves the right to use permanent slips for transient vessels. Permanent slip holders shall notify the Marina office if they expect to leave their slip unoccupied for a period of 48 hours or longer and their expected date and time of return to the Marina. Transient vessels shall use

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their own dock lines and shall not use those of the permanent slip holder. Owners of transient vessels must vacate the temporarily assigned permanent slip upon notification by the M.A.O. or on the return of the permanent slip holder's vessel to the Marina. ~~Slip holders who comply with the required notification shall receive solely as a credit against the next season's rental, 10% of the amount charged transient vessels using the slip holder's slip unless the slip holder returns prior to the expected date or time of return and such early return necessitates moving the transient vessel.~~

- c) ~~Tenders: Rowboat/yacht tenders;~~ One personal watercraft/rowboat, dingy, or yacht tender owned by the Permittee and regularly used as a yacht tender, ~~or a personal watercraft owned by the permittee~~, may be kept in the Permittee's slip. This personal watercraft/rowboat, dingy or; yacht tender ~~or personal watercraft~~ shall not extend into the fairway.
- d) Storage on Docks and Fingers: Nothing shall be stored on the docks and fingers except in locker boxes provided at each slip. When a vessel is removed at the end of the season or due to cancellation, the locker box must be cleaned out. Any items not removed from the locker box shall be deemed abandoned and become property of the Department.
- e) Dock Modification: There shall be no modification of the dock or installation of fenders, dock wheels, etc., without written permission by the M.A.O. Such permission shall be granted if the modification, based upon published marine engineering standards, does not create a safety hazard, does not conflict with the Department's Master Management Plan, and is not aesthetically displeasing.
- f) Steps: Any steps used for ingress and egress from a vessel shall not be wider than half the width of the finger to which the vessel is moored. Positioning of steps on any dock must be approved by the M.A.O. These steps shall not be used as a storage locker.
- g) Drying of Laundry: Drying or airing of laundry or apparel on the dock or rigging of the vessel is not permitted.
- h) Commercial Activity: Subject to availability, all charter~~Charter~~ boat operators will be assigned to the commercial harbor. Only Permittees in the commercial harbor will be permitted to advertise on their boats. No sign of any kind will be permitted on the docks. Charter boat slip fees will be the same as that for the

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main harbor. No one other than licensed Charter Boat Operators shall engage in charter boat activities. No Charter Boat Operator shall pick up or discharge passengers in the recreational basin.

(Source: Amended at 29 Ill. Reg. 1342, effective January 10, 2005)

Section 220.50 Vessel Condition and Movement

- a) Inspections
Any individual applying for a permit or having a permit issued thereby impliedly agrees that the Department may examine his or her vessel at any time without prior notice at reasonable hours for the purpose of verifying compliance with all applicable rules.
- b) Vessel Condition
 - 1) Seaworthiness: Any vessel moored in the Marina shall be seaworthy at all times and be able to get underway by its own power. In the event a vessel becomes unsafe or unseaworthy, the slip permit may be revoked by the Department. The M.A.O. shall give written notice to the slip holder of those items that render the vessel unsafe or unseaworthy. The slip holder shall undertake repairs or refurbishing within ~~10~~^{twenty (20)} days ~~after~~^{after} receipt of notice or such permit will be revoked. Failure to comply with these provisions shall authorize the Department to have the vessel removed and to charge the removal and storage to the Permittee.
 - 2) Vessel Maintenance: Limited maintenance, such as tune-ups, cleaning and line replacement of docked vessels in the recreational harbor is permitted during daylight hours only. Such maintenance activities shall not generate paint aerosols, dusts, other particles or material which will deposit upon docks, nearby vessels or other facilities; not produce odors, vapors/gases which will prove offensive or pose health, fire, or other safety hazards. Extensive repairs, such as hull repairs, engine overhauls and spray painting, shall be completed outside the slip area. The use of open flame devices (welding torches, blow torches, etc.) or electrical welders shall not be permitted without express permission (based upon safety) of the Department. Only boat repair, service or other type vendors that have been authorized by the Department shall be permitted to perform work on any vessel at the Marina. Emergency repairs may be made at a slip upon written approval of the M.A.O. (~~see~~^{See} Section 220.80). Any

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waste products (oil, paint, solvents, etc.) shall be disposed of only in designated areas.

- 3) ~~Sail Boat Rigging: All sail rigging shall be tied down while at the slip to insure against noise being produced by the rigging.~~
- 3)4) Wrecked or Sunken Vessels: In the event of a wrecked or sunken vessel, the Permittee is responsible for marking the accident site, raising the craft and the disposition of the vessel.
- 4) Unauthorized Discharges: Permittee will be responsible for any costs associated with the cleanup and disposal of unauthorized discharges. Marina management, or its representatives, may board and inspect any vessel suspected of unauthorized discharge.
- 5) Sail Boat Rigging: All sail rigging shall be tied down while at the slip to insure against noise being produced by the rigging.

c) Vessel Movement

- 1) Movement of vessels within the Marina shall be for the purposes of entering or leaving a slip, pump out station or fuel dock. All vessels underway in the Marina shall be under power. Sailing, rowing, sculling or paddling within the Marina is prohibited.
- 2) Fueling: Fueling of vessels can only be done at the designated fuel dock in the Marina.

(Source: Amended at 29 Ill. Reg. 1342, effective January 10, 2005)

Section 220.60 Fees and Charges

- a) All fees and charges may be paid in the form of cash, check, ~~or~~ money order or credit card. Transient rentals only may be paid by approved credit card.
- b) Slip Rental – Seasonal
 - 1) Slip rental fees will be based upon slip length or overall length of vessel (including all appendages), whichever is greater.

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- 2) A (one-time) \$200 deposit must accompany the application for a slip. This deposit is non-refundable and will be applied to the first year's slip rent.
- 3) Slip rental rates are ~~\$125~~~~\$60.00~~ per foot per season for each foot of slip or each foot of vessel, whichever is greater. Discounts or credits shall be deducted from the total when such incentives are offered. Amounts and conditions precedent shall be determined by the Department of Natural Resources based upon economic conditions and slip occupancy and shall be publicly announced prior to implementation. Such incentives shall be offered equally to all members of the class of people to whom the incentives are offered, contingent upon slip availability.
- 4) Payment Schedule: Slip rental is due according to the following schedule:
 - 25% by December 31
 - 25% by February 28
 - 25% by April 30
 - 25% by June 30
- 5) Rent will be pro-rated for partial season occupancy by new applicants, based on the proportion of the season remaining at time ~~Permittee~~~~permittee~~ is notified the slip is available. (Season shall be calculated as June 1 through October 31 for pro-rata purposes.) There shall be no pro-rata discounting for any vessel offered a slip prior to June 12. Prorated slip rental will be due in full upon receipt of a Harbor Occupancy Agreement by the Department. ~~Payment schedule shall conform, as nearly as possible, to the schedule set out in Subsection (b)(4). (Example: Permittee notified on June 15 that slip is available. Must pay 75% of pro-rated amount immediately and 25% of pro-rated amount by June 30.)~~
- 6) Late Charges: For payments not submitted by the scheduled due date, a late charge of 3% of the amount due shall be assessed per month. No boat shall be allowed initial occupancy of the assigned slip until all scheduled payments (including late charges) have been made. Any slip rental payment more than 60 days in arrears shall result in lease termination and boat impoundment.

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- c) Slip Renting – Temporary
Visiting vessels 30 feet and under LOA will be charged a minimum daily rate of \$40. There will be an additional per foot per day charge not to exceed \$2 for each foot of vessel over 30 feet LOA. Each seventh consecutive day leased under a temporary permit will be free. Discounts or credits shall be deducted from the total when such incentives are offered.~~will be charged the following rates:~~
- ~~\$20 per day for vessels 30 feet and under.~~
- ~~\$20 per day plus one dollar per day for each foot over 30 feet LOA.~~
- ~~One day free for every 7 consecutive days paid.~~
- d) Rate Changes
The Department of Natural Resources reserves the right to change rates.
- e) Utilities
Normal utility use is included in slip rental fees. Excess use (defined as consumption beyond average consumption of a similar size boat), as determined by the M.A.O., will be billed at the rate charged [Department of Natural Resources Conservation](#) by the respective utilities.
- f) Other Fees and Charges
The M.A.O. shall post in a public place the schedule of miscellaneous fees and charges. Fees may be charged for such things as replacement of lost parking permits, cables, use of Marina facilities, collection costs, damage to Marina property, credit card convenience, and other Marina services necessary to maintain the safety and operation of the Marina~~courtesy cards, penalties for failure to return key cards and cables, and use of Marina facilities.~~

(Source: Amended at 29 Ill. Reg. 1342, effective January 10, 2005)

Section 220.70 Other Regulations

- a) Quiet Hours: Quiet hours from 11:00 p.m. to 7:00 a.m. shall be observed in the Marina. During this period, no loud noise or instrument producing or reproducing sound shall be used in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants. The sounding of horns as required by Marine Rules of the Road is not a violation of quiet hours.

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- b) Sanitation and Refuse: All trash must be placed in the provided dumpsters located in each turnaround at the head of each walkway. No sanitary or any marine discharge is allowed in the basin. Pump out stations are provided in the main basin and at the fuel dock. All trash shall be placed in plastic garbage bags prior to disposing in the dumpsters. Fish cleaning shall be done at designated areas only. Fish cleaning is allowed aboard docked vessels provided that all refuse is placed in plastic bags and deposited in the designated containers, at the fish cleaning station. The use of red plastic bags is prohibited. Any disposal of fish waste into the harbor is strictly prohibited.
- c) Motor Vehicle Traffic and Parking:
- 1) Visitors will park in the visitors lot only.
 - 2) Permittee Parking: Access to restricted parking, docks, and bathhouses will be provided to the Permittee by the M.A.O. Any misuse of these privileges may be cause for termination of the slip permit. Two (2) magnetic cards which will provide access to the parking area, main headwalks and shower/restroom buildings will be issued to each Permittee. Any misuse of these cards may be cause for termination of the slip permit. There will be a \$25 charge for replacement of lost cards.
 - 3) Illegally Parked~~Removal of~~ Vehicles: Any vehicle in violation of parking regulations may be ticketed and/or towed at the expense of the vehicle owner in accordance with the Illinois Vehicle Code [625 ILCS 5](Ill. Rev. Stat. 1989, ch. 95 1/2 pars. 1-100 et seq.).
 - 4) Occupancy of any parked vehicle in the public areas between the hours of one a.m. and five a.m. shall be unlawful without written permission from the M.A.O. displayed in the left front windshield area.
- d) Bicycles and Motorcycles: No person shall roller skate, skateboard, or ride bicycles, manual or motorized scooters or motorcycles on the docks and gangways within the Marina or upon the boardwalk.
- e) Security Gates: The security gates to the main piers are not to be blocked open at any time. Any tampering of the Marina security systems may be cause for termination of the slip permit. Termination shall be based upon such considerations as the nature of damages or threat to security. All persons within

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the secured area of the Marina shall identify themselves upon request by Marina personnel.

- f) Swimming/diving: Swimming and diving are not permitted within the protected harbor areas of the Marina.
- g) Fishing: Fishing is prohibited within the Harbor except that pole and line fishing only is permitted ~~in designated areas on the breakwater and~~ on vessels berthed at slips. No line shall extend into any fairway or maneuvering area.
- h) Cooking: No cooking or barbecuing shall be permitted except in designated areas or on the slip holder's vessel. Used charcoal and ash shall be deposited in designated containers only. No charcoal grills or charcoal lighter shall be used on docks or vessels in the [Marinamarina](#).
- i) Lost and Found: All found items should be taken to the M.A.O.'s office.
- j) Commercial Activity: No commercial advertising or solicitation is permitted in the recreational basin. A slip holder may place a single 8½ x 11" For Sale sign within the vessel. The use of any boat as a demonstrator by a boat dealer shall be regulated by the vendor regulations which shall be published by the Department.
- k) Tampering with or boarding other vessels without permission is prohibited.
- l) Anchoring: Except in cases of emergency (see Section 220.80), no boat shall anchor in North Point Marina waters.

(Source: Amended at 29 Ill. Reg. 1342, effective January 10, 2005)

Section 220.80 Emergency Boarding of Vessels

Emergency Boarding of Vessels: The Department reserves the right to board any vessel in the Marina in the case of an emergency. The Department reserves the right to determine emergency situations, based upon threat to persons, ~~or~~ property or environment, and the immediacy of necessary action, including immediate vessel removal.

(Source: Amended at 29 Ill. Reg. 1342, effective January 10, 2005)

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- 1) Heading of the Part: North Point Marina Vendors
- 2) Code Citation: 17 Ill. Adm. Code 230
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
230.20	Amendment
230.30	Amendment
230.50	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 4 of the State Parks Act [20 ILCS 835/4] and by Sections 63a7, 63a11, 63a14, 63a15, 63a18, 63a21, 63a21.1 and 63a37 of the Civil Administrative Code of Illinois [20 ILCS 805/63a7, 63a11, 63a14, 63a15, 63a18, 63a21, 63a21.1 and 63a37]
- 5) Effective Date of Amendments: January 10, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 24, 2004; 28 Ill. Reg. 12973
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 230.20(g), the last sentence of the subsection was changed to read: "A schedule of insurance requirements shall be provided to the Marina Administrative Office by the vendor."
- 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 rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to add information and to

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clarify requirements regarding vendor authorization, access and work requirements and penalties.

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

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDSPART 230
NORTH POINT MARINA VENDORS

Section

230.10	Definitions
230.20	Vendor Authorization
230.30	Access and Work Requirements
230.40	Miscellaneous
230.50	Penalties

AUTHORITY: Implementing and authorized by Section 4 of the State Parks Act [20 ILCS 835/4] and by Sections 63a7, 63a11, 63a14, 63a15, 63a18, 63a21, 63a21.1 and 63a37 of the Civil Administrative Code of Illinois [20 ILCS 805/63a7, 63a11, 63a14, 63a15, 63a18, 63a21, 63a21.1 and 63a37].

SOURCE: Adopted at 13 Ill. Reg. 12826, effective July 21, 1989; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 29 Ill. Reg. 1358, effective January 10, 2005.

Section 230.20 Vendor Authorization

Each ~~Vendor~~ vendor:

- a) must be authorized by the Department prior to performing work or providing service within the Marina;
- b) will be required to pay an annual license fee of ~~\$300~~\$200 prior to authorization to perform work or provide service within the Marina ~~and agree to pay a percentage of gross sales to the Department pursuant to a schedule which may be obtained from the Marina office~~;
- c) must provide a current list of employees who will be assigned to work at Marina property. The list shall include such items as name, age, immediate supervisor's name and company employed by. Keeping this list shall be a continuing duty of the vendor;

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- d) possess all business licenses required by the State of Illinois, the County of Lake and the Village of Winthrop Harbor, comply with all applicable Federal, State and local laws relating to the operation of the business;
- e) has the responsibility to conduct a background check on his employees assigned to work at Marina property; ~~and~~
- f) shall agree in writing to assume all liability for damage, injury or criminal act caused by its employees while conducting business at Marina property and to hold the Department harmless for ~~thosesaid~~ damages, injury or criminal acts; ~~and-~~
- g) shall provide a certificate of insurance naming the State of Illinois, Department of Natural Resources as additional insured. A schedule of insurance requirements shall be provided to the Marina Administrative Office by the vendor.

(Source: Amended at 29 Ill. Reg. 1358, effective January 10, 2005)

Section 230.30 Access and Work RequirementsUpon arrival at the Marina:

- a) Licensed vendors will be issued a vendor code at the beginning of the season. This code will provide access to the docks and parking gates. Vendor's vehicles must be identified. The vendor name should be conspicuously displayed so as to be visible to Department personnel. Any misuse of these privileges will result in termination of the Vendor Services Agreement. Upon arrival at the Marina, all vendor employees must register at the Marina office, identify what boat(s) they will be working on and the nature of that work. Employees will then be issued a gate pass and identification card upon presenting their driver's license as a deposit and identification. All employees must log out at the Marina office and return the gate pass and identification card upon completion of the work or the end of the work day, whichever comes first. When employee has logged out and returned gate pass and identification card, the driver's license shall be returned.
- b) Unlicensed vendors must register at the Marina Office and provide a work order identifying what boats they will be working on and the nature of the work. The vendor will then be issued a gate pass. All unlicensed vendors must log out at the Marina Office and return the gate pass upon completion of the work or at the end of the work day, whichever comes first. Unlicensed vendors not providing

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evidence of warrant work being performed will be required to become a licensed vendor within 7 days.

- cb) All vendors will be required to be in uniform with company name visible or a Marina pass will have to be worn so as to be visible to Department of Natural Resources personnel. The Marina identification card must be carried at all times while working on Marina property.
- de) Employees shall present a valid vendor work order and/or personal identification the Marina identification card upon request of Department personnel.
- ed) Employees found working without proper authorization identification will be escorted to a harbor supervisor for disposition. Any employee found to be working without proper his identification card more than once may be banned from working at Departmental property for up to five years in accordance with the standards expressed in 17 Ill. Adm. Code 2530.420.
- fe) All employees may perform only such work as authorized by agreement between vendor and Department.
- gf) Employees performing mechanical work must be certified by an appropriate certifying or training organization.
- hg) Except in cases of emergency to keep a vessel afloat, no work shall be done between sunset and 8 a.m.
- ih) No employee shall place any tools, equipment, parts or materials so as to obstruct docks, fingers or walkways.
- j) Use of Marina dock carts is prohibited.

(Source: Amended at 29 Ill. Reg. 1358, effective January 10, 2005)

Section 230.50 Penalties

In addition to any specific penalties prescribed in this Part, violators of any of the provisions of this Part are subject to loss of privilege to vend their goods and/or services at the Marina for up to 5 years, in accordance with the standards expressed in 17 Ill. Adm. Code 2530.420, as well as any and all penalties prescribed by law: (Section 6 of the State Parks Act [20 ILCS 835/6]-"AN ACT in relation to the acquisition, maintenance, improvement and protection of State Parks" (Ill.

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| [Rev. Stat. 1987, ch. 105, par. 468\(b\)](#).

(Source: Amended at 29 Ill. Reg. 1358, effective January 10, 2005)

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- 1) Heading of the Part: General Hunting and Trapping on Department-Owned or -Managed Sites
- 2) Code Citation: 17 Ill. Adm. Code 510
- 3) Section Number: 510.10 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515]
- 5) Effective Date of Amendments: January 10, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 10, 2004; 28 Ill. Reg. 12548
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

In Section 510.10(b)(9), the Internet Home Page address was changed to read:

<http://dnr.state.il.us>

In Section 510.10(c), subsection (11) was changed to read as follows:

To track deer with dogs on any Department owned or managed site during hours when deer hunting is being conducted on the site. Dogs must be certified as deer tracking dogs by a national dog tracking organization.

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Public Act 93-0807, effective July 24, 2004, made it legal in Illinois for persons to track wounded deer with dogs on a lead up to 50 feet. These amendments make it unlawful to track deer with dogs on any Department-owned or Department-managed site during hours when deer hunting is being conducted on the site. Dogs must be certified as deer tracking dogs by a national dog tracking organization
- 16) Information and questions regarding this adopted amendment shall be directed to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 510
GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

Section

- 510.10 General Site Regulations
510.20 Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].

SOURCE: Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984; amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989; amended at 14 Ill. Reg. 14762, effective September 4, 1990; amended at 15 Ill. Reg. 9966, effective June 24, 1991; amended at 16 Ill. Reg. 11064, effective June 30, 1992; amended at 17 Ill. Reg. 10775, effective July 1, 1993; amended at 19 Ill. Reg. 10608, effective July 1, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14804, effective August 3, 1998; amended at 24 Ill. Reg. 8923, effective June 19, 2000; emergency amendment at 28 Ill. Reg. 13809, effective October 1, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1364, effective January 10, 2005.

Section 510.10 General Site Regulations

- a) Regulations
All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.
- b) Definitions:

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- 1) Unauthorized person – any individual who is not a Department employee or an individual who is not present for the purpose of hunting or trapping.
- 2) Designated area – a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced time period.
- 3) Hunting/Trapping area – any portion of a site where actual hunting and/or trapping takes place. It does not include places such as parking lots, check stations, pavilions, or picnic areas associated with a hunting/trapping area.
- 4) Restricted area – a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.
- 5) Refuge area – a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the Department when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.
- 6) Adult – a person 18 years of age or older.
- 7) Waterfowl rest area – a defined location at a site with a set boundary within which no public activity or presence is allowed for a specified period of time, except as authorized by the Department.
- 8) Hunter or trapper quota – The maximum number of hunters or trappers that can be accommodated at a site at any one time. Hunter and trapper quotas are determined by the formula of one hunter or trapper per 10-40 huntable acres. The number of huntable acres is determined by, but not limited to, the biological studies on the number of available animals within a species, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site.
- 9) Publicly announced – The information referred to will be included on the Department's Internet Home Page at <http://dnr.state.il.us>, published in Outdoor Illinois, provided to outdoor writers for newspapers, and placed on the Department's Toll Free Hotline.

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- c) It shall be unlawful:
- 1) For any person to possess any alcoholic beverage while in any hunting/trapping area for the purpose of hunting or trapping.
 - 2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.
 - 3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed.
 - 4) To hunt or trap in a restricted area.
 - 5) For unauthorized persons to use or occupy in any manner designated hunting areas during the permit dove hunting season and controlled pheasant hunting season at sites holding such seasons, or during any hunting season where such restrictions are so posted at the site, when authorized hunting is in progress.
 - 6) To enter a refuge, restricted area or waterfowl rest area unless authorized by the Department.
 - 7) To hunt or trap on any Department-owned or -managed land that is not a designated area pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 660, 670, 680, 690, 710, 715, 720, 730, and 740).
 - 8) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to Department of Natural Resources hunting or trapping fees or to the operation of controlled pheasant hunting on Department lands pursuant to a written concession agreement.
 - 9) To hunt or trap without a valid permit where permits are required.
 - 10) To hunt with any weapon except shotgun or bow and arrow unless otherwise specified.
 - 11) To track deer with dogs on any Department owned or managed site during hours when deer hunting is being conducted on the site. Dogs must be

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certified as deer tracking dogs by a national dog tracking organization.

- d) Specific Management Procedures
- 1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.
 - 2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within fifteen minutes, or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).
 - 3) In the event that Department budget reductions or site staffing reductions make the operation of check stations impractical, State sites that now require check stations and other restrictive hunter regulations may be opened to statewide regulations or closed to hunting by posting such notice at the site.
 - 4) At sites where windshield permits are issued, such permits must be displayed in a location visible through the windshield of the vehicle while hunting.
 - 5) Department will have the authority to issue site specific deer permits in addition to any other deer permits issued by the Department (see Parts 650, 660, 670 and 680); and to designate the sex of deer (antlered or antlerless) that hunters may harvest through site-specific regulations.
 - 6) All hunter or trapper quotas are filled on a first come-first served basis unless a drawing or special permit is used. The Department shall use a special permit or drawing whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department. Hunters or trappers will be notified as expeditiously as possible through site postings, news releases or public announcements when quotas are established.
 - 7) During pheasant, rabbit, quail and partridge season, hunters and trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while trapping or hunting pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock.

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(Source: Amended at 29 Ill. Reg. 1364, effective January 10, 2005)

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- 1) Heading of the Part: Language Assistance Services Code
- 2) Code Citation: 77 Ill. Adm. Code 940
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
940.100	New Section
940.110	New Section
940.120	New Section
940.130	New Section
940.140	New Section
940.150	New Section
940.160	New Section
940.170	New Section
- 4) Statutory Authority: Language Assistance Services Act [210 ILCS 87]
- 5) Effective date of rulemaking: January 6, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporations by reference? No
- 8) A copy of the adopted rules, including all material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 28 Ill. Reg. 7232; May 21, 2004
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

In Section 940.160, subsection (c) was re-labeled as (d), and the following new subsection was added:

- “c) The Department shall notify the health facility of the approval or disapproval of the plan of correction. A notice of approval shall include the date on which the

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plan of correction was submitted, for the purpose of establishing the 6 month time period required in subsection (d) and in Section 17 of the Act.”.

In addition, various nonsubstantive 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 any emergency rulemaking currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These rules implement the Language Assistance Services Act [210 ILCS 87]. The Act was amended by Public Act 93-564 to make language assistance services mandatory, rather than voluntary, for hospitals and long-term care facilities. A facility is required to ensure access to health care information and services for limited-English-speaking or non-English-speaking residents or patients and deaf residents and patients by providing one or more of the following services:

Review existing policies regarding interpreters for patients with limited English proficiency and patients who are deaf, including the availability of staff to act as interpreters;

Adopt and review annually a policy for providing language assistance services to patients with language or communication barriers;

Develop and post in conspicuous locations notices that advise patients and their families of the availability of interpreters, the procedure for obtaining interpreters, and the telephone numbers for the complaint registry and a TDD number for the hearing impaired;

Identify and record a patient's primary language and dialect on one or more of: the medical chart, a hospital bracelet, a bedside notice, or a nursing card;

Prepare and maintain, as needed, a list of interpreters;

Notify employees of the facility's commitment to provide interpreters;

Review all standardized forms and documents to determine which to translate into languages other than English;

Consider providing bilingual staff with materials for use in routine communications with patients or residents;

Develop community liaison groups to ensure the adequacy of interpreter services.

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Public Act 93-564 requires the Department to develop and implement a complaint system through which the Department may receive complaints related to violations of this Act, either by developing a new complaint system or using an existing one. If the Department finds that a facility is in violation of the Act, the health care facility may submit a plan of correction to the Department for its approval. The Department may impose monetary penalties for violation of a plan of correction within six months after the plan has been submitted to the Department.

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217/782-2043
e-mail: rules@idph.state.il.us

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICESPART 940
LANGUAGE ASSISTANCE SERVICES CODE

Section	
940.100	Definitions
940.110	Referenced Materials
940.120	Language Assistance Services
940.130	Qualifications of Interpreters
940.140	Complaints
940.150	Notice of Violation
940.160	Plan of Correction
940.170	Penalties

AUTHORITY: Implementing and authorized by the Language Assistance Services Act [210 ILCS 87].

SOURCE: Adopted at 28 Ill. Reg. 1371, effective January 6, 2005.

Section 940.100 Definitions

The following terms have the meaning ascribed to them here whenever the term is used in this Part:

Act – the Language Assistance Services Act [210 ILCS 87].

Department – the Department of Public Health. (Section 10 of the Act)

Health facility – a hospital licensed under the Hospital Licensing Act or a long-term care facility licensed under the Nursing Home Care Act. (Section 10 of the Act)

Interpreter – a person fluent in English and in the necessary language of the patient or resident, who can accurately speak, read, and readily interpret the necessary second language, or a person who can accurately sign and read sign language. (Section 10 of the Act)

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Language or communication barrier – either of the following:

With respect to spoken language, barriers that are experienced by limited-English-speaking or non-English-speaking individuals who speak the same primary language, if those individuals constitute at least 5% of the patients or residents served by the health facility annually.

With respect to sign language, barriers that are experienced by individuals who are deaf and whose primary language is sign language.
(Section 10 of the Act)

Section 940.110 Referenced Materials

The following Illinois laws are referenced in this Part:

- a) Hospital Licensing Act [210 ILCS 85]
- b) Nursing Home Care Act [210 ILCS 45]
- c) Illinois Administrative Procedure Act [5 ILCS 100]

Section 940.120 Language Assistance Services

A health facility shall *ensure access to health care information and services for limited-English-speaking or non-English-speaking residents or patients or deaf residents or patients.* To meet this requirement, *a health facility shall, as a minimum, do one or more of the following:*

- a) *Review existing policies regarding interpreters for patients or residents with limited English proficiency and for patients or residents who are deaf, including the availability of staff to act as interpreters.*
- b) *Adopt and review annually a policy for providing language assistance services to patients or residents with language or communication barriers. The policy shall include procedures for providing, to the extent possible as determined by the facility, the use of an interpreter whenever a language or communication barrier exists, except where the patient or resident, after being informed of the availability of the interpreter service, chooses to use a family member or friend who volunteers to interpret. The procedures shall be designed to maximize efficient use of interpreters and minimize delays in providing interpreters to patients or residents. The procedures shall ensure, to the extent possible as determined by*

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the facility, that interpreters are available, either on the premises or accessible by telephone, 24 hours a day. The facility shall annually transmit to the Department of Public Health a copy of the updated policy and shall include a description of the facility's efforts to ensure adequate and speedy communication between patients or residents with language or communication barriers and staff.

- c) *Develop, and post in conspicuous locations, notices that advise patients or residents and their families of the availability of interpreters, the procedure for obtaining an interpreter, and the telephone numbers to call for filing complaints concerning interpreter service problems, including, but not limited to, a TDD number for the hearing impaired. In a hospital, the notices shall be posted, at a minimum, in the emergency room, the admitting area, the facility entrance, and the outpatient area. In a long-term care facility, the notices shall be posted in the facility entrance. Notices shall inform patients or residents that interpreter services are available on request, shall list the languages for which interpreter services are available, and shall instruct patients to direct complaints regarding interpreter services to the Department of Public Health, including the telephone numbers to call for that purpose.*
- d) *Identify and record a patient's or resident's primary language and dialect on one or more of the following: a patient or resident medical chart, hospital bracelet, bedside notice, or nursing card.*
- e) *Prepare and maintain, as needed, a list of interpreters who have been identified as proficient in sign language and in the languages of the population of the geographical area served by the facility who have the ability to translate the names of body parts, injuries, and symptoms.*
- f) *Notify the facility's employees of the facility's commitment to provide interpreters to all patients or residents who request them.*
- g) *Review all standardized written forms, waivers, documents, and informational materials available to patients or residents on admission to determine which to translate into languages other than English.*
- h) *Consider providing its nonbilingual staff with standardized picture and phrase sheets for use in routine communications with patients or residents who have language or communication barriers.*

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- i) *Develop community liaison groups to enable the facility and the limited-English-speaking, non-English-speaking, and deaf communities to ensure the adequacy of the interpreter services.* (Section 15 of the Act)

Section 940.130 Qualifications of Interpreters

- a) *Interpreters shall have the ability to translate the names of body parts and to describe completely symptoms and injuries in both English and in the necessary second language, or in sign language.* (Section 10 of the Act)
- b) *Interpreters may include members of the medical or professional staff.* (Section 10 of the Act)

Section 940.140 Complaints

- a) A person who believes that the Act or this Part may have been violated may submit a complaint to the Department. The complaint may be submitted in writing, by telephone, or in person.
- b) A health care facility shall be provided an *opportunity to resolve the complaint through an informal resolution process.* (Section 16 of the Act)
- c) The Department shall *determine the validity of complaint* by means of a *complaint verification process* (Section 16 of the Act) that includes:
 - 1) Reviewing the allegations of the complaint to determine whether the allegations concern a violation of one or more Sections of the Act;
 - 2) Reviewing the health care facility's policies or procedures to determine whether the policies and procedures are in compliance with the Act;
 - 3) Reviewing statements or written communication from residents or patients, facility staff, or others to determine whether such statements or communication supports that the health care facility is not in compliance with the Act; and
 - 4) Observing actions of the health care facility to determine any noncompliance with the Act.

Section 940.150 Notice of Violation

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- a) *If a complaint is not resolved informally, then the Department shall serve a notice of violation of the Act upon the health facility. (Section 16 of the Act)*
- b) *The notice of violation shall be in writing and shall:*
 - 1) *Specify the nature of the violation and the statutory provision alleged to have been violated;*
 - 2) *Inform the health facility of the action the Department may take under the Act;*
 - 3) *Inform the health facility of the amount of any financial penalty to be imposed;*
 - 4) *Inform the health facility of the opportunity for entering into a plan of correction. (Section 16 of the Act)*
- c) *The notice shall also inform the health facility of its rights to a hearing to contest the alleged violation under the Illinois Administrative Procedure Act. (Section 16 of the Act)*

Section 940.160 Plan of Correction

- a) *If the Department finds that a health facility is in violation of the Act, the health facility may submit to the Department, for its approval, a plan of correction. (Section 17 of the Act)*
- b) In determining whether to approve the plan of correction, the Department shall consider the following:
 - 1) Whether the plan of correction *ensures access to health care information and services for limited-English-speaking or non-English-speaking residents or patients and deaf residents or patients;*
 - 2) Whether the plan of correction addresses the conditions or occurrences that are the basis of the violation;

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- 3) Whether the plan of correction is specific enough to indicate corrective actions the facility will be taking or has already taken to abate, eliminate or correct the violation;
 - 4) Whether the plan of correction provides steps to avoid the violation or to prevent similar violations from recurring, including an evaluation and revision, as necessary, of policies and procedures, and staff training; and
 - 5) Whether the corrective action will be completed in a reasonable time frame, considering the seriousness of the violation, any possible harm to residents or patients, and the extent and complexity of the corrective action.
- c) The Department shall notify the health facility of the approval or disapproval of the plan of correction. A notice of approval shall include the date on which the plan of correction was submitted, for the purpose of establishing the 6 month time period required in subsection (d) and in Section 17 of the Act.
- d) *If a health facility violates an approved plan of correction within 6 months after its submission, the Department may impose a penalty on the health facility.* (Section 17 of the Act) The Department's decision to impose a penalty shall be based on:
- 1) The severity of harm, including death or serious physical or mental harm, that has resulted to a resident or patient and the extent to which residents or patients have been subject to potential serious harm.
 - 2) The gravity of the violation and the extent to which the provisions of the Act or this Part were violated, including whether the violation recurred or continued, is widespread throughout the facility or evidences a flagrant violation of the Act or this Part.
 - 3) The extent and seriousness of any previous violations committed by the facility and the extent of diligence exercised by the facility to correct such violations, including evidence that the violations constitute a pattern of deliberate action by the facility. The effect of any change in the ownership and management of the facility will be considered in relation to the seriousness of previous violations.

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- 4) Any possible financial benefit to the facility as a result of committing or continuing the violation. Such benefits include, but are not limited to, avoidance of costs associated with staff salaries, consultant fees, or direct patient care services.

Section 940.170 Penalties

- a) *For the first violation of an approved plan of correction, the Department shall impose a penalty of \$100. (Section 17 of the Act)*
- b) *For a second or subsequent violation of an approved plan of correction, the Department shall impose a penalty of \$250. (Section 17 of the Act)*
- c) *The total fines imposed under the Act and this Part against a health facility in a 12 month period shall not exceed \$5,000. (Section 17 of the Act)*

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Specifications for Tank Cars
- 2) Code Citation: 92 Ill. Adm. Code 179
- 3) Section Number: 179.2000 Adopted Action: Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]
- 5) Effective Date of Amendment: January 6, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Division of Traffic Safety and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: October 8, 2004; 28 Ill. Reg. 13345
- 10) Has JCAR issued a Statement of Objection to this amendment? 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 necessary.
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendment: By this Notice, the Department has made a minor technical change to this Part that imposes no new requirements on industry. The Department corrected two cites at Section 179.2000(a), thereby clarifying language to reflect that all of 49 CFR 179, subpart E, is incorporated by reference, not just sections 179.300 and 179.301. This change clarifies the Department's rulemaking and does not impose new requirements on industry.

DEPARTMENT OF TRANSPORTATION

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

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212

217/785-1181

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONSPART 179
SPECIFICATIONS FOR TANK CARS

Section

179.1000	General
179.2000	Incorporation By Reference of 49 CFR 179

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 19677, effective October 1, 1984; amended at 10 Ill. Reg. 5909, effective April 1, 1986; amended at 10 Ill. Reg. 20824, effective December 1, 1986; amended at 11 Ill. Reg. 4796, effective March 10, 1987; amended at 11 Ill. Reg. 17915, effective October 20, 1987; amended at 12 Ill. Reg. 8102, effective April 26, 1988; amended at 15 Ill. Reg. 7781, effective May 7, 1991; amended at 16 Ill. Reg. 11875, effective July 13, 1992; amended at 18 Ill. Reg. 7912, effective May 6, 1994; amended at 20 Ill. Reg. 6577, effective April 30, 1996; amended at 22 Ill. Reg. 5736, effective March 4, 1998; amended at 22 Ill. Reg. 17042, effective September 30, 1998; amended at 25 Ill. Reg. 7320, effective May 19, 2001; amended at 26 Ill. Reg. 8958, effective June 5, 2002; amended at 28 Ill. Reg. 10112, effective July 1, 2004; amended at 29 Ill. Reg. 706, effective December 20, 2004; amended at 29 Ill. Reg. 1381, effective January 6, 2005.

Section 179.2000 Incorporation By Reference of 49 CFR 179

- a) As Part 179 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates the following [subpart and](#) sections of 49 CFR 179 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, 2004, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 179 of the federal regulations are incorporated.

179.1	General
179.2	Definitions and abbreviations
179.5	Certificate of Construction

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NOTICE OF ADOPTED AMENDMENT

179.6	Repairs and alterations
179.7	Quality Assurance program
179.10	Tank mounting
179.11	Welding certification
179.12	Interior heater systems
179.16	Tank-head puncture-resistance systems
179.18	Thermal protection systems
179.20	Service equipment; protection systems
179.22	Marking
<u>subpart E</u>	<u>Specifications for Multi-Unit Tank Car Tanks (Classes DOT-106A and 110AW)</u>
179.300	General specifications applicable to multi-unit tank car tanks designed to be removed from car structure for filling and emptying (classes DOT-106A and 110AW)
179.301	Individual specification requirements for multi-unit tank car tanks

- b) The following interpretations of, additions to and deletions from the above incorporated sections of 49 CFR 179 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean Part 179 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
 - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations except references to Section 179.3 shall mean 49 CFR 179.3.

(Source: Amended at 29 Ill. Reg. 1381, effective January 6, 2005)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.Appendix A, Table L Peremptory Action: Amend
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services is amending the Pay Plan 80 Ill. Adm. Code 310.Appendix A, Table L to reflect the Agreement between the Department of Central Management Services and the International Brotherhood of Boiler Makers – Iron Shipbuilders, Blacksmiths, Forgers, and Helpers. The Agreement was signed December 6, 2004. Effective January 1, 2005, Boiler Safety Specialist title shall be paid an additional 2.00% above the prevailing rate of wages for the employees on the standard pension formula.
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 6) Effective Date: January 4, 2005
- 7) A Complete Description of the Subjects and Issues Involved: Section 310.Appendix A, Table L is amended to reflect the 2.00% increase in salaries and effective date of January 1, 2005.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: January 4, 2005
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part?

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Appendix A, Table D	Amend	28 Ill. Reg. 13949, 10/29/04
310.Appendix A, Table E	Amend	28 Ill. Reg. 13949, 10/29/04

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Appendix A, Table F	Amend	28 Ill. Reg. 13949, 10/29/04
310.80	Amend	28 Ill. Reg. 15937, 12/17/04
310.230	Amend	28 Ill. Reg. 15937, 12/17/04
310.290	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table G	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table H	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table I	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table J	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table N	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table O	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table P	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table R	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table W	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table X	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table Y	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table Z	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table AA	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix B	Amend	28 Ill. Reg. 15937, 12/17/04

- 13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding these preemptory amendments shall be directed to:

Ms. Dawn DeFraties
 Deputy Director
 Department of Central Management Services
 503 William G. Stratton Building
 Springfield IL 62706
 217/524-8773
 Fax: 217/558-4497

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2004
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate

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- 310.300 Educator Schedule for RC-063 and HR-010
- 310.310 Physician Specialist Rate
- 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
- 310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
- 310.420 Objectives
- 310.430 Responsibilities
- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases
- 310.455 Intermittent Merit Increase
- 310.456 Merit Zone (Repealed)
- 310.460 Other Pay Increases
- 310.470 Adjustment
- 310.480 Decreases in Pay
- 310.490 Other Pay Provisions
- 310.495 Broad-Band Pay Range Classes
- 310.500 Definitions
- 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
- 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
- 310.530 Implementation
- 310.540 Annual Merit Increase Guidechart for Fiscal Year 2004
- 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

- 310.TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU) (Repealed)
- 310.TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
- 310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
- 310.TABLE D HR-001 (Teamsters Local #726)
- 310.TABLE E RC-020 (Teamsters Local #330)
- 310.TABLE F RC-019 (Teamsters Local #25)
- 310.TABLE G RC-045 (Automotive Mechanics, IFPE)
- 310.TABLE H RC-006 (Corrections Employees, AFSCME)

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310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2004
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2004
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2004
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2004

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984;

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emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27,

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1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective

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August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective

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December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20,

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2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE L RC-008 (Boilermakers)**

Title	Title Code	Region	Effective Date	Monthly Salary
Boiler Safety Specialist	04910	Northern	January 1, 2005 July 1, 2004	6534.81 6406.68
Boiler Safety Specialist	04910	Central	January 1, 2005 July 1, 2004	5141.60 5040.78
Boiler Safety Specialist	04910	Southern	January 1, 2005 September 2, 2004	4791.96 4698

Northern Region: Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties.

Central Region: Bureau, Carroll, Champaign, DeWitt, Ford, Fulton, Hancock, Henderson, Henry, Iroquois, JoDaviess, Knox, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McLean, Mercer, Ogle, Peoria, Putman, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, and Woodford Counties.

Southern Region: Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties.

(Source: Amended by peremptory rulemaking at 29 Ill. Reg. 1385, effective January 4, 2005)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Hazardous Materials Transportation: General Information, Regulations and Definitions
- 2) Code Citation: 92 Ill. Adm. Code 171
- 3) Section Number: 171.1000 Peremptory Action: Amend
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires This Peremptory Rulemaking: 69 FR 70902, December 8, 2004 and 69 FR 75208, December 15, 2004
- 5) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4 and 9(a)]
- 6) Effective Date: January 6, 2005
- 7) A Complete Description of the Subjects and Issues Involved: On October 30, 2003 at 68 FR 61906, US DOT's Research and Special Programs Administration (RSPA) published a final rule that clarified the applicability of the federal Hazardous Materials Regulations (HMR) to specific functions and activities including hazardous materials loading and unloading operations and storage of hazardous materials during transportation. The final rule was effective as of October 1, 2004. However, on May 28, 2004 at 69 FR 30588, RSPA published another final rule delaying the effective date of the October 30, 2003 final rule from October 1, 2004 to January 1, 2005. Then, on December 8, 2004 at 69 FR 70902, RSPA published another final rule that again delayed the effective date of the October 30, 2003 final rule from January 1, 2005 to June 1, 2005. Since the Illinois Hazardous Materials Transportation Regulations (IHMTR) currently incorporate by reference the October 1, 2003 and May 28, 2004 federal final rules, the Department must now incorporate by reference the December 8, 2004 federal final rule in order to delay enforcement in Illinois of the new requirements for loading, unloading and storage of hazardous materials and, also, for consistency with the federal regulations. Therefore, the Department has determined that a peremptory rulemaking is necessary in order to keep Illinois current with the federal program.

Additionally, by this peremptory rulemaking, the Department is incorporating by reference RSPA's interim final rule published on December 15, 2004 at 69 FR 75208 and effective December 29, 2004, that imposes a limited prohibition on offering for transportation and transportation of primary (non-rechargeable) lithium batteries and cells as cargo aboard passenger-carrying aircraft and equipment containing or packed with

DEPARTMENT OF TRANSPORTATION

NOTICE OF PEREMPTORY AMENDMENT

large primary lithium batteries. This interim final rule affects the package marking requirements used for highway transportation and, therefore, must be included in the IHMTR.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed With the Index Department: January 6, 2005
- 10) A copy of the peremptory amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This rule is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any other proposed amendments pending on this Part? No
- 13) Statement of Statewide Policy Objectives: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 14) Information and questions regarding this peremptory amendment shall be directed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
2300 S. Dirksen Parkway
Springfield, IL 62764
(217) 782-3215

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PEREMPTORY AMENDMENT

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 171

HAZARDOUS MATERIALS TRANSPORTATION: GENERAL INFORMATION,
REGULATIONS AND DEFINITIONS

Section

171.1	Purpose and Scope (Repealed)
171.2	General Transportation Requirements (Repealed)
171.3	Hazardous Waste
171.4	Exemptions (Renumbered)
171.5	Agricultural Exception (Repealed)
171.6	Agricultural Exception (Renumbered)
171.7	Matter Incorporated by Reference (Repealed)
171.8	Definitions and Abbreviations (Repealed)
171.9	Rules of Construction (Repealed)
171.12	Import and Export Shipments (Repealed)
171.13	Imminent Danger
171.14	Specification Markings (Repealed)
171.15	Incident Reporting Requirements (Repealed)
171.17	Exemptions
171.18	Continuation of Effectiveness of Existing Bureau of Explosives Registrations (Repealed)
171.19	Approvals or Authorizations Issued by the Bureau of Explosives (Repealed)
171.21	Retailer Exception
171.22	Agricultural Exception
171.1000	Incorporation by Reference of 49 CFR 171

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. 41, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 17984; amended at 10 Ill. Reg. 9636, effective May 15, 1986; amended at 10 Ill. Reg. 20753, effective December 1, 1986; emergency amendment at 11 Ill. Reg. 1684, effective January 16, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 4772, effective March 10, 1987; amended at 11 Ill. Reg. 7767, effective April 14, 1987; amended at 11 Ill. Reg. 17886, effective October 20, 1987; amended at 12 Ill. Reg. 8078, effective April 26, 1988; amended at

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13 Ill. Reg. 3984, effective March 14, 1989; amended at 14 Ill. Reg. 2621, effective February 1, 1990; amended at 15 Ill. Reg. 7752, effective May 7, 1991; amended at 16 Ill. Reg. 12208, effective July 20, 1992; amended at 18 Ill. Reg. 7861, effective May 6, 1994; amended at 20 Ill. Reg. 6539, effective April 30, 1996; emergency amendment at 21 Ill. Reg. 4043, effective March 17, 1997, for a maximum of 150 days; emergency expired August 13, 1997; amended at 22 Ill. Reg. 5694, effective March 4, 1998; amended at 22 Ill. Reg. 17011, effective September 30, 1998; amended at 25 Ill. Reg. 7292, effective May 19, 2001; amended at 26 Ill. Reg. 8927, effective June 5, 2002; amended at 28 Ill. Reg. 10076, effective July 1, 2004; peremptory amendment at 28 Ill. Reg. 11376, effective July 22, 2004; amended at 29 Ill. Reg. 671, effective December 20, 2004; peremptory amendment at 29 Ill. Reg. 1396, effective January 6, 2005.

Section 171.1000 Incorporation by Reference of 49 CFR 171

- a) As Part 171 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates the following sections of 49 CFR 171 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, 2004, as amended at 69 FR 70902, December 8, 2004, and as amended at 69 FR 75208, December 15, 2004 subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 171 are incorporated.

171.1	Applicability of Hazardous Materials Regulations (HMR) to persons and functions
171.2	General Requirements
171.4	Marine Pollutants
171.7	Reference Material
171.8	Definitions and Abbreviations
171.9	Rules of Construction
171.10	Units of Measure
171.11	Use of ICAO Technical Instructions
171.12	Import and Export Shipments
171.12a	Canadian Shipments and Packagings
171.14	Transitional Provisions for Implementing Certain Requirements
171.15	Immediate Notice of Certain Hazardous Materials Incidents

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- 171.16 Detailed Hazardous Materials Incident Reports
- 171.19 Approvals or Authorizations Issued by the Bureau of Explosives
- 171.20 Submission of Examination Reports

- b) The following interpretations of, additions to and deletions from the above incorporated sections of 49 CFR 171 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean Part 171 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
 - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
 - 4) All references to part 174, 175 or 176 or to sections therein shall be read to refer to that part or sections in the federal regulations.
 - 5) All references to shipments of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
 - 6) All references to "these regulations" or the Hazardous Materials Regulations (HMR) in the incorporated federal regulations shall be read to refer to the Illinois Hazardous Materials Transportation Regulations.
 - 7) All references to a "settlement agreement", in these regulations, means a written understanding between the Department and the person being charged.
 - 8) 49 CFR 171.1(f)(3) is not incorporated by reference and is replaced by the following:

Preemption determination procedures are in subpart C of 49 CFR 107.

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- 9) 49 CFR 171.1(g) is not incorporated by reference and is replaced by the following:

Each person who knowingly violates a requirement of the federal hazardous materials transportation law, an order issued under the federal hazardous materials transportation law, subchapter A of Chapter I of 49 CFR, an exemption or approval issued under subchapter A or C of Chapter I of 49 CFR, or the Illinois Hazardous Materials Transportation Regulations is liable for penalties established and set forth in 92 Ill. Adm. Code 107.314 and 107.371.

- 10) All references to approvals, exemptions or registration referred to in 49 CFR 171.2 shall be read to refer to the federal hazardous materials regulations.

(Source: Amended by peremptory rulemaking at 29 Ill. Reg. 1396, effective January 6, 2005)

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- 1) Heading of the Part: Hazardous Materials Table and Hazardous Materials Communications
- 2) Code Citation: 92 Ill. Adm. Code 172
- 3) Section Number: 172.2000 Peremptory Action: Amend
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires This Peremptory Rulemaking: 69 FR 75208, December 15, 2004
- 5) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4 and 9(a)]
- 6) Effective Date: January 6, 2005
- 7) A Complete Description of the Subjects and Issues Involved: By this peremptory amendment, the Department is incorporating by reference US DOT's Research and Special Programs Administration's interim final rule published on December 15, 2004 at 69 FR 75208, effective December 29, 2004, that imposes a limited prohibition on offering for transportation and transportation of primary (non-rechargeable) lithium batteries and cells as cargo aboard passenger-carrying aircraft and equipment containing or packed with large primary lithium batteries. This interim final rule affects the package marking requirements used for highway transportation and, therefore, must be included in the Illinois Hazardous Materials Transportation Regulations.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed With the Index Department: January 6, 2005
- 10) A copy of the amendment, including any material incorporated by reference, is on file in the agency's principal office and it available for public inspection.
- 11) This rule is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any other proposed amendments pending on this Part? No
- 13) Statement of Statewide Policy Objectives: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.

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- 14) Information and questions regarding this peremptory amendment shall be directed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
2300 S. Dirksen Parkway
Springfield, IL 62764
(217) 782-3215

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PEREMPTORY AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONSPART 172
HAZARDOUS MATERIALS TABLE AND
HAZARDOUS MATERIALS COMMUNICATIONS

Section

172.1000	General
172.2000	Incorporation by Reference of 49 CFR 172
172.2215	Permanent Shipping Papers (Repealed)

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, 4487, and 4573, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 19601; amended at 8 Ill. Reg. 19622, effective October 1, 1984; emergency amendment at 8 Ill. Reg. 22889, effective November 9, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3810, effective March 11, 1985; Part repealed, new Part adopted at 10 Ill. Reg. 5864, effective April 1, 1986; amended at 10 Ill. Reg. 20759, effective December 1, 1986; emergency amendment at 11 Ill. Reg. 1690, effective January 16, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 4777, effective March 10, 1987; amended at 11 Ill. Reg. 7773, effective April 14, 1987; amended at 11 Ill. Reg. 17893, effective October 20, 1987; amended at 12 Ill. Reg. 8084, effective April 26, 1988; amended at 13 Ill. Reg. 3993, effective March 14, 1989; amended at 14 Ill. Reg. 2628, effective February 1, 1990; amended at 15 Ill. Reg. 7760, effective May 7, 1991; amended at 16 Ill. Reg. 11851, effective July 13, 1992; amended at 18 Ill. Reg. 7874, effective May 6, 1994; amended at 20 Ill. Reg. 6549, effective April 30, 1996; amended at 22 Ill. Reg. 5703, effective March 4, 1998; amended at 22 Ill. Reg. 17019, effective September 30, 1998; amended at 25 Ill. Reg. 7287, effective May 19, 2001; amended at 26 Ill. Reg. 8935, effective June 5, 2002; amended at 28 Ill. Reg. 10083, effective July 1, 2004; preemptory amendment at 28 Ill. Reg. 11381, effective July 22, 2004; amended at 29 Ill. Reg. 681, effective December 20, 2004; preemptory amendment at 29 Ill. Reg. 1402, effective January 6, 2005.

Section 172.2000 Incorporation by Reference of 49 CFR 172

- a) As Part 172 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 172 by reference, as that part of the federal

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hazardous materials transportation regulations was in effect on October 1, 2004, [as amended at 69 FR 75208, December 15, 2004](#) subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 172 are incorporated.

- b) The following interpretations of, additions to and deletions from 49 CFR 172 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean Part 172 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
 - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
 - 4) All references to part 174, 175 or 176 or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.
 - 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
 - 6) Any changes to 49 CFR 172 made effective by U.S. DOT Rulemaking Docket HM-187 (49 FR 21933 (May 24, 1984)) covering small arms ammunition are not incorporated.

(Source: Amended by peremptory rulemaking at 29 Ill. Reg. 1402, effective January 6, 2005)

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- 1) Heading of the Part: Shippers General Requirements for Shipments and Packagings
- 2) Code Citation: 92 Ill. Adm. Code 173
- 3)

<u>Section Number:</u> 173.3000	<u>Peremptory Action:</u> Amend
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- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires This Peremptory Rulemaking: 69 FR 70902, December 8, 2004 and 69 FR 75208, December 15, 2004
- 5) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4 and 9(a)]
- 6) Effective Date: January 6, 2005
- 7) A Complete Description of the Subjects and Issues Involved: On October 30, 2003 at 68 FR 61906, US DOT's Research and Special Programs Administration (RSPA) published a final rule that clarified the applicability of the federal Hazardous Materials Regulations (HMR) to specific functions and activities including hazardous materials loading and unloading operations and storage of hazardous materials during transportation. The final rule was effective as of October 1, 2004. However, on May 28, 2004 at 69 FR 30588, RSPA published another final rule delaying the effective date of the October 30, 2003 final rule from October 1, 2004 to January 1, 2005. Then, on December 8, 2004 at 69 FR 70902, RSPA published another final rule that again delayed the effective date of the October 30, 2003 final rule from January 1, 2005 to June 1, 2005. Since the Illinois Hazardous Materials Transportation Regulations (IHMTR) currently incorporate by reference the October 1, 2003 and May 28, 2004 federal final rules, the Department must now incorporate by reference the December 8, 2004 federal final rule in order to delay enforcement in Illinois of the new requirements for loading, unloading and storage of hazardous materials and, also, for consistency with the federal regulations. Therefore, the Department has determined that a peremptory rulemaking is necessary in order to keep Illinois current with the federal program.

Additionally, by this peremptory rulemaking, the Department is incorporating by reference RSPA's interim final rule published on December 15, 2004 at 69 FR 75208 and effective December 29, 2004, that imposes a limited prohibition on offering for transportation and transportation of primary (non-rechargeable) lithium batteries and cells as cargo aboard passenger-carrying aircraft and equipment containing or packed with large primary lithium batteries. This interim final rule affects the package marking

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requirements used for highway transportation and, therefore, must be included in the IHMTR.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed With the Index Department: January 6, 2005
- 10) A copy of the amendment, including any material incorporated by reference, is on file in the agency's principal office and it available for public inspection.
- 11) This rule is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any other proposed amendments pending on this Part? No
- 13) Statement of Statewide Policy Objectives: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 14) Information and questions regarding this peremptory amendment shall be directed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
2300 S. Dirksen Parkway
Springfield, IL 62764
(217) 782-3215

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

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NOTICE OF PEREMPTORY AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONSPART 173
SHIPPERS GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Section

173.2000	General
173.3000	Incorporation by Reference of 49 CFR 173

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 4 Ill. Reg. 30, p. 1244, effective July 10, 1980; amended at 5 Ill. Reg. 1715, effective February 9, 1981; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 7 Ill. Reg. 3486, effective April 12, 1983; codified at 8 Ill. Reg. 20015; Part repealed, new Part adopted at 10 Ill. Reg. 5886, effective April 1, 1986; amended at 10 Ill. Reg. 20764, effective December 1, 1986; amended at 11 Ill. Reg. 4781, effective March 10, 1987; amended at 11 Ill. Reg. 17898, effective October 20, 1987; amended at 12 Ill. Reg. 8089, effective April 26, 1988; amended at 13 Ill. Reg. 3998, effective March 14, 1989; amended at 14 Ill. Reg. 2651, effective February 1, 1990; amended at 15 Ill. Reg. 7765, effective May 7, 1991; amended at 16 Ill. Reg. 11856, effective July 13, 1992; amended at 18 Ill. Reg. 7895, effective May 6, 1994; amended at 20 Ill. Reg. 6560, effective April 30, 1996; amended at 22 Ill. Reg. 5720, effective March 4, 1998; amended at 22 Ill. Reg. 17028, effective September 30, 1998; amended at 25 Ill. Reg. 7304, effective May 19, 2001; amended at 26 Ill. Reg. 8939, effective June 5, 2002; amended at 28 Ill. Reg. 10088, effective July 1, 2004; peremptory amendment at 28 Ill. Reg. 11385, effective July 22, 2004; amended at 29 Ill. Reg. 685, effective December 20, 2004; peremptory amendment at 29 Ill. Reg. 1406, effective January 6, 2005.

Section 173.3000 Incorporation by Reference of 49 CFR 173

- a) As Part 173 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 173 by reference, as that part of the federal hazardous materials transportation regulations was in effect on October 1, 2004, as amended at 69 FR 70902, December 8, 2004, and as amended at 69 FR 75208, December 15, 2004 subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 173 are incorporated.

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- b) The following interpretations of, additions to and deletions from 49 CFR 173 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean Part 173 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
 - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
 - 4) All references to part 174, 175 or 176 or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.
 - 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
 - 6) Any changes to 49 CFR 173 made effective by U.S. DOT Rulemaking Docket HM-187 (49 FR 21933 (May 24, 1984)) covering small arms ammunition are not incorporated.
 - 7) 49 CFR 173.8(d)(3) is not incorporated by reference and is replaced by the following:

A non-specification metal tank having a capacity of less than 450 liters (119 gallons) is authorized in Illinois for the transportation of flammable liquid petroleum products by an intrastate motor carrier subject to the following conditions:

 - A) Containers shall be tanks constructed of 18 gauge or heavier steel or equivalent gauge aluminum.
 - B) Tanks shall be securely fastened to prevent separation from the vehicle.

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- C) Tanks shall be electrically bonded to the frame of the vehicle.
- D) Tanks shall be protected against leakage or damage in the event of a turnover.
- E) Tanks may not be drained by gravity. Top mounted pumps must be designed and labeled for use with flammable and combustible liquids. No top mounted pump shall be higher than the highest point of the vehicle or permanently attached appurtenances (i.e., roll bars).
- F) Flammable liquid petroleum products being transported on a single vehicle may not exceed 450 liters (119 gallons).
- G) Flammable liquid petroleum product is offered for transportation and transported in conformance with all other applicable requirements of this Subchapter.

AGENCY NOTE: To clarify the provisions of 49 CFR 173.315(a) Note 17 (7), the transportation of anhydrous ammonia was permitted within Illinois prior to January 1, 1981 as follows: Only specifications MC-330 and MC-331 cargo tanks with a design pressure of 250 p.s.i.g., that had been in anhydrous ammonia service in Illinois prior to February 1, 1979, could continue in such service subject to continued qualification as required by all design and testing requirements specified by 49 CFR 180. Non-specification cargo tanks, other than nurse tanks (49 CFR 173.314(m)), were not authorized in Illinois for anhydrous ammonia service. All specifications MC-330 and MC-331 cargo tanks placed in such service after February 1, 1979 had to meet all requirements for the specification, including a minimum design service of 265 p.s.i.g.

AGENCY NOTE: To clarify the provisions of 49 CFR 173.315(k)(6), the transportation of liquefied petroleum gas within Illinois prior to January 1, 1981 was as follows: Non-specification cargo tanks used to transport liquefied petroleum gas were not authorized for intrastate transportation within Illinois prior to January 1, 1981.

(Source: Amended by preemptory rulemaking at 29 Ill. Reg. 1406, effective January 6, 2005)

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- 1) Heading of the Part: Carriage by Public Highway
- 2) Code Citation: 92 Ill. Adm. Code 177
- 3)

<u>Section Number:</u> 177.2000	<u>Peremptory Action:</u> Amend
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- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires This Peremptory Rulemaking: 69 FR 70902, December 8, 2004
- 5) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4 and 9(a)]
- 6) Effective Date: January 6, 2005
- 7) A Complete Description of the Subjects and Issues Involved: On October 30, 2003 at 68 FR 61906, US DOT's Research and Special Programs Administration (RSPA) published a final rule that clarified the applicability of the federal Hazardous Materials Regulations (HMR) to specific functions and activities including hazardous materials loading and unloading operations and storage of hazardous materials during transportation. The final rule was effective as of October 1, 2004. However, on May 28, 2004 at 69 FR 30588, RSPA published another final rule delaying the effective date of the October 30, 2003 final rule from October 1, 2004 to January 1, 2005. Then, on December 8, 2004 at 69 FR 70902, RSPA published another final rule that again delayed the effective date of the October 30, 2003 final rule from January 1, 2005 to June 1, 2005. Since the Illinois Hazardous Materials Transportation Regulations (IHMTR) currently incorporate by reference the October 1, 2003 and May 28, 2004 federal final rules, the Department must now incorporate by reference the December 8, 2004 federal final rule in order to delay enforcement in Illinois of the new requirements for loading, unloading and storage of hazardous materials and, also, for consistency with the federal regulations. Therefore, the Department has determined that a peremptory rulemaking is necessary in order to keep Illinois current with the federal program.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed With the Index Department: January 6, 2005
- 10) A copy of the amendment, including any material incorporated by reference, is on file in the agency's principal office and it available for public inspection.

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- 11) This rule is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any other proposed amendments pending on this Part? No
- 13) Statement of Statewide Policy Objectives: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 14) Information and questions regarding this preemptory amendment shall be directed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
2300 S. Dirksen Parkway
Springfield, IL 62764
(217) 782-3215

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PEREMPTORY AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONSPART 177
CARRIAGE BY PUBLIC HIGHWAY

Section

177.1000	General
177.2000	Incorporation by Reference of 49 CFR 177

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 4 Ill. Reg. 30, p. 1244, effective July 10, 1980; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 18930; Part repealed, new Part adopted at 10 Ill. Reg. 5853, effective April 1, 1986; amended at 10 Ill. Reg. 20749, effective December 1, 1986; amended at 11 Ill. Reg. 4768, effective March 10, 1987; amended at 11 Ill. Reg. 17881, effective October 20, 1987; amended at 12 Ill. Reg. 8074, effective April 26, 1988; amended at 13 Ill. Reg. 3957, effective March 14, 1989; amended at 14 Ill. Reg. 2613, effective February 1, 1990; amended at 15 Ill. Reg. 7743, effective May 7, 1991; amended at 16 Ill. Reg. 11843, effective July 13, 1992; amended at 18 Ill. Reg. 7852, effective May 6, 1994; amended at 20 Ill. Reg. 6531, effective April 30, 1996; amended at 22 Ill. Reg. 5686, effective March 4, 1998; amended at 22 Ill. Reg. 17003, effective September 30, 1998; amended at 25 Ill. Reg. 7497, effective May 19, 2001; amended at 26 Ill. Reg. 8944, effective June 5, 2002; amended at 28 Ill. Reg. 10094, effective July 1, 2004; amended at 29 Ill. Reg. 691, effective December 20, 2004; peremptory amendment at 29 Ill. Reg. 1411, effective January 6, 2005.

Section 177.2000 Incorporation by Reference of 49 CFR 177

- a) As Part 177 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 177 by reference, as that part of the federal hazardous materials transportation regulations was in effect on October 1, 2004, [as amended at 69 FR 70902, December 8, 2004](#) subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 177 are incorporated.
- b) The following interpretations of, additions to and deletions from 49 CFR 177 shall apply for purposes of this Part.

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- 1) All references to "this part" in the incorporated federal regulations shall mean Part 177 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to part 174, 175 or 176 or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) All references to motor vehicles engaged in interstate commerce shall be deemed to include any motor vehicle engaged in commerce within the State of Illinois.

(Source: Amended by Peremptory Rulemaking at 29 Ill. Reg. 1411, effective January 6, 2005)

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- 1) Heading of the Part: Specifications for Packagings
- 2) Code Citation: 92 Ill. Adm. Code 178
- 3) Section Numbers: 178.2000 Peremptory Action: Amend
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires This Peremptory Rulemaking: 69 FR 70902, December 8, 2004
- 5) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4 and 9(a)]
- 6) Effective Date: January 6, 2005
- 7) A Complete Description of the Subjects and Issues Involved: On October 30, 2003 at 68 FR 61906, US DOT's Research and Special Programs Administration (RSPA) published a final rule that clarified the applicability of the federal Hazardous Materials Regulations (HMR) to specific functions and activities including hazardous materials loading and unloading operations and storage of hazardous materials during transportation. The final rule was effective as of October 1, 2004. However, on May 28, 2004 at 69 FR 30588, RSPA published another final rule delaying the effective date of the October 30, 2003 final rule from October 1, 2004 to January 1, 2005. Then, on December 8, 2004 at 69 FR 70902, RSPA published another final rule that again delayed the effective date of the October 30, 2003 final rule from January 1, 2005 to June 1, 2005. Since the Illinois Hazardous Materials Transportation Regulations (IHMTR) currently incorporate by reference the October 1, 2003 and May 28, 2004 federal final rules, the Department must now incorporate by reference the December 8, 2004 federal final rule in order to delay enforcement in Illinois of the new requirements for loading, unloading and storage of hazardous materials and, also, for consistency with the federal regulations. Therefore, the Department has determined that a peremptory rulemaking is necessary in order to keep Illinois current with the federal program.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed With the Index Department: January 6, 2005
- 10) A copy of the amendment, including any material incorporated by reference, is on file in the agency's principal office and it available for public inspection.

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- 11) This rule is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any other proposed amendments pending on this Part? No
- 13) Statement of Statewide Policy Objectives: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 14) Information and questions regarding this preemptory amendment shall be directed to:

Ms, Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
2300 S. Dirksen Parkway
Springfield, IL 62764
(217) 782-3215

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PEREMPTORY AMENDMENT

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 178

SPECIFICATIONS FOR PACKAGINGS

Section

- 178.321 Specification MC 300; Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, or Combination of Mild Steel with High Tensile Steel, or Stainless Steel, Primarily For the Transportation of Flammable Liquids or Poisonous Liquids, Class B
- 178.321.0.1 [178.321-1] General Requirements
- 178.321.0.2 [178.321-2] Material
- 178.321.0.3 [178.321-3] Thickness
- 178.321.0.4 [178.321-4] Joints
- 178.321.0.5 [178.321-5] Bulkheads, Baffles, and Ring Stiffeners
- 178.321.0.6 [178.321-6] Closures for Manholes
- 178.321.0.7 [178.321-7] Overturn Protection
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- 178.321.1.1 [178.321-11] Emergency Discharge Control
- 178.321.1.2 [178.321-12] Shear Section
- 178.321.1.3 [178.321-13] Anchoring of Tank
- 178.321.1.4 [178.321-14] Gauging Devices
- 178.321.1.5 [178.321-15] Pumps
- 178.321.1.6 [178.321-16] Testing Requirements
- 178.321.1.7 [178.321-17] Marking of Cargo Tanks
- 178.321.1.8 [178.321-18] Certification
- 178.322 Specification MC 301; Cargo Tanks Constructed of Welded Aluminum Alloy (Grade 3S), To Be Mounted On and To Form Part Of Tank Motor Vehicles for Transportation of Flammable Liquids, and Poisonous Liquids, Class B
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- 178.322.0.3 [178.322-3] Certification
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- 178.322.1.2 [178.322-12] Thickness of Sheets and Ring Stiffeners
- 178.322.1.3 [178.322-13] Tolerance

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- 178.322.1.4 [178.322-14] Joints
- 178.322.1.7 [178.322-17] Tank Outlets
- 178.322.1.8 [178.322-18] Bulkheads, Baffles, and Ring Stiffeners
- 178.322.1.9 [178.322-19] Tank Vents
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- 178.322.2.2 [178.322-22] Shear Section
- 178.322.2.3 [178.322-23] Protection of Valves and Faucets
- 178.322.2.4 [178.322-24] Overturn Protection
- 178.323 Specification MC 302; Cargo Tanks Constructed of Welded Aluminum Alloy (ASTM B209-57T), Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B
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 - 178.323.0.6 [178.323-6] Closures for Manholes
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 - 178.323.0.9 [178.323-9] Vents, Valves, and Connections
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 - 178.323.1.1 [178.323-11] Emergency Discharge Control
 - 178.323.1.2 [178.323-12] Shear Section
 - 178.323.1.3 [178.323-13] Anchoring of Tank
 - 178.323.1.4 [178.323-14] Gauging Devices
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 - 178.323.1.7 [178.323-17] Marking of Cargo Tanks
 - 178.323.1.8 [178.323-18] Certification
- 178.324 Specification MC 303; Cargo Tanks Constructed of Welded Ferrous Alloy (High-Tensile Steel), or Stainless Steel, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B
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 - 178.324.0.3 [178.324-3] Thickness of Metal
 - 178.324.0.4 [178.324-4] Joints
 - 178.324.0.5 [178.324-5] Bulkheads, Baffles, and Ring Stiffeners
 - 178.324.0.6 [178.324-6] Closures for Manholes
 - 178.324.0.7 [178.324-7] Overturn Protection

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- 178.324.1.1 [178.324-11] Emergency Discharge Control
- 178.324.1.2 [178.324-12] Shear Section
- 178.324.1.3 [178.324-13] Anchoring of Tank
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- 178.324.1.5 [178.324-15] Pumps
- 178.324.1.6 [178.324-16] Testing Requirements
- 178.324.1.7 [178.324-17] Marking of Cargo Tanks
- 178.324.1.8 [178.324-18] Certification
- 178.325 Specification MC 304; Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, Welded Ferrous Alloy (High-Tensile) Steel, or Aluminum, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B, Having Reid (ASTM D-323) Vapor Pressures of 18 PSIA or More at 100 degrees F., But Less Than Those Stated in 92 Ill. Adm. Code 173.300, In Defining Compressed Gases
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 - 178.325.0.2 [178.325-2] Material
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 - 178.325.0.4 [178.325-4] Joints
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 - 178.325.0.8 [178.325-8] Tank Outlets
 - 178.325.0.9 [178.325-9] Safety Relief Devices, Valves, and Connections
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 - 178.325.1.2 [178.325-12] Shear Section
 - 178.325.1.3 [178.325-13] Anchoring of Cargo Tank
 - 178.325.1.4 [178.325-14] Gauging Devices
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 - 178.325.1.6 [178.325-16] Testing Requirements
 - 178.325.1.7 [178.325-17] Marking of Cargo Tanks
 - 178.325.1.8 [178.325-18] Certification
- 178.326 Specification MC 305; Cargo Tanks Constructed of Aluminum Alloys for High-Strength Welded Construction, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B
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- 178.326.0.9 [178.326-9] Vents, Valves, and Connections
- 178.326.1.0 [178.326-10] Protection of Fittings
- 178.326.1.1 [178.326-11] Emergency Discharge Control
- 178.326.1.2 [178.326-12] Shear Section
- 178.326.1.3 [178.326-13] Anchoring of Cargo Tank
- 178.326.1.4 [178.326-14] Gauging Devices
- 178.326.1.5 [178.326-15] Pumps
- 178.326.1.6 [178.326-16] Testing Requirements
- 178.326.1.7 [178.326-17] Marking of Cargo Tanks
- 178.326.1.8 [178.326-18] Certification
- 178.330 Specification MC 310; Cargo Tanks Constructed of Ferrous Materials, Primarily For the Transportation of Corrosive Liquids
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 - 178.330.0.3 [178.330-3] Thickness of Metal
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 - 178.330.0.6 [178.330-6] Closures for Manholes
 - 178.330.0.7 [178.330-7] Overturn Protection
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 - 178.330.1.3 [178.330-13] Anchoring of Tank
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 - 178.330.1.6 [178.330-16] Testing Requirements
 - 178.330.1.7 [178.330-17] Marking of Cargo Tanks
 - 178.330.1.8 [178.330-18] Certification
- 178.331 Specification MC 311; Cargo Tanks Constructed of Ferrous Metals or Aluminum, Primarily For the Transportation of Corrosive Liquids
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- 178.331.0.4 [178.331-4] Joints
- 178.331.0.5 [178.331-5] Bulkheads, Baffles, and Ring Stiffeners, Tank Supports, and
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- 178.331.0.6 [178.331-6] Closures for Manholes
- 178.331.0.7 [178.331-7] Overturn Protection
- 178.331.0.8 [178.331-8] Outlets
- 178.331.0.9 [178.331-9] Vents, Valves, and Connections
- 178.331.1.0 [178.331-10] Protection of Fittings
- 178.331.1.1 [178.331-11] Emergency Discharge Control
- 178.331.1.2 [178.331-12] Shear Section
- 178.331.1.3 [178.331-13] Anchoring of Tank
- 178.331.1.4 [178.331-14] Gauging Devices
- 178.331.1.5 [178.331-15] Pumps and Compressors
- 178.331.1.6 [178.331-16] Testing Requirements
- 178.331.1.7 [178.331-17] Marking of Cargo Tanks
- 178.331.1.8 [178.331-18] Certification
- 178.336 Specification MC 330; Cargo Tanks Constructed of Steel, Primarily For
Transportation of Compressed Gases
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 - 178.336.0.2 [178.336-2] Material
 - 178.336.0.3 [178.336-3] Thickness of Metal
 - 178.336.0.4 [178.336-4] Joints
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 - 178.336.0.6 [178.336-6] Closures for Manholes
 - 178.336.0.7 [178.336-7] Overturn Protection
 - 178.336.0.8 [178.336-8] Outlets
 - 178.336.0.9 [178.336-9] Safety Relief Devices, Valves, and Connections
 - 178.336.1.0 [178.336-10] Protection of Fittings
 - 178.336.1.1 [178.336-11] Emergency Discharge Control
 - 178.336.1.2 [178.336-12] Shear Section
 - 178.336.1.3 [178.336-13] Anchoring of Cargo Tank
 - 178.336.1.4 [178.336-14] Gauging Devices
 - 178.336.1.5 [178.336-15] Pumps and Compressors
 - 178.336.1.6 [178.336-16] Testing Requirements
 - 178.336.1.7 [178.336-17] Marking of Cargo Tanks
 - 178.336.1.8 [178.336-18] Certification
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Transportation of Compressed Gases, As Defined In the Compressed Gas Section

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- 178.337.0.1 [178.337-1] General Requirements (Repealed)
- 178.337.0.2 [178.337-2] Material (Repealed)
- 178.337.0.3 [178.337-3] Thickness of Tank Metal (Repealed)
- 178.337.0.4 [178.337-4] Joints (Repealed)
- 178.337.0.5 [178.337-5] Bulkheads, Baffles, and Ring Stiffeners (Repealed)
- 178.337.0.6 [178.337-6] Closure for Manhole (Repealed)
- 178.337.0.7 [178.337-7] Overturn Protection (Repealed)
- 178.337.0.8 [178.337-8] Outlets (Repealed)
- 178.337.0.9 [178.337-9] Safety Relief Devices, Valves, and Connections (Repealed)
- 178.337.1.0 [178.337-10] Protection of Fittings (Repealed)
- 178.337.1.1 [178.337-11] Emergency Discharge Control (Repealed)
- 178.337.1.2 [178.337-12] Shear Section (Repealed)
- 178.337.1.3 [178.337-13] Supporting and Anchoring (Repealed)
- 178.337.1.4 [178.337-14] Gauging Devices (Repealed)
- 178.337.1.5 [178.337-15] Pumps and Compressors (Repealed)
- 178.337.1.6 [178.337-16] Testing (Repealed)
- 178.337.1.7 [178.337-17] Marking (Repealed)
- 178.337.1.8 [178.337-18] Certification (Repealed)
- 178.340 General Design and Construction Requirements Applicable to Specifications MC 306 (Section 178.341), MC 307 (Section 178.342), and MC 312 (Section 178.343) Cargo Tanks (Repealed)
- 178.340.0.1 [178.340-1] Specification Requirements For MC 306, MC 307, and MC 312 Cargo Tanks (Repealed)
- 178.340.0.2 [178.340-2] General Requirements (Repealed)
- 178.340.0.3 [178.340-3] Material (Repealed)
- 178.340.0.4 [178.340-4] Structural Integrity (Repealed)
- 178.340.0.5 [178.340-5] Joints (Repealed)
- 178.340.0.6 [178.340-6] Supports and Anchoring (Repealed)
- 178.340.0.7 [178.340-7] Circumferential Reinforcements (Repealed)
- 178.340.0.8 [178.340-8] Accident Damage Protection (Repealed)
- 178.340.0.9 [178.340-9] Pumps (Repealed)
- 178.340.1.0 [178.340-10] Certification (Repealed)
- 178.341 Specification MC 306; Cargo Tanks (Repealed)
- 178.341.0.1 [178.341-1] General Requirements (Repealed)
- 178.341.0.2 [178.341-2] Thickness of Shells, Heads, Bulkheads, and Baffles (Repealed)
- 178.341.0.3 [178.341-3] Closures for Fill Openings and Manholes (Repealed)
- 178.341.0.4 [178.341-4] Vents (Repealed)
- 178.341.0.5 [178.341-5] Emergency Flow Control (Repealed)
- 178.341.0.6 [178.341-6] Gauging Devices (Repealed)

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- 178.341.0.7 [178.341-7] Method of Test (Repealed)
- 178.342 Specification MC 307; Cargo Tanks (Repealed)
- 178.342.0.1 [178.342-1] General Requirements (Repealed)
- 178.342.0.2 [178.342-2] Thickness of Shell, Heads, Bulkheads, and Baffles (Repealed)
- 178.342.0.3 [178.342-3] Closures for Manholes (Repealed)
- 178.342.0.4 [178.342-4] Vents (Repealed)
- 178.342.0.5 [178.342-5] Emergency Flow Control (Repealed)
- 178.342.0.6 [178.342-6] Gauging Devices (Repealed)
- 178.342.0.7 [178.342-7] Method of Test (Repealed)
- 178.343 Specification MC 312; Cargo Tanks (Repealed)
- 178.343.0.1 [178.343-1] General Requirements (Repealed)
- 178.343.0.2 [178.343-2] Thickness of Shell, Heads, Bulkheads, and Baffles of Non-Asme Code Tanks (Repealed)
- 178.343.0.3 [178.343-3] Closures for Manholes (Repealed)
- 178.343.0.4 [178.343-4] Vents (Repealed)
- 178.343.0.5 [178.343-5] Outlets (Repealed)
- 178.343.0.6 [178.343-6] Gauging Devices (Repealed)
- 178.343.0.7 [178.343-7] Method of Test (Repealed)
- 178.350 Specification 7A; General Packaging, Type A (Repealed)
- 178.350.0.1 [178.350-1] General Requirements (Repealed)
- 178.350.0.2 [178.350-2] Specific Requirements (Repealed)
- 178.350.0.3 [178.350-3] Marking (Repealed)
- 178.1000 General
- 178.2000 Incorporation By Reference of 49 CFR 178
- 178.APPENDIX C Tensile Specimen (Repealed)
- 178.APPENDIX D Material Thickness (Repealed)
- 178.TABLE A Minimum Thickness of Heads, Bulkheads, and Baffles (Repealed)
- 178.TABLE B Minimum Thickness of Shell Sheets (Repealed)

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 5 Ill. Reg. 1715, effective February 9, 1981; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 20047; amended at 8 Ill. Reg. 20064, effective October 1, 1984; amended at 10 Ill. Reg. 5897, effective April 1, 1986; amended at 10 Ill. Reg. 20770, effective December 1, 1986; amended at 11 Ill. Reg. 4786, effective March 10, 1987; amended at 11 Ill. Reg. 17904, effective October 20, 1987; amended at 12 Ill. Reg. 8093, effective April 26, 1988; amended at 13 Ill. Reg. 4004, effective March 14, 1989; amended at 14 Ill. Reg. 2640, effective February 1, 1990; amended at 15 Ill. Reg. 7771,

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effective May 7, 1991; amended at 16 Ill. Reg. 11863, effective July 13, 1992; amended at 18 Ill. Reg. 7901, effective May 6, 1994; amended at 20 Ill. Reg. 6566, effective April 30, 1996; amended at 22 Ill. Reg. 5726, effective March 4, 1998; amended at 22 Ill. Reg. 17032, effective September 30, 1998; amended at 25 Ill. Reg. 7310, effective May 19, 2001; amended at 26 Ill. Reg. 8948, effective June 5, 2002; amended at 28 Ill. Reg. 10099, effective July 1, 2004; peremptory amendment at 28 Ill. Reg. 11390, effective July 22, 2004; amended at 29 Ill. Reg. 695, effective December 20, 2004; peremptory amendment at 29 Ill. Reg. 1415, effective January 6, 2005.

AGENCY NOTE: In reading this Part it is necessary to read Sections 178.1000 and 178.2000 prior to reading the remaining Sections in numerical order.

Section 178.2000 Incorporation By Reference of 49 CFR 178

- a) As Part 178 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 178 by reference, as that part of the federal hazardous materials transportation regulations was in effect on October 1, 2004, as amended at 69 FR 70902, December 8, 2004 subject only to the exceptions in subsection (f) of this Section. No later amendments to or editions of 49 CFR 178 are incorporated.
- b) As Section 178.340 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.340 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- c) As Section 178.341 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.341 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- d) As Section 178.342 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.342 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- e) As Section 178.343 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.343 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.

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- f) The following interpretations of, additions to and deletions from the 49 CFR 178 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean Part 178 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
 - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
 - 4) All references to part 174, 175 or 176 or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.

(Source: Amended by peremptory rulemaking at 29 Ill. Reg. 1415, effective January 6, 2005)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 4, 2005 through January 10, 2005 and have been scheduled for review by the Committee at its February 17, 2005 meeting in Springfield. 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>
2/18/05	<u>Department of Natural Resources</u> , The Taking of Wild Turkeys – Spring Season (17 Ill. Adm. Code 710)	11/12/04 28 Ill. Reg. 14751	2/17/05
2/18/05	<u>Department of Human Services</u> , General Administrative Provisions (89 Ill. Adm. Code 10)	8/13/04 28 Ill. Reg. 11643	2/17/05
2/18/05	<u>Department of Human Services</u> , Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)	8/13/04 28 Ill. Reg. 11656	2/17/05
2/18/05	<u>Department of Human Services</u> , Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)	9/3/04 28 Ill. Reg. 12400)	2/17/05
2/18/05	<u>Department of Human Services</u> , Support Responsibility of Relatives (89 Ill. Adm. Code 20)	8/13/04 28 Ill. Reg. 11651	2/17/05
2/19/05	<u>Department of Human Services</u> , Hemophilia Program (Repeal) (77 Ill. Adm. Code 705)	3/12/04 28 Ill. Reg. 4429	2/17/05
2/20/05	<u>Department of Human Services</u> , Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)	7/30/04 28 Ill. Reg. 10505	2/17/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

2/20/05	<u>Department of Human Services</u> , General Assistance (89 Ill. Adm. Code 114)	7/30/04 28 Ill. Reg. 10519	2/17/05
2/20/05	<u>Department of Human Services</u> , Food Stamps (89 Ill. Adm. Code 121)	7/30/04 28 Ill. Reg. 15031	2/17/05
2/23/05	<u>Department of Natural Resources</u> , Special Wildlife Funds Grant Program (17 Ill. Adm. Code 3060)	11/12/04 28 Ill. Reg. 14769	2/17/05
2/23/05	<u>Department of Central Management Services</u> , Pay Plan (80 Ill. Adm. Code 310)	10/29/04 28 Ill. Reg. 13949	2/17/05

ILLINOIS STUDENT ASSISTANCE COMMISSION

REGULATORY AGENDA JANUARY 2005

- a) Part (Heading and Code Citation): General Provisions; 23 Ill. Adm. Code 2700
- 1) Rulemaking:
- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. An amendment is being proposed to this Part to reflect statutory changes contained in Public Act 93-0812, which deletes provisions exempting consideration of Bright Start Savings Accounts, *College Illinois!* contracts and college savings bonds proceeds in determining financial need for ISAC gift assistance programs.
- B) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 2005
- E) Affect on small business, municipalities or not for profit corporations:
None
- F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847/948-8500

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- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Federal Family Education Loan Program (FFELP); 23 Ill. Adm. Code 2720
- 1) Rulemaking:
- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.
- B) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 2005
- E) Affect on small business, municipalities or not for profit corporations: None
- F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847/948-8500

ILLINOIS STUDENT ASSISTANCE COMMISSION

REGULATORY AGENDA JANUARY 2005

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Illinois National Guard (ING) Grant Program; 23 Ill. Adm. Code 2730

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. A number of amendments are being proposed to this Part to reflect statutory changes contained in Public Act 93-0856, which affects applicant eligibility.

B) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 2005

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847/948-8500

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Illinois Veteran Grant (IVG) Program; 23 Ill. Adm. Code 2733
- 1) Rulemaking:
- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.
- B) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 2005
- E) Affect on small business, municipalities or not for profit corporations:
None
- F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847/948-8500
- G) Related rulemakings and other pertinent information: None

ILLINOIS STUDENT ASSISTANCE COMMISSION

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e) Part (Heading and Code Citation): Monetary Award Program (MAP); 23 Ill. Adm. Code 2735

1) Rulemaking:

- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. An amendment is being proposed to this Part to reflect statutory changes contained in Public Act 93-0812.
- B) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 2005
- E) Affect on small business, municipalities or not for profit corporations: None
- F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847/948-8500
- G) Related rulemakings and other pertinent information: None

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- f) Part (Heading and Code Citation): State Scholar Program; 23 Ill. Adm. Code 2760
- 1) Rulemaking:
- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.
- B) Statutory Authority: Implementing Section 25 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 2005
- E) Affect on small business, municipalities or not for profit corporations:
None
- F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847/948-8500
- G) Related rulemakings and other pertinent information: None
- g) Part (Heading and Code Citation): Minority Teachers of Illinois (MTI) Scholarship Program; 23 Ill. Adm. Code 2763

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- 1) Rulemaking:
 - A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our teacher education program rules.
 - B) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].
 - C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
 - D) Date agency anticipates First Notice: January 2005
 - E) Affect on small business, municipalities or not for profit corporations:
None
 - F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847/948-8500
 - G) Related rulemakings and other pertinent information: None
- h) Part (Heading and Code Citation): Illinois Special Education Teacher Tuition Waiver (SETTW); Program 23 Ill. Adm. Code 2765
 - 1) Rulemaking:

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- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our teacher education program rules.
- B) Statutory Authority: Implementing Section 65.15 and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.15].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 2005
- E) Affect on small business, municipalities or not for profit corporations: None
- F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847/948-8500

F) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): College Savings Bond Bonus Incentive Grant (BIG) Program; 23 Ill. Adm. Code 2771

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to

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market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. An amendment is being proposed to this Part to reflect statutory changes contained in Public Act 93-0812, which deletes provisions exempting consideration of Bright Start Savings Accounts, *College Illinois!* contracts and college savings bonds proceeds in determining financial need for ISAC gift assistance programs.

- B) Statutory Authority: Implementing and authorized by Section 8 of the Baccalaureate Savings Act [110 ILCS 920/8].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 2005
- E) Affect on small business, municipalities or not for profit corporations: None
- F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847/948-8500

- G) Related rulemakings and other pertinent information: None
- j) Part (Heading and Code Citation): Illinois Prepaid Tuition Program; 23 Ill. Adm. Code 2775

2) Rulemaking:

- B) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal

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statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. An amendment is being proposed to this Part to reflect statutory changes contained in Public Act 93-0812, which deletes provisions exempting consideration of Bright Start Savings Accounts, *College Illinois!* contracts and college savings bonds proceeds in determining financial need for ISAC gift assistance programs.

- B) Statutory Authority: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 2005
- E) Affect on small business, municipalities or not for profit corporations:
None
- F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847/948-8500
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF TRANSPORTATION

JANUARY 2005 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Illinois Cycle Rider Safety Training Rules; 92 Ill. Adm. Code 455

1) Rulemaking:

A) Description: The Department will repeal this Part and simultaneously propose a new Part with the same Part name and number to better reflect the cycle rider safety training program since its inception 22 years ago. Among other things, the Department will be updating the provisions concerning the regional boundary criteria, instructor qualifications and course curriculum.

B) Statutory Authority: 625 ILCS 35

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
2300 South Dirksen Parkway
Springfield IL 62764
217/782-3215

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Airport Hazard Zoning; 92 Ill. Adm. Code 16

1) Rulemaking:

A) Description: This Part provides requirements that restrict the height of structures, equipment, and vegetation, and that regulate the use of property on or in the vicinity of any publicly-owned airport whose owner or

DEPARTMENT OF TRANSPORTATION

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operator requests enforcement of airport hazard zoning by the Department. This Part will be amended at Appendix A to include additional airports requesting enforcement of hazard zoning by the Department.

- B) Statutory Authority: 620 ILCS 25
- C) Scheduled meeting/hearing date: None scheduled at this time
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: Small municipalities that own an applicable public airport may be impacted by this Part.
- F) Agency contact person for information:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
2300 South Dirksen Parkway
Springfield IL 62764
217/782-3215

- G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Accommodation of Utilities on Right-of-Way; 92 Ill. Adm. Code 530

1) Rulemaking:

- A) Description: The Department will amend this Part to allow for the installation of cell phone antenna towers on State highway right-of-way for an assessed fee.
- B) Statutory Authority: 605 ILCS 5/4-201.1 and 9-113
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months

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- E) Effect on small businesses, small municipalities or not for profit corporations: The revisions to this Part may impact local municipalities if they have zoning ordinances that regulate communication towers where State highway right-of-way is being offered for use to cell phone service providers.
- F) Agency contact person for information:
- Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
2300 South Dirksen Parkway
Springfield IL 62764
217/782-3215
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Rates to be Charged by Official Testing Stations for School Buses; 92 Ill. Adm. Code 446
- 1) Rulemaking:
- A) Description: The Department intends to repeal this Part and replace it with a new Part that will cover rates for all vehicles, not just school buses.
- B) Statutory Authority: 625 ILCS 5/13-106
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not impact small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311

DEPARTMENT OF TRANSPORTATION

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2300 South Dirksen Parkway
Springfield IL 62764
217/782-3215

- G) Related rulemakings and other pertinent information: Rates to be Charged by Official Testing Stations for Vehicles Other Than School Buses, 92 Ill. Adm. Code 454; and a new Part the Department intends to promulgate titled, Rates to be Charged by Official Testing Stations, 92 Ill. Adm. Code 439.
- e) Part(s) (Heading and Code Citation): Rates to be Charged by Official Testing Stations for Vehicles Other Than School Buses; 92 Ill. Adm. Code 454
- 1) Rulemaking:
- A) Description: The Department intends to repeal this Part and replace it with a new Part that will cover rates for all vehicles, including school buses.
- B) Statutory Authority: 625 ILCS 5/13-106
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not impact small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
2300 South Dirksen Parkway
Springfield, IL 62764
217/782-3215

DEPARTMENT OF TRANSPORTATION

JANUARY 2005 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: Rates to be Charged by Official Testing Stations for School Buses, 92 Ill. Adm. Code 446; and Rates to be Charged by Official Testing Stations, 92 Ill. Adm. Code 439.
- f) Part(s) (Heading and Code Citation): Rates to be Charged by Official Testing Stations; 92 Ill. Adm. Code 439
- 1) Rulemaking:
- A) Description: The Department intends to promulgate this new Part to replace Parts 446 and 454 so that rate increase procedures are consolidated into one Part covering all vehicles. Additionally, the new Part will provide that Station Owners need only appear at administrative hearings when the Owner's requested rate schedule is denied by the Department.
- B) Statutory Authority: 625 ILCS 5/13-106
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: Small businesses will be positively impacted by the changes to the rate rules. Upon adoption of the new Part, Station Owners will no longer have to attend a hearing to obtain approval for a rate increase. The Department does not anticipate the rules having any impact on either small municipalities or not for profits.
- F) Agency contact person for information:
- Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
2300 South Dirksen Parkway
Springfield IL 62764
217/782-3215
- G) Related rulemakings and other pertinent information: Rates to be Charged by Official Testing Stations for Vehicles Other Than School Buses, 92 Ill.

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Adm. Code 454; and Rates to be Charged by Official Testing Stations for School Buses, 92 Ill. Adm. Code 446.

g) Part(s) (Heading and Code Citation): Motor Carrier Safety Regulations (MCSR); 92 Ill. Adm. Code 380-397

1) Rulemaking:

- A) Description: The MCSR will be updated to include special training requirements for entry-level commercial driver's license (CDL) operators and drivers of longer combination vehicles. The MCSR update will also incorporate by reference the new federal hazardous materials safety permit program applicable to operators of interstate and intrastate commercial motor vehicles transporting certain types and quantities of hazardous materials. Additionally, the Department will be proposing a new Part, Part 387, that will be applicable to motor vehicles transporting hazardous materials in intrastate commerce, that prescribes minimum levels of financial responsibility (insurance) required to be maintained as determined by the Federal Motor Carrier Safety Administration. Finally, the MCSR will be updated to the most recent edition of 49 CFR – the October 1, 2004 edition.
- B) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]
- C) Scheduled meeting/hearing date: None
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: Small businesses that own or operate commercial motor vehicles in Illinois will be impacted by these revisions as well as small businesses that operate vehicles whose drivers are required to hold valid CDLs.
- F) Agency contact person for information:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation

DEPARTMENT OF TRANSPORTATION

JANUARY 2005 REGULATORY AGENDA

2300 South Dirksen Parkway
Office of Chief Counsel, Room 311
Springfield IL 62764
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- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF SUSPENSION & PENALTY FEE UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has suspended the license of Hamilton Financial Group, Ltd., License No. MB.0004789 of Oak Brook, Illinois, and issued a penalty fee of \$4,450 against Licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 21, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF SUSPENSION & PENALTY FEE UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has suspended the license of Bloomfield Mortgage Corporation, License No. MB.0005573 of Bloomingdale, Illinois, and issued a penalty fee of \$3,450 against Licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 21, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REVOCATION IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has revoked the license of Executive Financial Corporation, License No. MB.0004326 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 21, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REVOCATION IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has revoked the license of Powerplus Mortgage, Inc., License No. MB.0006954 of Sterling, Virginia, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 21, 2004. For further reference link to: <http://www.obre.state.il.us/>

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.595 and 302.669, the following water quality criteria have been derived as listed. This listing updates revisions to existing criteria for the period August 1, 2004 through September 30, 2004. The Illinois Environmental Protection Agency now maintains a list of derived water quality criteria on its website at <http://www.epa.state.il.us/water/water-quality-standards/water-quality-criteria.html>.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; 22 Ill. Reg. 22423, December 28, 1998; 23 Ill. Reg. 3102, March 12, 1999; 23 Ill. Reg. 6979, June 11, 1999; 23 Ill. Reg. 11774, September 24, 1999; 23 Ill. Reg. 14772, December 27, 1999; 24 Ill. Reg. 4251, March 17, 2000; 24 Ill. Reg. 8146, June 9, 2000; 24 Ill. Reg. 14428, September 29, 2000; 25 Ill. Reg. 270, January 5, 2001; 25 Ill. Reg. 4049, March 16, 2001; 25 Ill. Reg. 7367, June 8, 2001; 25 Ill. Reg. 12186, September 21, 2001; 25 Ill. Reg. 16175, December 14, 2001; 26 Ill. Reg. 4974, March 29, 2002; 26 Ill. Reg. 13370, September 6, 2002; 27 Ill. Reg. 1736, January 31, 2003; 27 Ill. Reg. 7350, April 18, 2003; 27 Ill. Reg. 17128, November 7, 2003; 28 Ill. Reg. 5038, March 19, 2004; 28 Ill. Reg. 8363, June 11, 2004; and 28 Ill. Reg. 12943, September 17, 2004.

Chemical: Acenaphthene	CAS #83-32-9
Acute criterion: 120 ug/l	Chronic criterion: 62 ug/l
Date criteria derived: November 14, 1991; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Acenaphthylene	CAS # 208-96-8
Acute criterion: 190 ug/L	Chronic criterion: 15 ug/L
Date criteria derived: March 1, 1998	
Applicable waterbodies Not used during this period.	
Chemical: Acetone	CAS #67-64-1
Acute criterion: 1,500 mg/l	Chronic criterion: 120 mg/l
Date criteria derived: May 25, 1993	

ENVIRONMENTAL PROTECTION AGENCY

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Applicable waterbodies: Not used during this period.	
Chemical: Acetonitrile	CAS #75-05-8
Acute criterion: 380 mg/l	Chronic criterion: 30 mg/l
Date criteria derived: December 7, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Acrylonitrile	CAS #107-13-4
Acute criterion: 910 ug/l	Chronic criterion: 73 ug/l
Human health criterion (HNC): 0.21 ug/l	
Date criteria derived: November 13, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Anthracene	CAS #120-12-7
Human health criterion (HTC): 35 mg/l	
Date criteria derived: August 18, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(a)anthracene	CAS #56-55-3
Human health criterion (HNC): 0.16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(a)pyrene	CAS #50-32-8
Human health criterion (HNC): 0.016 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(b)fluoranthene	CAS # 205-99-2
Human health criterion (HNC): 0.16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(k)fluoranthene	CAS #207-08-9
Human health criterion (HNC): 1.6 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Carbon tetrachloride	CAS #56-23-5
Acute criterion: 3,500 ug/l	Chronic criterion: 280 ug/l
Human health criterion (HNC): 1.4 ug/l	
Date criteria derived: June 18, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Chlorobenzene	CAS #108-90-7
Acute criterion: 990 ug/l	Chronic criterion: 79 ug/l

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Date criteria derived: December 11, 1991 Applicable waterbodies: Not used during this period.	
Chemical: Chloroform	CAS #67-66-3
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Human health criterion (HNC): 130 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	
Chemical: Chrysene	CAS #218-01-9
Human health criterion (HNC): 16 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichlorobenzene	CAS #95-50-1
Acute criterion: 210 ug/l	Chronic criterion: 17 ug/l
Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichlorobenzene	CAS #541-73-1
Acute criterion: 500 ug/l	Chronic criterion: 200 ug/l
Date criteria derived: July 31, 1991 Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloroethane	CAS #107-06-2
Acute criterion: 25 mg/l	Chronic criterion: 4.5 mg/l
Human health criterion (HNC): 23 ug/l Date criteria derived: March 19, 1992 Applicable waterbodies: Not used during this period.	
Chemical: 1,1-dichloroethylene	CAS #75-35-4
Acute criterion: 3,000 ug/l	Chronic criterion: 240 ug/l
Human health criterion (HNC): 0.95 ug/l Date criteria derived: March 20, 1992 Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dichlorophenol	CAS #120-83-2
Acute criterion: 630 ug/l	Chronic criterion: 83 ug/l
Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloropropane	CAS #78-87-5
Acute criterion: 4,800 ug/l	Chronic criterion: 380 ug/l
Date criteria derived: December 7, 1993 Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichloropropylene	CAS #542-75-6

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Acute criterion: 99 ug/l	Chronic criterion: 7.9 ug/l
Date criteria derived: November 13, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dimethyl phenol	CAS #105-67-9
Acute criterion: 740 ug/l	Chronic criterion: 220 ug/l
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol	CAS #534-52-1
Acute criterion: 29 ug/l	Chronic criterion: 2.3 ug/l
Date criteria derived: November 14, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dinitrophenol	CAS #51-28-5
Acute criterion: 85 ug/l	Chronic criterion: 4.1 ug/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 2,6-dinitrotoluene	CAS #606-20-2
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Date criteria derived: February 14, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Diquat	CAS #85-00-7
Acute criterion: 990 ug/l	Chronic criterion: 80 ug/l
Date criteria derived: January 30, 1996	
Applicable waterbodies: Not used during this period.	
Chemical: Ethyl mercaptan (ethanethiol)	CAS #75-08-1
Acute criterion: 17 ug/l	Chronic criterion: 2 ug/l
Date criteria derived: April 8, 2002	
Applicable waterbodies: Not used during this period.	
Chemical: Fluoranthene	CAS #206-44-0
Human health criterion (HTC): 120 ug/l	
Date criteria derived: August 10, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Formaldehyde	CAS #50-00-0
Acute criterion: 4.9 mg/l	Chronic criterion: 0.39 mg/l
Date criteria derived: January 19, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobenzene	CAS #118-74-1
Human health criterion (HNC): 0.00025 ug/l	
Date criteria derived: November 15, 1991	

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Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobutadiene	CAS #87-68-3
Acute criterion: 35 ug/l	Chronic criterion: 2.8 ug/l
Date criteria derived: March 23, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachloroethane	CAS #67-72-1
Acute criterion: 380 ug/l	Chronic criterion: 31 ug/l
Human health criterion (HNC): 2.9 ug/l	
Date criteria derived: November 15, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: n-Hexane	CAS #110-54-3
Acute criterion: 250 ug/l	Chronic criterion: 20 ug/l
Date criteria derived: April 8, 2002	
Applicable waterbodies: Not used during this period.	
Chemical: Isobutyl alcohol = 2-methyl-1-propanol	CAS #78-83-1
Acute criterion: 430 mg/l	Chronic criterion: 35 mg/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Methylene chloride	CAS #75-09-2
Acute criterion: 17 mg/l	Chronic criterion: 1.4 mg/l
Human health criterion (HNC): 340 ug/l	
Date criteria derived: January 21, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Methyleneethylketone	CAS #78-93-3
Acute criterion: 320 mg/l	Chronic criterion: 26 mg/l
Date criteria derived: July 1, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 4-methyl-2-pentanone	CAS #108-10-1
Acute criterion: 46 mg/l	Chronic criterion: 1.4 mg/l
Date criteria derived: January 13, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 2-methyl phenol	CAS #95-48-7
Acute criterion: 4.7 mg/l	Chronic criterion: 0.37 mg/l
Date criteria derived: November 8, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 4-methyl phenol	CAS #106-44-5
Acute criterion: 670 ug/l	Chronic criterion: 120 ug/l

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Date criteria derived: January 13, 1992 Applicable waterbodies: Not used during this period.	
Chemical: methyl tert-butyl ether (MTBE)	CAS #134-04-4
Acute criterion: 67 mg/l	Chronic criterion: 6.7 mg/l
Date criteria derived: September 18, 1997 Applicable waterbodies: Not used during this period.	
Chemical: Naphthalene	CAS #91-20-3
Acute criterion: 510 ug/l	Chronic criterion: 68 ug/l
Date criteria derived: November 7, 1991; revised February 1999 Applicable waterbodies: Not used during this period.	
Chemical: 4-nitroaniline	CAS #100-01-6
Acute criterion: 1.5 mg/l	Chronic criterion: 0.12 mg/l
Date criteria derived: May 5, 1996 Applicable waterbodies: Not used during this period.	
Chemical: Nitrobenzene	CAS #98-95-3
Acute criterion: 15 mg/l	Chronic criterion: 8.0 mg/l
Human health criterion (HTC): 0.52 mg/l Date criteria derived: February 14, 1992; revised February 1999 Applicable waterbodies: Not used during this period.	
Chemical: Pentachlorophenol	
Acute criterion: 20 ug/l	Chronic criterion: 13 ug/l
Date criteria derived: national criterion at pH of 7.8, September 1986 Applicable waterbodies: Not used during this period.	
Chemical: Phenanthrene	CAS #85-01-8
Acute criterion: 46 ug/l	Chronic criterion: 3.7 ug/l
Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	
Chemical: Propylene	CAS #115-07-1
Acute criterion: 4.0 mg/l	Chronic criterion 0.40 mg/l
Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.	
Chemical: Pyrene	CAS #120-00-0
Human health criterion (HTC): 3.5 mg/l Date criteria derived: December 22, 1992 Applicable waterbodies: Not used during this period.	
Chemical: Tetrachloroethylene	CAS #127-18-4
Acute criterion: 1,200 ug/l	Chronic criterion: 150 ug/l

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Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	
Chemical: Tetrahydrofuran Acute criterion: 220 mg/l Date criteria derived: March 16, 1992 Applicable waterbodies: Not used during this period.	CAS #109-99-9 Chronic criterion: 17 mg/l
Chemical: 1,2,4-trichlorobenzene Acute criterion: 370 ug/l Date criteria derived: December 14, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #120-82-1 Chronic criterion: 72 ug/l
Chemical: 1,1,1-trichloroethane Acute criterion: 4,900 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #71-55-6 Chronic criterion: 390 ug/l
Chemical: 1,1,2-trichloroethane Acute criterion: 19 mg/l Human health criterion (HNC): 12 ug/l Date criteria derived: December 13, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #79-00-5 Chronic criterion: 4.4 mg/l
Chemical: Trichloroethylene Acute criterion: 12,000 ug/l Human health criterion (HNC): 25 ug/l Date criteria derived: October 23, 1992 Applicable waterbodies: Not used during this period.	CAS #79-01-6 Chronic criterion: 940 ug/l

For additional information concerning these criteria or the derivation process used in generating them, please contact:

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1021 North Grand Avenue East
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217/782-3362

PROCLAMATIONS

2005-6**GUBERNATORIAL PROCLAMATION**

Severe storms with heavy rain produced tornadoes and high winds in central Illinois on July 13, 2004. These storms damaged or destroyed homes, businesses, industrial buildings and farm operations. Hundreds of trees were uprooted resulting in the scattering of debris in both urban and rural areas.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists Champaign, Woodford and Vermilion counties, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

The gubernatorial proclamation of disaster will allow the Illinois Emergency Management Agency in aiding the impacted local governments in debris removal and other emergency response and recovery efforts.

Issued by the Governor January 6, 2005

Filed by the Secretary of State January 6, 2005

2005-7**GUBERNATORIAL PROCLAMATION**

A severe winter storm occurred on December 21-25, 2004 causing hardships and threatening the health and safety of the public in several counties within the State of Illinois. Record and near-record snowfall in southern Illinois, combined with blowing and drifting snow and frigid temperatures resulted in hazardous travel conditions, road closures, school closings, and have taxed State and local snow removal resources.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare a disaster exists in Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Johnson, Lawrence, Massac, Pope, Richland, Saline, Union, Wabash, White, and Williamson counties, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to assist local governments and makes possible a request for Federal snow assistance in accordance with 44 CFR 206.227.

Issued by the Governor January 6, 2005

Filed by the Secretary of State January 6, 2005

2005-8**Alzheimer's Disease Awareness Day**

WHEREAS, Alzheimer's Disease is a condition where the affected individual begins to lose control of the part of their brain that regulates thought, memory, and language. The disease

PROCLAMATIONS

usually begins to appear in individuals over the age of 60, and the risk of acquiring it increases with age; and

WHEREAS, approximately 4.5 million Americans suffer from Alzheimer's Disease, including approximately 211,000 Illinoisans. Although it appears in older individuals, Alzheimer's is a condition in itself, and is not a normal part of the aging process; and

WHEREAS, although scientists do not fully understand what brings Alzheimer's to fruition, they have come to find that there are many possible causes. Circumstances such as family history and genetics can partially explain a person's increased risk for the disease; and

WHEREAS, the National Institute on Aging sponsors many ongoing studies to find the cause, and subsequent treatment for Alzheimer's. Scientists are working diligently every day to try and better understand the disease in an effort to eventually find a cure; and

WHEREAS, it is imperative that critical Alzheimer's research continues. With that in mind, there are several organizations in the United States, such as the Alzheimer's Association, that are working to raise money for research as well as increase awareness of Alzheimer's among the general public:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 8, 2005 as ALZHEIMER'S DISEASE AWARENESS DAY in Illinois, and encourage all citizens to become cognizant of this debilitating disease, and to learn about ways in which they can improve the lives of loved ones who are currently afflicted.

Issued by the Governor January 6, 2005.

Filed by the Secretary of State January 6, 2005.

2005-9**Volunteer Blood Donor Month**

WHEREAS, in the span of a given year, approximately four million patients in the United States receive blood transfusions; and

WHEREAS, the demand for blood remains at high levels throughout the year even though the volume of blood donations may vary. Approximately eight million volunteers donate each year, however the high demand for blood makes it necessary to continually recruit more donors; and

WHEREAS, donated blood has a shelf life of only 42 days, making donations even more valuable. Additionally, people are able to donate blood only once every eight weeks, and only two usable units of blood are taken from the body at any given time; and

WHEREAS, January is traditionally recognized as Volunteer Blood Donor Month, as it is generally a difficult time to recruit donors. This year's theme, "Give Blood ... The Gift of Life", highlights the critical importance of donating blood to patients in need:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2005 as VOLUNTEER BLOOD DONOR MONTH in Illinois, and encourage all citizens to open their hearts this month by donating blood.

Issued by the Governor January 6, 2005.

Filed by the Secretary of State January 6, 2005.

PROCLAMATIONS

2005-10**Kindergarten Day**

WHEREAS, enrollment in pre-primary education in the United States has increased significantly since 1991. According to the National Center for Education Statistics, from 1991 – 2001, pre-primary enrollment of children between the ages of three and five increased by twenty percent; and

WHEREAS, during the kindergarten years, children often make considerable gains in reading and math. In addition, they begin to develop advanced social skills from the constant interaction that they have with one another; and

WHEREAS, those different skills and abilities that kindergarteners acquire lay the foundation for success at future grade levels. History has shown that in many cases, these children go on to become more competent learners, and are less likely to be held back in school; and

WHEREAS my administration is committed to improving education in Illinois at all levels. Since taking office, significant increases have been made by my administration for K-12 spending and per-student State aid funding. With these efforts, we are aiming to not only enhance the educational experiences of current students, but also to continue increasing enrollment in pre-school and kindergarten programs in this state:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the second Tuesday of September as KINDERGARTEN DAY in Illinois, and encourage all parents to enroll their children in kindergarten to enhance their abilities, and provide them with better chances to succeed later in life.

Issued by the Governor January 6, 2005.

Filed by the Secretary of State January 6, 2005.

2005-11**African American History Month**

WHEREAS, Dr. Carter G. Woodson, a noted intellectual of his time, founded the Association for the Study of Afro-American Life and History (ASALH) in 1915. He created Negro History Week in 1926 to pay tribute to the many contributions made by American citizens to the overall betterment of American life; and

WHEREAS, Dr. Woodson chose the second week in February for Negro History Week, because it marks the birthdays of two very influential men – Frederick Douglass and Abraham Lincoln. Several decades later, in 1976, ASALH expanded the celebration to encompass the entire month of February; and

WHEREAS, several milestone events in the African American community have occurred in February, such as the passage of the 15th Amendment in 1870, which granted African Americans the right to vote, the inauguration of the first African American Senator, Hiram

PROCLAMATIONS

Revels, also in 1870, and the founding of the National Association for the Advancement of Colored People in 1909; and

WHEREAS, throughout African American History Month, many organizations celebrate and educate by holding various different events such as seminars, plays, concerts, art shows, films, dance performances, family workshops and other expressions of creativity and pride:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2005 as AFRICAN AMERICAN HISTORY MONTH in Illinois, and encourage all citizens to learn about the important contributions that African Americans have made to our society.

Issued by the Governor January 7, 2005.

Filed by the Secretary of State January 7, 2005.

2005-12**Folic Acid Awareness Week**

WHEREAS, each year, approximately 3,000 babies in the United States are born with serious birth defects of the brain and spine; and

WHEREAS, folic acid, an essential vitamin for good health, plays an important role in the prevention of serious birth defects; and

WHEREAS, research shows that folic acid can reduce a woman's risk of having her pregnancy affected by neural tube defects, which are among the most common birth defects, by up to 70 percent if taken before she becomes pregnant and during the first few weeks of her pregnancy; and

WHEREAS, in addition, folic acid may decrease the occurrence of abnormalities such as cleft lip, cleft palate and heart defects, as well as cardiovascular disease, colon, cervical and breast cancers and Alzheimer's disease; and

WHEREAS, The Illinois Folic Acid Council is devoted to increasing knowledge and awareness of the benefits of folic acid throughout the State; and

WHEREAS, the annual observance of Folic Acid Awareness Week is intended to increase knowledge and consumption of folic acid at local, state and national levels:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 24 – 30, 2005 as FOLIC ACID AWARENESS WEEK in Illinois, and strongly encourage all women of reproductive age to take 400 micrograms a day of folic acid to promote overall good health, and to help ensure a future in which the children of Illinois will be born healthy.

Issued by the Governor January 7, 2005.

Filed by the Secretary of State January 7, 2005.

ILLINOIS ADMINISTRATIVE CODE

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