

# 2005

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



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Administrative Code Div.  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017  
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## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Capital Development Board Energy Code
- 2) Code Citation: 71 Ill. Adm. Code 600
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
600.100	Repeal
600.110	Repeal
600.120	Repeal
600.130	Repeal
600.140	Repeal
600.150	Repeal
600.160	Repeal
- 4) Statutory Authority: 20 ILCS 3105
- 5) A Complete Description of the Subjects and Issues Involved: CDB is repealing the Capital Development Board Energy Code and is adopting a new Part 600, the Illinois Energy Conservation Code. This revision and expansion in the Code is prompted by the recent enactment of the Energy Efficient Commercial Building Act [20 ILCS 3125], which extends CDB's application of the Code to private commercial facilities, as well as State-funded facilities.
- 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? Yes
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking and the Act. prevent a local governmental unit from adopting an energy efficient Code or standards that are less stringent than the Code under this Act.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Jerry Crabtree  
Rules Coordinator  
Rm. 300 Stratton Office Building

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED REPEALER

Springfield, IL 62706  
[jcrabtre@cdb.state.il.us](mailto:jcrabtre@cdb.state.il.us)

217/557-7500

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None.
  - B) Reporting, bookkeeping or other procedures required for compliance: None.
  - C) Types of professional skills necessary for compliance: None.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: As CDB has been developing rules for implementing the Energy Efficiency Commercial Building Act that include these rules for State facilities as well as for commercial facilities, it inadvertently omitted including this repealer on a regulatory agenda.

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

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED REPEALER

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY  
CHAPTER I: CAPITAL DEVELOPMENT BOARD  
SUBCHAPTER d: ENERGY CODES

## PART 600

CAPITAL DEVELOPMENT BOARD ENERGY CODE **(REPEALED)**

## Section

600.100	Purpose and Applicability
600.110	Definitions
600.120	Advisory Council
600.130	Applicable Standards
600.140	Revisions to Code
600.150	Compliance
600.160	Request for Variance Procedures

AUTHORITY: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 11355, effective July 26, 2004, for a maximum of 150 days; emergency rules expired December 22, 2004; adopted at 29 Ill. Reg. 777, effective January 1, 2005; repealed at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 600.100 Purpose and Applicability**

- a) Purpose
  - 1) The purpose of the Capital Development Board Energy Code is to implement Section 10.09-5 of the Capital Development Board Act [20 ILCS 3105/10.09-5], which requires CDB *to adopt rules implementing a statewide Energy Code for the construction or repair of State facilities described in Section 4.01. The Energy Code adopted by the Board shall incorporate standards promulgated by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (ASHRAE). In proposing rules, the Board shall consult with the Department of Commerce and Economic Opportunity.*
  - 2) This Code is intended to provide minimum requirements for the energy-efficient design of buildings described in Section 4.01 of the Act, e.g., State funded *housing, hospitals, penitentiaries, laboratories, educational*

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED REPEALER

*facilities, administrative facilities, recreational facilities, environmental equipment, parking facilities.*

- 3) This Code, together with the standards incorporated by reference in Section 600.130, has the force of a building code and is administrative law applicable in the State of Illinois.
- b) Applicability
- 1) This Code applies to all State facilities described in Section 4.01 of the Act.
  - 2) This Code is applicable when work involving new construction, alterations, or additions in whole or in part begins after the effective date of this Code.

**Section 600.110 Definitions**

"Act" means the Capital Development Board Act [20 ILCS 3105].

"ASHRAE 90.1" means the standards incorporated in Section 600.130, including the cited addenda.

"CDB" means the Illinois Capital Development Board.

"Code" means this Part (71 Ill. Adm. Code 600), the Capital Development Board Energy Code.

"Council" means the CDB Energy Code Advisory Council created by Section 600.120.

"Professional Services Agreement" means the contract for services entered into by CDB and design professionals.

"Using agency" means the State agency using facilities described in Section 4.01 of the Act.

**Section 600.120 Advisory Council**

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED REPEALER

- a) The Executive Director of the Capital Development Board shall appoint a CDB Energy Code Advisory Council. The Council shall be composed of the Executive Director or his or her authorized representative, who shall serve as chairman ex-officio, and 6 additional members appointed by the Executive Director. The appointed members shall consist of 2 licensed architects; 1 licensed mechanical engineer; 1 licensed electrical engineer; and 2 persons representing the construction contracting industry. Members of the Council shall be appointed for 4 year terms. The members appointed by the Executive Director shall serve for the term of their appointments and may be reappointed upon expiration of the term. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of the term.
- b) The Council shall meet as frequently as the Chairman deems necessary, but at least once each year. Additional meetings may be called by the Chairman or by 3 members of the Council upon delivery of 10 days' written notice to the mailing address of each member of the Council. Four members of the Council shall constitute a quorum.
- c) The purpose of the Council shall be to consider future modifications to the CDB Energy Code.

**Section 600.130 Applicable Standards**

- a) ANSI/ASHRAE/IESNA Standard 90.1, Energy Standard for Buildings Except Low-Rise Residential Buildings (2001), available from ASHRAE at 1791 Tullie Circle, N.E., Atlanta GA 30329, is hereby incorporated into the CDB Energy Code, with the modifications outlined in subsection (d).
- b) This incorporation includes the following addenda to ASHRAE 90.1:

ADDENDUM	DATE
90.1a	4/3/03
90.1b	7/30/02
90.1c	7/30/02
90.1d	7/30/02
90.1e	3/31/04
90.1h	2/25/04
90.1i	8/6/03
90.1j	8/6/03

## CAPITAL DEVELOPMENT BOARD

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90.1k	12/17/02
90.1m	4/3/03
90.1n	9/25/03
90.1o	2/25/04
90.1p	2/25/04
90.1r	2/25/04
90.1s	2/25/04

- c) All incorporations by reference in this Section are of the cited standards as they existed on the date specified. These incorporations include no later editions, additions or amendments.
- d) Modifications to ASHRAE 90.1  
ASHRAE 90.1 is incorporated by this Section, but with the following modifications:
- 1) ASHRAE 90.1 Section 3  
  
Paragraph 3.2: the terms "adopting authority" and "authority having jurisdiction" shall both be read to mean the Capital Development Board.
  - 2) ASHRAE 90.1 Section 6
    - A) Add the following sentence to the end of paragraph 6.2.5.3.3:  
  
Final trimming of the pump impellers shall be the responsibility of the using agency.
    - B) Table 6.3.3.1:  
  
Increase all horsepowers shown in the table by .5.
  - 3) ASHRAE 90.1 Section 9
    - A) Replace Exception to 9.2.1.1 with the following:  
  
Exceptions to 9.2.1.1:
      - i) Lighting intended for 24-hour operation.

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED REPEALER

- ii) Lighting in patient care areas.
  - iii) Lighting required for safety or security reasons.
- B) Replace Exception to 9.2.1.2 with the following:

## Exceptions to 9.2.1.2:

- i) Remote location shall be permitted for reasons of safety or security when the remote control device has an indicator pilot light as part of or next to the control device and it shall be clearly labeled to identify the controlled lighting.
- ii) Spaces not subject to partial occupancy, such as gymnasiums, cafeterias, lecture halls, etc., shall not be required to have more than one control device.

**Section 600.140 Revisions to Code**

This Code may be revised from time to time by the Capital Development Board as recommended by the Advisory Council and in accordance with the Illinois Administrative Procedure Act [5 ILCS 100].

**Section 600.150 Compliance**

- a) Compliance with the CDB Energy Code can be attained through either of 2 options, the Prescriptive Option or the Energy Cost Budget Option. Both options require compliance with the Mandatory Provisions outlined in ASHRAE 90.1. Compliance shall be demonstrated by submission of the compliance forms published in the ASHRAE 90.1 Handbook or Compliance Certificates generated by the U.S. Department of Energy's COMCheck computer simulation program.
- b) **Prescriptive Option**  
Forms shall be completed for building envelope, HVAC systems, service water heating and lighting. Compliance forms shall be completed by the licensed professional responsible for the design of the respective system.
- c) **Energy Cost Budget Option**  
Compliance forms shall be completed by the licensed professional responsible for the overall design of the building.

## CAPITAL DEVELOPMENT BOARD

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- 1) Compliance calculations shall use a computer program sufficiently sophisticated to handle the complex simulations required to determine a building's energy consumption. Examples of such programs are COMCheck, DOE-2 and BLAST.
  - 2) Simulations for the energy cost budget and the design energy cost shall use the same simulation program, the same climate data, the same purchased energy rates and the same schedules of operation.
  - 3) Commercially available climate data sets will be acceptable if they provide all the hourly values for all the relevant parameters needed by the simulation program. The climate data shall represent both average and design conditions.
  - 4) Purchased energy rates shall reflect the actual rates incurred by the facility being improved. For new facilities, estimated rates shall be developed based on consultation with the utility providers.
- d) Final compliance forms shall be submitted to CDB with the 100% design review package required by the Professional Services Agreement. An in-progress set of compliance forms shall be submitted at the 50% submittal.

**Section 600.160 Request for Variance Procedures**

- a) Who May File a Request for Variance
  - 1) Any architect or engineer under contract with CDB to provide professional services for the proposed project.
  - 2) The using agency's chief executive officer or his or her designated representative.
  - 3) The Chairman of the CDB Energy Code Advisory Council.
- b) Consideration of Request for Variance

A variance from any requirement of this Part will be granted by CDB for one or more of the following reasons only:

  - 1) Compliance would not be technically feasible.

## CAPITAL DEVELOPMENT BOARD

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- 2) Compliance would compromise the health, welfare or safety of the building occupants.
  - 3) Compliance would prevent the building from serving its intended purpose.
  - 4) Compliance would violate another State or federal law or code.
  - 5) Compliance would increase the energy consumption of the building.
  - 6) Compliance would require the use of inferior products or materials.
- c) Submitting the Request for Variance
- 1) The request shall be submitted to the CDB Project Manager.
  - 2) Requests should be submitted as early in the project as there is cause, but no later than 75 days prior to the anticipated bid date. Approval or denial of a variance shall be no cause for delay in the project unless the request for variance was filed by CDB or the using agency for which the project is being constructed.
  - 3) The following shall be submitted when requesting a variance:
    - A) A letter from the petitioner stating the specific provisions of the Code from which the variance is requested and a detailed explanation of how compliance with the Code would result in one or more of the conditions described in subsection (b).
    - B) The request shall include supporting data, calculations, analysis, etc.
- d) CDB Action
- 1) Upon receipt of the Request for Variance, the CDB Project Manager will review the request and make a recommendation to CDB's Professional Services Unit within 7 calendar days.
  - 2) Professional Services Unit will evaluate the Request for Variance within 30 days after CDB's receipt of the Request and make a determination.

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- 3) If it is determined that the Request for Variance would cause one of the conditions stated in subsection (b), the variance shall be approved by CDB.
- 4) If it is determined that the Request for Variance would not cause one of the conditions stated in subsection (b), the Agency may:
  - A) Deny the Request for Variance.
  - B) Approve the Request for Variance subject to specific conditions determined by CDB.
- e) Modifications and Revisions  
The petitioner may, in writing, request that the original Request for Variance be modified and resubmit the Request for Variance.
- f) Revocation  
CDB may revoke any variance if:
  - 1) it is determined that the variance was obtained through fraud or deceit;
  - 2) the petitioner has violated the specific conditions on which the variance was approved; or
  - 3) the variance was issued in error.
- g) Appeals
  - 1) Any person whose Request for Variance is denied or approved with conditions may appeal CDB's initial determination. The appeal shall be submitted in writing and must be received within 10 days after the initial CDB action is received by the requestor. The request shall be submitted to the Chairman of the Advisory Council.
  - 2) The Chairman of the Advisory Council will review the request with the Advisory Council, as deemed necessary by the Chairman, within 14 days after receipt and take one of the following actions:
    - A) Uphold CDB's initial determination.

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CAPITAL DEVELOPMENT BOARD

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- B) Reverse CDB's initial determination and issue the variance.
- C) Change the conditions applied to the variance granted by CDB.

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Illinois Energy Conservation Code
- 2) Code Citation: 71 Ill. Adm. Code 600
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
600.100	New Section
600.110	New Section
600.120	New Section
600.130	New Section
600.200	New Section
600.210	New Section
600.220	New Section
600.300	New Section
600.310	New Section
600.320	New Section
600.330	New Section
600.340	New Section
- 4) Statutory Authority: Capital Development Board Act [20 ILCS 3205] and the Energy Efficient Commercial Building Act [20 ILCS 3125]
- 5) A Complete Description of the Subjects and Issues Involved: CDB is repealing the Capital Development Board Energy Code and adopting a new Part 600, the Illinois Energy Conservation Code. This rulemaking clarifies the application of the Code to both State and Commercial Facilities. This rulemaking is prompted by the recent enactment of the Illinois Energy Efficient Commercial Building Act [20 ILCS 3125], which extends CDB's application of the Code.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes, the Capital Development Board's Energy Code [71 IAC 600].
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? Yes
- 9) Are there any other proposed rulemakings pending on this Part? No

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED RULES

- 10) Statement of Statewide Policy Objectives: This rulemaking and the Act prevent a local governmental unit from adopting an energy efficient code or standards that are less stringent than the Code under this Act.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- Jerry B. Crabtree  
Rules Coordinator  
Rm. 300 Stratton Office Building  
Springfield, Illinois 62706
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those that are constructing, renovating or adding to commercial building structures or issuing building permit applications.
- B) Reporting, bookkeeping or other procedures required for compliance: Those necessary for regulatory compliance.
- C) Types of professional skills necessary for compliance: Licensed Design Professionals.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: CDB has been developing this rulemaking since August of 2004 and inadvertently omitted including it on a regulatory agenda.

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY  
CHAPTER I: CAPITAL DEVELOPMENT BOARD  
SUBCHAPTER d: ENERGY CODES

PART 600  
ILLINOIS ENERGY CONSERVATION CODE

SUBPART A: GENERAL

- Section
- 600.100 Definitions
- 600.110 Adoption and Modification of the Code
- 600.120 Illinois Energy Conservation Advisory Council
- 600.130 Revisions to the Code

SUBPART B: STATE FUNDED FACILITIES

- Section
- 600.200 Standards for State Funded Facilities
- 600.210 Request for Variance
- 600.220 Compliance

SUBPART C: PRIVATELY FUNDED COMMERCIAL FACILITIES

- Section
- 600.300 Standards for Privately Funded Commercial Facilities
- 600.310 Exemptions
- 600.320 Local Jurisdiction
- 600.330 Compliance
- 600.340 Application to Home Rule Units

AUTHORITY: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105] and the Energy Efficient Commercial Building Act [20 ILCS 3125].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 11355, effective July 26, 2004, for a maximum of 150 days; emergency expired December 22, 2004; adopted at 29 Ill. Reg. 777, effective January 1, 2005; old Part repealed and new Part adopted at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED RULES

**Section 600.100 Definitions**

Definitions of terms in the International Energy Conservation Code, incorporated by reference in Subpart C of this Part, apply, as do the following definitions:

"Act" means the Capital Development Board Act [20 ILCS 3105].

"Authority Having Jurisdiction" or "AHJ" means the organization, office or individual responsible for approving equipment, materials, an installation or procedure.

"CDB" means the Illinois Capital Development Board.

*"Commercial Facility" means any building except a building that is classified as a residential building. [20 ILCS 3125/10]*

"Council" means the Illinois Energy Conservation Advisory Council appointed under Subpart B of this Part.

"EECB Act" means the Energy Efficient Commercial Building Act [20 ILCS 3125].

"Professional Services Agreement" means the contract for services entered into by CDB and design professionals.

"Using Agency" means the State agency using facilities described in Section 4.01 of the Act.

"Illinois Energy Conservation Code" or "Code" means:

With respect to the State facilities covered by Subpart B:

This Part, all additional requirements incorporated within Subpart B (including ASHRAE 90.1 Standards), and any statutorily authorized adaptations to the incorporated standards adopted by CDB; and

With respect to the privately funded commercial facilities covered by Subpart C:

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED RULES

This Part, all additional requirements incorporated within Subpart C (including the 2000 International Energy Conservation Code, which encompasses ASHRAE 90.1), the 2001 supplement and any statutorily authorized adaptations to the incorporated standards adopted by CDB.

"IECC" means the International Energy Conservation Code.

*"Municipality" means any city, village or incorporated town. [20 ILCS 3125/10]*

*"Residential Building" means a detached one-family or 2-family dwelling or any building three stories or less above grade level that contains multiple dwelling units, in which the occupants reside on a primarily permanent basis (i.e., townhouse, row house, apartment house, convent, monastery, rectory, fraternity or sorority house, dormitory or rooming house). [20 ILCS 3125/10]*

"State Funded Building" means and includes buildings under the jurisdiction of each officer, department, board, commission, institution and body politic and corporate of the State, including the Illinois Building Authority, school districts, and any other person expending or encumbering State or federal funds by virtue of an appropriation or other authorization by the General Assembly or federal authorization or grant. This includes State funded *housing, hospitals, penitentiaries, laboratories, educational facilities, administrative facilities, recreational facilities, environmental equipment and parking facilities* [20 ILCS 3105/4.01].

**Section 600.110 Adoption and Modification of the Code**

- a) The purpose of the Illinois Energy Conservation Code is to implement Section 10.09-5 of the Capital Development Board Act [20 ILCS 3105/10.09-5], which requires CDB to adopt rules implementing a statewide Energy Code. Additionally, Section 15 of the Energy Efficient Commercial Building Act [20 ILCS 3125/15] requires CDB to officially adopt, as a minimum requirement, the 2000 International Energy Conservation Code, and the 2001 supplement, to apply that Code to all commercial structures in Illinois, and to assist local code officials with enforcing the requirements of the Code.

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED RULES

- b) This Code as described in Subpart B (State facilities) is effective July 26, 2004. This Code as described in Subpart C (privately-funded commercial facilities) is effective one year after adoption by CDB.
- c) Application of the Code
  - 1) State Facilities. The Code as described in Subpart B of this Part applies to all State facilities for which money has been appropriated or authorized by the General Assembly.
  - 2) Privately Funded Commercial Facilities. The Code as described in Subpart C of this Part applies *to any commercial building or structure in this State for which a building permit application is received by a municipality or county. In the case of any addition, alteration, renovation or repair to any existing commercial structure, the Code applies only to the portions of that structure that are being added, altered, renovated or repaired.* [20 ILCS 3125/20]
- d) This Code, together with the standards incorporated by reference in this Part, has the force of a building code and is administrative law applicable in the State of Illinois.

**Section 600.120 Illinois Energy Conservation Advisory Council**

- a) The Executive Director of the Capital Development Board shall appoint an Advisory Council. The Council shall be composed of the Executive Director or his or her authorized representative, who shall serve as Chairman ex-officio, and 8 additional members appointed by the Executive Director. The appointed members shall consist of 2 licensed architects; 1 licensed mechanical engineer; 1 licensed electrical engineer; 2 persons representing local code officials; and 2 persons representing the construction contracting industry. Members of the Council shall be appointed for 4 year terms. The members appointed by the Executive Director shall serve for the term of their appointments and may be reappointed upon expiration of the term. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of the term.
- b) The Council shall meet as frequently as the Chairman deems necessary, but at least once each year. Additional meetings may be called by the Chairman or by 3

## CAPITAL DEVELOPMENT BOARD

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members of the Council upon delivery of 10 days' written notice to the mailing address of each member of the Council. Five members of the Council shall constitute a quorum.

- c) The purpose of the Council shall be to recommend modifications to the Illinois Energy Conservation Code.

**Section 600.130 Revisions to the Code**

This Code may be revised by the Capital Development Board on its own volition or pursuant to recommendations of the Illinois Energy Conservation Advisory Council and in accordance with the Illinois Administrative Procedure Act [5 ILCS 100].

## SUBPART B: STATE FUNDED FACILITIES

**Section 600.200 Standards for State Funded Facilities**

- a) ANSI/ASHRAE/IESNA Standard 90.1, Energy Standard for Buildings Except Low-Rise Residential Buildings (2001), available from ASHRAE at 1791 Tullie Circle, N.E., Atlanta GA 30329, is hereby incorporated into the Illinois Energy Conservation Code, as described in this Subpart as applicable to State funded facilities, with the modifications outlined in subsection (d).
- b) This incorporation includes the following addenda to ASHRAE 90.1:

ADDENDUM	DATE
90.1a	4/3/03
90.1b	7/30/02
90.1c	7/30/02
90.1d	7/30/02
90.1e	3/31/04
90.1h	2/25/04
90.1i	8/6/03
90.1j	8/6/03
90.1k	12/17/02
90.1m	4/3/03
90.1n	9/25/03
90.1o	2/25/04
90.1p	2/25/04
90.1r	2/25/04

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED RULES

90.1s

2/25/04

- c) All incorporations by reference in this Section are of the cited standards as they existed on the date specified. These incorporations include no later editions or amendments.
- d) Modifications to ASHRAE 90.1  
ASHRAE 90.1 is incorporated by this Section, but with the following modifications:
- 1) ASHRAE 90.1 Section 3  
  
Paragraph 3.2: the terms "adopting authority" and "authority having jurisdiction" shall both be read to mean the Capital Development Board.
  - 2) ASHRAE 90.1 Section 6
    - A) Add the following sentence to the end of paragraph 6.2.5.3.3:  
  
Final trimming of the pump impellers shall be the responsibility of the using agency.
    - B) Table 6.3.3.1:  
  
Increase all horsepower shown in the table by .5.
  - 3) ASHRAE 90.1 Section 9
    - A) Replace Exception to 9.2.1.1 with the following:  
  
Exceptions to 9.2.1.1:
      - i) Lighting intended for 24-hour operation.
      - ii) Lighting in patient care areas.
      - iii) Lighting required for safety or security reasons.
    - B) Replace Exception to 9.2.1.2 with the following:

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## Exceptions to 9.2.1.2:

- i) Remote location shall be permitted for reasons of safety or security when the remote control device has an indicator pilot light as part of or next to the control device and it shall be clearly labeled to identify the controlled lighting.
- ii) Spaces not subject to partial occupancy, such as gymnasiums, cafeterias, lecture halls, etc., shall not be required to have more than one control device.

**Section 600.210 Request for Variance**

- a) Who May File a Request for Variance
  - 1) Any architect or engineer under contract with CDB to provide professional services for the proposed project.
  - 2) The using agency's chief executive officer or his or her designated representative.
  - 3) The Chairman of the CDB Energy Code Advisory Council.
- b) Consideration of Request for Variance

A variance from any requirement of the Code as described in this Subpart will be granted by CDB for one or more of the following reasons only:

  - 1) Compliance would not be technically feasible.
  - 2) Compliance would compromise the health, welfare or safety of building occupants.
  - 3) Compliance would prevent the building from serving its intended purpose.
  - 4) Compliance would violate another State or federal law or code.
  - 5) Compliance would increase the energy consumption of the building.
  - 6) Compliance would require the use of inferior products or materials.

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- c) Submitting the Request for Variance
- 1) The request shall be submitted to the CDB Project Manager.
  - 2) Requests should be submitted as early in the project as there is cause, but no later than 75 days prior to the anticipated bid date. Approval or denial of a variance shall be no cause for delay in the project unless the request for variance was filed by CDB or the using agency for which the project is being constructed.
  - 3) The following shall be submitted when requesting a variance:
    - A) A letter from the petitioner stating the specific provisions of the Code from which the variance is requested and a detailed explanation of how compliance with the Code would result in one or more of the conditions described in subsection (b).
    - B) The request shall include supporting data, calculations, analysis, etc.
- d) CDB Action
- 1) Upon receipt of the Request for Variance, the CDB Project Manager will review the request and make a recommendation to CDB's Professional Services Unit within 7 calendar days.
  - 2) Professional Services Unit will evaluate the Request for Variance within 30 days after CDB's receipt of the Request and make a determination.
  - 3) If it is determined that the Request for Variance would cause one of the conditions stated in subsection (b), the variance shall be approved by CDB.
  - 4) If it is determined that the Request for Variance would not cause one of the conditions stated in subsection (b), the Agency may:
    - A) Deny the Request for Variance.
    - B) Approve the Request for Variance subject to specific conditions determined by CDB.

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- e) **Modifications and Revisions**  
The petitioner may, in writing, request that the original Request for Variance be modified and resubmit the Request for Variance.
- f) **Revocation**  
CDB may revoke any variance if:
  - 1) it is determined that the variance was obtained through fraud or deceit;
  - 2) the petitioner has violated the specific conditions on which the variance was approved; or
  - 3) the variance was issued in error.
- g) **Appeals**
  - 1) Any person whose Request for Variance is denied or approved with conditions may appeal CDB's initial determination. The appeal shall be submitted in writing and must be received within 10 days after the initial CDB action is received by the requestor. The request shall be submitted to the Chairman of the Advisory Council.
  - 2) The Chairman of the Advisory Council will review the request with the Advisory Council, as deemed necessary by the Chairman, within 14 days after receipt and take one of the following actions:
    - A) Uphold CDB's initial determination.
    - B) Reverse CDB's initial determination and issue the variance.
    - C) Change the conditions applied to the variance granted by CDB.

**Section 600.220 Compliance**

Compliance with the Illinois Energy Conservation Code for State facilities as described in this Subpart B shall meet the requirements of ASHRAE 90.1. Compliance shall be demonstrated by submission of the compliance forms published in the ASHRAE 90.1 User Manual or Compliance Certificates generated by the U.S. Department of Energy's COMCheck computer simulation program. Final compliance forms shall be submitted to CDB with the 100% design review

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package required by the Professional Services Agreement. An in-progress set of compliance forms shall be submitted at the 50% submittal required by the Professional Services Agreement.

## SUBPART C: PRIVATELY FUNDED COMMERCIAL FACILITIES

**Section 600.300 Standards for Privately Funded Commercial Facilities**

- a) The International Energy Conservation Code (IECC) 2000, the 2001 supplement, available from the International Code Council at 5203 Leesburg Pike, Suite 600, Falls Church VA 22041, is hereby incorporated into the Illinois Energy Conservation Code, as described in this Subpart as applicable to privately funded commercial facilities, with the modifications outlined in subsection (c).
- b) All incorporations by reference in this Section are of the cited standards as they existed on the date specified. These incorporations include no later editions or amendments.
- c) Modifications to IECC  
Under Section 15 of the EECB Act, when applying the Code to privately funded commercial facilities, CDB may modify the incorporated standards to respond to the unique economy, population distribution, geography and climate of Illinois, as long as the objectives of the Act are maintained pursuant to that statutory authority.

**Section 600.310 Exemptions**

- a) The following buildings are exempt from the Code:
  - 1) *Buildings otherwise exempt from the provisions of a locally adopted building code and buildings that do not contain a conditioned space;*
  - 2) *Buildings that do not use either electricity or fossil fuel for comfort conditioning;*
  - 3) *Historic buildings listed on the National Register of Historic Places or the Illinois Register of Historic Places, and those buildings that are designated by authorized personnel as historically significant;*
  - 4) *Residential buildings; and*

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- 5) *Other buildings specified as exempt by the IECC. [20 ILCS 3125/20]*
- b) *For the purposes of determining whether an exemption authorized under subsection (a)(2) applies, a building will be presumed to be heated by electricity, even in the absence of equipment used for electric comfort heating, whenever the building is provided with electrical service in excess of 100 amps, unless the code enforcement official determines that this electrical services is necessary for purposes other than providing electric comfort heating. [20 ILCS 3125/20(b)(2)]*

**Section 600.320 Local Jurisdiction**

- a) Construction projects involving privately funded commercial facilities and for which a municipality or county requires a building permit must comply with the Illinois Energy Conservation Code if the project involves new construction, addition, alteration, renovation or repair. *In the case of any addition, alteration, renovation or repair to an existing commercial structure, the Code as described by this Subpart C applies only to the portions of that structure that are being added, altered, renovated or repaired. [20 ILCS 3125/20(a)]*
- b) The local authority having jurisdiction (AHJ) shall establish its own procedures for enforcement of the Illinois Energy Conservation Code. The AHJ is authorized to enforce a building code that differs with the Code as described in this Subpart C, but any standards applied by an AHJ must be at least as stringent as the Code as described in this Subpart C.

**Section 600.330 Compliance**

Compliance with the Illinois Energy Conservation Code as described by this Subpart C (applicable to commercial facilities) shall be determined by the local authority having jurisdiction (AHJ). Minimum compliance shall be demonstrated by submission of the compliance forms published in the ASHRAE 90.1 User Manual or Compliance Certificates generated by the U.S. Department of Energy's COMCheck computer simulation program or other comparable standards that meet or exceed ASHRAE 90.1 or the Department of Energy's COMCheck computer simulation program.

**Section 600.340 Application to Home Rule Units**

*No unit of local government, including any home rule unit, may apply energy efficient building standards to privately funded commercial facilities in a manner that is less stringent than the Code as described in this Subpart C. However, nothing in the EECB Act or this Subpart prevents*

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*a unit of local government from adopting an energy efficiency code or standards that are more stringent than this Code. [20 ILCS 3125/45]*

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Digital Divide Elimination Infrastructure Fund
- 2) Code Citation 83 Ill. Adm. Code 759
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
759.310	Amendment
759.320	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 13-301.3 of the Public Utilities Act [220 ILCS 5/13-301.3]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will delete references to the Illinois Procurement Code ("Code") and 44 Ill. Adm. Code 1 (rules implementing the Code) in Sections 759.310 and 759.320. Section 1-10(b)(2) of the Code [30 ILCS 500/1-10(b)(2)] specifically exempts grants from the application of the Code, "except for the filing requirements of Section 20-80 [of the Code [20 ILCS 500/20-80]]." Commission Staff contends that, in actually formulating a request for grant proposal, the use of those procedures mandated by the Code is likely to cause delays in, and add costs to, the evaluation of grant proposals, as well as adding costs to the proposals themselves.
- 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 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: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 05-0204, with:

Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield IL 62701

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(217)782-7434

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will affect any small municipalities or not for profit corporations that would submit grant proposals.
  - B) Reporting, bookkeeping or other procedures required for compliance: Filing procedures
  - C) Types of professional skills necessary for compliance: Managerial skills
- 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 Amendments begins on the next page:

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TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIES

PART 759  
DIGITAL DIVIDE ELIMINATION INFRASTRUCTURE FUND

SUBPART A: GENERAL PROVISIONS

Section	
759.110	Purpose
759.120	Definitions

SUBPART B: ELIGIBILITY

Section	
759.210	Eligible Entities
759.220	Eligible Uses
759.230	Eligible Areas

SUBPART C: REVIEW OF PROPOSALS

Section	
759.310	Proposal Content
759.320	Selection of Grant Recipients
759.330	Limitations and Obligations
759.340	Reporting

AUTHORITY: Implementing and authorized by Section 13-301.3 of the Public Utilities Act [220 ILCS 5/13-301.3].

SOURCE: Adopted at 27 Ill. Reg. 5735, effective April 1, 2003; amended at 29 Ill. Reg. 3019, effective March 1, 2005; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART C: REVIEW OF PROPOSALS

**Section 759.310 Proposal Content**

- a) Subject to appropriation and availability of funds, the Commission shall issue a Request for Grant Proposal [that, pursuant to the Illinois Procurement Code \[30](#)

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~~ILCS 500], which~~ shall include instructions and formats for the submission of grant proposals.

- b) Proposal items: The grant proposal shall be docketed and shall include, at a minimum, the following sections:
- 1) A cover page;
  - 2) Ownership information of the applicant;
  - 3) An executive summary of the proposal;
  - 4) A description of the applicant, demonstrating that the applicant is an eligible entity (see Section 759.210);
  - 5) Current financial information for the applicant;
  - 6) The location of the proposed infrastructure project and a description of the area as it relates to the eligible area criteria. (see Section 759.230.);
  - 7) A description of the proposed infrastructure project, including its social and economic benefits;
  - 8) A detailed project budget and schedule by task, including a proposed completion date.

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

**Section 759.320 Selection of Grant Recipients**

Grantees shall be competitively selected by the Commission ~~pursuant to the Illinois Procurement Code and the Standard Procurement Rules (44 Ill. Adm. Code 1)~~. The Commission shall use the following criteria when reviewing proposals and awarding grants:

- a) The technical, financial and managerial resources and abilities of the applicant;
- b) The economic justification for the project, which includes the social and economic benefits of the project; and
- c) The location of the project.

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

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

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1.510	Amendment
1.515	New Section
1.630	Amendment
1.720	Amendment
1.737	Amendment
1.745	Amendment
1.755	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6, 21-0.01, 27-26, and Art. 29; 625 ILCS 5/12-807.2 and 12-812(b)
- 5) A Complete Description of the Subjects and Issues Involved:

Two separate aspects of Part 1 are involved in the present set of amendments.

#### Pupil Transportation

Existing Section 1.510 is being expanded to encompass nearly all the material in Part 275 of the rules (Pupil Transportation) that is still current. A new Section 1.515 is also being added to set forth the training requirements for individuals who train school bus drivers. Insertion of this material will allow ISBE to repeal Part 275 in its entirety and include all district transportation-related requirements in one location.

#### Qualifications of Personnel

All the revisions in Section 1.630 are being made for technical reasons only. Since this Section was amended last year, it has been clarified that individuals who only conduct parental involvement activities and do not perform any other paraprofessional duties are not required to be qualified as paraprofessionals, so that illustration is being struck from subsection (b)(1). At the same time, we think it advisable to insert into subsection (b)(3) some additional language that conveys specific federal requirements for the work of individuals who provide instructional support (paraprofessionals). Finally, there will be new material in Part 25 (Certification) setting forth requirements for educational interpreters, so subsection (e) will be incomplete without a reference to those provisions.

Most of the changes in Sections 1.720, 1.745, and 1.755 will eliminate a discrepancy in

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requirements that resulted from the comprehensive changes that took effect June 1, 2004. At the time of that rulemaking, it was our intention not to change the requirements for teachers in the departmentalized middle grades because other work on middle-grades credentials was in progress. Therefore the existing requirements in Section 1.720 were stated to remain in place as exceptions to the new provisions for endorsements that are found in Section 25.100 of the rules for certification. The subject-area requirement for a middle-grades endorsement involves 18 semester hours of college credit, and the requirement for reading at all grade levels was also 18 semester hours until the rules changed in June of 2004. As a result, 24 semester hours are now required for reading at the elementary and high school levels, but only 18 hours are required in the middle grades. The same situation exists with respect to library information specialists, and we know that the 24-18-24 “hourglass” is leading to confusion in the field. It seems far preferable to make the increased requirements for these fields uniform across all grade levels.

By extending the time period during which applications for endorsements in reading based on the 18 semester hours can be accepted, we will give adequate notice of the change. The same extension will be afforded to those at other grade levels as well. The rule is also being changed so that, like deficiency statements for endorsements in other fields, these will be honored for one year after their date of issue.

The amendment to Section 1.737 makes clear that, for teachers of safety and driver education, the “minimum requirements” are the same as the long-standing requirements for the endorsement. There is no content-area test in this field, so there is no feasible way to set minimum requirements different from the full requirements for the endorsement.

- 6) Will these proposed amendments replace any 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 proposed amendments pending on this Part? Yes

<u>Section</u>	<u>Action</u>	<u>Illinois Register Citation</u>
1.240	Amendment	29 Ill. Reg. 3414; March 11, 2005

- 10) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a state mandate.

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- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street (W-475)  
Springfield, Illinois 62777

(217) 782-5270

Comments may also be submitted via e-mail, addressed to:

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 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 issues addressed by this rulemaking have arisen during the early part of this year.

The full text of the Proposed 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 a: PUBLIC SCHOOL RECOGNITION

## PART 1

## PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

## SUBPART A: SCHOOL RECOGNITION REQUIREMENTS

## Section

1.10	Public School Accountability Framework
1.20	Operational Requirements
1.30	Quality Assurance Reviews
1.40	Student Performance and School Improvement Requirements (Repealed)
1.50	State Assessment
1.60	Operational Compliance (Repealed)
1.70	Effective Dates of Accreditation (Repealed)
1.80	Academic Early Warning and Watch Lists
1.85	Revisions to School Improvement Plans
1.90	System of Rewards and Recognition
1.100	Waiver and Modification of State Board Rules and School Code Mandates

## SUBPART B: SCHOOL GOVERNANCE

## Section

1.210	Powers and Duties
1.220	Duties of Superintendent
1.230	Board of Education and the School Code
1.240	Equal Opportunities for all Students
1.245	Waiver of School Fees
1.250	District to Comply with 23 Ill. Adm. Code 180
1.260	Commemorative Holidays to be Observed by Public Schools
1.270	Book and Material Selection
1.280	Discipline
1.285	Requirements for the Use of Isolated Time Out and Physical Restraint
1.290	Absenteeism and Truancy Policies

## SUBPART C: SCHOOL DISTRICT ADMINISTRATION

## Section

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- 1.310 Administrative Responsibilities
- 1.320 Duties
- 1.330 Hazardous Materials Training

## SUBPART D: THE INSTRUCTIONAL PROGRAM

## Section

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

## SUBPART E: SUPPORT SERVICES

## Section

- 1.510 Transportation
- 1.515 Training of School Bus Drivers
- 1.520 School Food Services
- 1.530 Health Services
- 1.540 Pupil Personnel Services (Repealed)

## SUBPART F: STAFF CERTIFICATION REQUIREMENTS

## Section

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

## SUBPART G: STAFF QUALIFICATIONS

## Section

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

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, and 27-23.3 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150

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

## SUBPART E: SUPPORT SERVICES

**Section 1.510 Transportation**

- a) Section 29-3 of the School Code [105 ILCS 5/29-3] requires the school boards of certain school districts to provide free transportation to pupils as delineated in that Section. These school districts may provide free transportation to other students in accordance with the remaining applicable provisions of Article 29 of the School Code [105 ILCS 5/Art. 29]. Districts that are not required to provide free transportation may do so at their option. ~~School boards of community consolidated districts, community unit districts, consolidated districts, and consolidated high school districts shall provide free transportation for pupils residing at a distance of one and one-half miles or more from any school to which they are assigned for attendance, maintained within the district except for those pupils for whom the school board shall certify to the Superintendent of Education that adequate transportation for the public is available. Free service may be provided for other students pursuant to Article 29 of The School Code.~~
- b) Each district seeking State reimbursement for pupil transportation ~~Districts shall comply with the provisions of Article 29 of the~~ The School Code, Section 29-4, to qualify for reimbursement.
- c) Each ~~The~~ district that is required to provide free transportation has the responsibility of providing sufficient buses for transporting all eligible pupils ~~and~~

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~~making certain such equipment is properly maintained in an effective and safe condition.~~

- d) ~~Each~~The school district is required to conform to the equipment standards and regulations established by the Department of Transportation. ~~Standards for school bus drivers are established by the State Board of Education in "Information for School Bus Drivers." The local school district shall give special attention to instructing students in safety measures and proper conduct.~~
- e) Each local school board that provides transportation shall designate a person under its direct supervision to ensure adherence to all laws and regulations affecting safe pupil transportation.
- f) School bus routing is the responsibility of the local school board. School districts shall arrange school bus stops to maximize safety, so that buses will not have to back up, and so that crossing arms will not infringe upon pedestrian crosswalks or cross streets. School buses are not required to enter private property.
- g) Local school boards shall institute policies and practices that promote the safety and well-being of school bus passengers, including provisions that support Section 10-22.6(b) of the School Code [105 ILCS 5/10-22.6(b)]. Local school boards shall require that all school bus drivers who transport pupils have been trained as discussed in Section 1.515 of this Part. The requirements set forth in subsections (h) through (n) of this Section shall serve as minimum statewide requirements for operating a school bus. Transportation for students who receive special education and related services shall be as set forth in the State Board's rules for Special Education (23 Ill. Adm. Code 226). Local school boards may adopt more stringent requirements, at their discretion.
- h) Operation of the Bus by the Driver
- 1) The service door shall be closed at all times when the bus is in motion.
  - 2) Windows shall not be lowered below the stop line painted on the body pillar.
  - 3) The emergency door shall be unlocked but securely latched when operating the school bus.
  - 4) The driver shall not leave the bus while the motor is running.

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- 5) The gasoline tank shall not be filled while there are any persons on the bus or while the motor is running.
  - 6) The school bus signs shall be displayed only when the bus is being used for official school transportation.
  - 7) The required alternately flashing warning lights and stop arm shall be used only when stopping to receive or discharge students.
  - 8) The driver shall not back a bus at the school while students are in the vicinity unless a responsible person is present to guide the bus driver.
  - 9) The driver shall not permit a weapon or explosive of any kind on the bus.
  - 10) The driver shall not smoke when operating a school bus.
- i) Passenger Treatment and Supervision
- 1) All passengers shall be seated when the bus is in motion.
  - 2) Students shall not be asked to leave the bus along the route for breach of discipline, nor shall they be asked to sit anywhere other than on a seat for breach of discipline.
- j) Loading and Unloading
- 1) When children are picked up and must cross a roadway, the driver shall beckon them to cross the road when it is safe to do so.
  - 2) The driver on a regular route shall not be expected to wait for a tardy student and may proceed on a timely route if the student is not in sight.
  - 3) At school, the bus shall be driven onto the school grounds to discharge pupils or they shall be otherwise discharged so they will not have to cross a street if at all possible. At all discharge points where it is necessary for pupils to cross a roadway, the driver shall direct students to a point at least ten feet in front of the bus on the shoulder of the roadway and shall direct them to remain there until a signal is given by the bus driver for the students to cross.

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- 4) A driver shall not allow a student to get off the bus at any place other than the student's designated discharge point unless permission is granted by the proper school official.
- 5) If a loading zone is not visible to traffic approaching from either direction, the district shall notify the Illinois Department of Transportation and request a determination as to the need to erect appropriate signs.
- k) Permitted Occupants
- 1) The manufacturer's capacity for a bus shall not be exceeded.
- 2) Only persons authorized by the school district shall be allowed to ride school buses. Except with the permission of school authorities, the driver shall transport no school children with animals. Any animal transported shall be properly confined at all times when it is on a school bus.
- l) Accidents
- 1) In case of an accident or breakdown while the bus is transporting students, the first consideration shall be whether it is safer to evacuate the students or to have them remain on the bus.
- 2) All accidents shall be reported immediately to the appropriate school officials.
- 3) A completed copy of the Illinois Department of Transportation's "Motorist Report of Motor Vehicle Accident Form" (SR-1) shall be forwarded to the regional superintendent immediately after any accident.
- 4) In case of a death that occurs as a result of a school bus accident, the responsible district official shall immediately notify the regional superintendent by telephone.
- m) Railroad Crossings  
Each driver of a school bus shall stop at all railroad crossings except where protected by a human flagman or law enforcement officer or marked as having been exempted by the Illinois Commerce Commission pursuant to Section 11-1202 of the Illinois Vehicle Code [625 ILCS 5/11-1202].

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- 1) The driver shall stop between 15 and 50 feet in front of the first rail. While stopped, the driver shall open the service door, listen and look in both directions for any approaching train. When the driver determines that no train is approaching, he or she shall close the door, then proceed completely across the grade crossing without changing gears.
  - 2) A driver who has stopped at a railroad crossing that is protected only by flashing lights and who determines that no train is, in fact, approaching (i.e., a malfunction is apparent) may proceed despite the warning lights, provided that he or she has complied with the requirements of subsection (m)(1) of this Section.
  - 3) The driver shall not use the alternately flashing warning signals or stop arm at railroad grade crossings.
- n) School Bus Crossing Arm
- 1) A school bus driver shall use the school bus crossing arm whenever the bus stops to allow students to enter or leave the bus. The driver shall allow sufficient space for the full extension of the crossing arm without infringing on other vehicles, other obstacles, the pedestrian crosswalk, or a cross street. However, a driver may omit using the crossing arm at school loading areas where school buses are parked bumper to bumper or when extending the crossing arm would impede pedestrians' crossing, extend into the adjacent cross street, or collide with another object or vehicle.
  - 2) A school bus driver shall report to the affected school district any instance when the crossing arm cannot be used as required. School districts shall use this information in evaluating school bus routes and pickup and dropoff points. Districts shall retain these records in a manner consistent with their retention policies applicable to other records.
  - 3) A school bus shall not be used if its crossing arm is found to be inoperable during the pre-trip inspection, or if the crossing arm has malfunctioned and has not yet been repaired.
  - 4) If a crossing arm malfunctions while the school bus is carrying students, the driver shall note the stop where the malfunction first occurs and may complete the route if permitted to do so by local board policy.

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

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**Section 1.515 Training of School Bus Drivers**

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

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

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deficiencies preventing the certification of any individual. The regional superintendent shall be responsible for notifying instructors of their status.

- c) The regional superintendent shall be responsible for notifying the employers of all bus drivers who complete initial or refresher training courses.

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

## SUBPART F: STAFF CERTIFICATION REQUIREMENTS

**Section 1.630 Noncertificated Personnel**

- a) Pursuant to Sections 10-22.34 and 34-18 of the School Code [105 ILCS 5/10-22.34 and 34-18], school boards may employ nonteaching personnel or use volunteer personnel for nonteaching duties not requiring instructional judgment or evaluation of pupils.
- b) Paraprofessionals; Teacher Aides
- 1) School boards may further utilize volunteer noncertificated personnel or employ noncertificated personnel as paraprofessionals (or "teacher aides") to assist in the instruction of pupils, so long as each noncertificated individual is under the immediate supervision of a teacher who holds a valid certificate and is directly engaged in teaching subject matter or conducting activities (see Sections 10-22.34 and 34-18 of the School Code). To "assist in the instruction of pupils", i.e., to serve as a paraprofessional, means to support teachers through interactions with students that will help them master curricular content, such as by tutoring; or to assist with classroom management, such as by organizing instructional materials; ~~or to assist with parental involvement activities.~~
  - 2) Employment as a paraprofessional requires a statement of approval issued by the State Board of Education, in consultation with the State Teacher Certification Board, except that a paraprofessional first employed on or before June 30, 2005, in a program that servesserving students with disabilities shall be subject to this requirement as of July 1, 2007.
  - 3) Each paraprofessional shall be under the direct supervision and control of a fully certificated teacher when assisting with instruction, whether this occurs in classrooms, laboratories, shops, playgrounds, libraries, or other educational settings where instructional judgment requires the supervision

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

- 4) Paraprofessionals shall not be utilized as substitutes for or replacement of certificated teachers, and they shall not have equivalent responsibilities. Certificated teachers shall exercise professional judgment when assigning duties to paraprofessionals and shall retain the responsibility for determining students' scholastic activities.
- 5) Each school district shall:
  - A) submit a list of all paraprofessionals it employs to the State Superintendent of Education with its annual application for recognition;
  - B) maintain a file for each paraprofessional that describes his or her functions and includes his or her statement of approval and evidence that he or she has met the relevant requirements of 23 Ill. Adm. Code 25.510; and
  - C) be responsible for ensuring that no individual is employed as a paraprofessional without a statement of approval, except as permitted under subsection (b)(2) of this Section, and that paraprofessionals are assigned only to tasks for which their approval is valid.
- c) School boards may designate noncertificated persons of good character to serve as supervisors, chaperones or sponsors, either on a voluntary or on a compensated basis, for school activities not connected with the academic program of the schools (see Section 10-22.34a of the School Code [105 ILCS 5/10-22.34a]).
- d) School boards may utilize noncertificated persons, under the direction of a certified teacher, for providing specialized instruction related to a course assigned to the certified teacher on a regular basis, not otherwise readily available in the immediate school environment, in the fields for which they are particularly qualified or skilled (see Section 10-22.34b of the School Code [105 ILCS 5/10-22.34b]).

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

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

## SUBPART G: STAFF QUALIFICATIONS

**Section 1.720 Requirements for Teachers of Middle Grades**

- a) The requirements of this Section apply to teachers first employed after September 1, 1973, in departmentalized grades 5 through 8 ("middle-grade teachers"). Teachers first employed in grades 5 through 8 prior to September 1, 1973, or employed in non-departmentalized grades 5 through 8, are subject to the requirements of Section 1.710 of this Part. To qualify as a middle-grade teacher, the teacher must have either completed the coursework identified in subsection (a)(1) of this Section prior to July 1, 1997, or completed the coursework identified in subsection (a)(2) of this Section. In mathematics and reading, and for library information specialists, there is specific coursework that must be included among the 18 semester hours to be earned; see subsections (a)(3), (4), and (5) of this Section. Further, new requirements for reading and library information specialists will apply to persons who apply for these endorsements on or after July 1, 2006, as well as to other persons who have not completed the 18-hour requirements prior to that date. See subsections (a)(4) and (5) of this Section.
- 1) 18 semester hours in the subject matter area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music), unless the subject taught is a foreign language and Section 25.86 of the State Board's rules for Certification (23 Ill. Adm. Code 25) applies. Where a teacher is assigned to deliver instruction in two areas (e.g., English and social science or mathematics and science), the teacher shall meet the requirements of this subsection for one area and have no fewer than 5 semester hours in the other instructional area.
  - 2) 18 semester hours in the subject matter area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music), unless the subject taught is a foreign language and Section 25.86 of the

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State Board's rules for Certification applies. Where a middle-grade teacher is assigned to deliver instruction in two areas (e.g., English and social science or mathematics and science), the teacher shall meet the requirements of this subsection for one area and have no fewer than 9 semester hours in the other instructional area. In addition:

- A) 3 semester hours of coursework, approved by the college of education or other institutional unit governing teacher education, that includes middle-grade philosophy, middle-grade curriculum and instruction, and instructional methods for designing and teaching developmentally appropriate programs (i.e., addressing the cognitive, emotional and physical development of each child) in the middle grades, including content area (e.g., science, social sciences) reading instruction.
  - B) 3 semester hours of coursework, approved by the college of education or other institutional unit governing teacher education, that includes educational psychology focusing on the developmental characteristics of early adolescents, the nature and needs of early adolescents, and the role of the middle-grade teacher in assessment, coordination and referral of students to health and social services.
- 3) For teachers of mathematics in grades 6 through 8 first employed on or after September 1, 1985, the required 18 semester hours in the field shall include three semester hours in the methods of teaching mathematics in those grades and 15 semester hours to be selected from four of the following areas:
- A) Math content courses for elementary teachers;
  - B) Calculus;
  - C) Modern algebra or number theory;
  - D) Geometry;
  - E) Computer science;
  - F) Probability and statistics;

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- G) History of mathematics.
- 4) For major assignments in reading in any of departmentalized grades 5 through 8:
- A) persons first employed on or after September 1, 1978, but before July 1, 2004, are required to have completed the 18 semester hours described in Section 1.740 of this Part; ~~and~~
- B) persons first employed on or after July 1, 2004, shall be required to have completed either the 18 semester hours described in Section 1.740 of this Part or 18 semester hours in the field that include a practicum and address at least five of the six topics listed at 23 Ill. Adm. Code 25.100(i), provided that:-
- i) the individual completes all the required coursework on or before June 30, 2006; or
- ii) the individual applies for the reading endorsement on or before June 30, 2006, and completes any coursework identified on a related deficiency statement no later than one year after the date of that statement; and
- C) new requirements for an endorsement in this field apply to persons who have not met the requirements of either subsection (a)(4)(A) or (B) of this Section; see also 23 Ill. Adm. Code 25.100(i) and Section 1.745 of this Part.
- 5) Persons first employed on or after September 1, 1978, as media professionals or library information specialists serving any of grades 5 through 8 are required to have completed 18 semester hours in the field that address administration, organization (cataloging and classification), reference, and selection of materials, provided that the individual completes all the required coursework on or before June 30, 2006, or has applied for the reading endorsement on or before June 30, 2006, and completes any coursework identified on a related deficiency statement no later than one year after the date of that statement. New requirements for an endorsement in this field apply to persons who have not qualified on the basis of 18 semester hours; see also 23 Ill. Adm. Code 25.100 and Section 1.755 of this Part. The provisions of subsection (a)(2) of this Section notwithstanding, no individual who has completed only nine

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semester hours in the field may serve in this capacity unless assigned pursuant to 23 Ill. Adm. Code 25.464.

- b) Beginning July 1, 2004, no individual may be assigned to teach in departmentalized grades 5 through 8 unless he or she holds a certificate that is valid for the grade level or levels to be taught and:
- 1) holds a middle-grades endorsement applicable to the subject area; or
  - 2) meets the relevant requirements of this Section; or
  - 3) met the requirements of this Section or their predecessor requirements at a time when they were applicable, as confirmed by the employing district's verification of the individual's qualifications; or
  - 4) is assigned pursuant to Section 1.745(b)(3) or 1.755(c) of this Part; or
  - 5) is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).

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

**Section 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004**

- a) Beginning July 1, 2004, no teacher may be assigned to teach a particular subject in any of grades 9 through 12 unless he or she holds a certificate that is valid for the grade level or levels to be taught and:
- 1) holds the applicable endorsement for the subject area (and, in the case of the provisional vocational certificate, has also completed the work experience required pursuant to subsection (c) of this Section); or
  - 2) met the requirements of Section 1.730, 1.735, or 1.736 of this Part, or their predecessor requirements, at a time when they were applicable to that assignment, as confirmed by the employing district's verification of the individual's qualifications; or
  - 3) meets the minimum requirements for that assignment identified in subsection (b) of this Section and has not exhausted the three-year period of eligibility available pursuant to 23 Ill. Adm. Code 25.100(l); or

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- 4) meets the requirements of Section 1.745 of this Part, if applicable; or
  - 5) is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).
- b) Beginning July 1, 2004, the provisions of this Section shall replace those of Sections 1.730, 1.735, and 1.736 of this Part as one basis upon which school districts and other entities subject to this Part may assign individuals to teach specific subjects. The qualifications identified in this subsection (b) are not the same as those for the respective endorsements, nor are they intended to match the requirements for identification as a "highly qualified" teacher in any particular subject area. Each individual who is first assigned to a subject area based upon the qualifications delineated in this subsection (b) shall be subject to the requirement for acquiring an endorsement in the respective field within three years after the date of assignment, in accordance with 23 Ill. Adm. Code 25.100(l). For purposes of the applicability of this requirement, an individual shall be considered "first assigned" to any field in which he or she has not taught in Illinois prior to July 1, 2004.
- 1) For agricultural education; visual or drama/theatre arts; business, marketing, and computer education; dance; English language arts; health education; health careers; family and consumer sciences; technology education; mathematics; music; physical education; biology; chemistry; earth and space science; environmental science; physics; economics; geography; history; political science; psychology; sociology and anthropology: 24 semester hours in the field.
  - 2) For foreign language: 20 semester hours in the language (unless 23 Ill. Adm. Code 25.85 or 25.86 applies).
  - 3) For safety and driver education: The 16 semester hours in the field that are specified in Section 1.730(q) of this Part shall continue to apply.
  - 4) For assignments in reading, the requirements of Section 1.745 of this Part shall apply.
- c) Additional Requirements for Career and Technical Education
- 1) Assignments at the "skill-level" (grades 11 and 12) in reimbursable career and technical education generally require 2,000 hours of work experience

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in the area to be taught or, for more than one area, a total of 2,000 hours with no fewer than 250 hours in each area taught. A district may, however, employ an individual who holds a secondary certificate with the appropriate career and technical education endorsement but who has not completed 2,000 hours of work experience in the occupational area to be taught, provided that the individual acquires this experience in paid employment outside the teaching profession within four years after the date of first assignment. The employing entity shall maintain records to substantiate this experience, which may include written statements from former supervisors who can be reached for verification or, in cases where supervisors are no longer available to verify the individual's employment, affidavits by the applicant's instructors describing the work experience.

- 2) A teacher who is eligible under this Section to provide skill-level instruction in a particular area shall also be eligible to serve as a coordinator of either a specific cooperative education program or interrelated cooperative education, provided that he or she has also completed six semester hours of coursework in the organization and administration of cooperative education.
- 3) A teacher serving as a coordinator of cooperative education for special education students shall be required to meet the requirements for assignment as a special education teacher rather than those for assignment as a teacher of career and technical education, except that an individual serving in this capacity shall be required to have completed 2,000 hours of work experience as provided in subsection (c)(1) of this Section and six semester hours of coursework in the organization and administration of cooperative education.

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

**Section 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004**

- a) The "reading teacher" endorsement is valid only for teaching reading to students, while the "reading specialist" endorsement is valid not only for teaching reading to students but also for providing technical assistance and/or professional development to other teachers. Separate sets of standards and requirements govern the issuance of these two endorsements (see 23 Ill. Adm. Code 27.110 and 27.120, as well as 23 Ill. Adm. Code 25.100(i)).

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- b) Beginning July 1, 2004, no individual may be assigned to teach reading, other than reading as part of general classroom instruction provided by that individual ~~or reading instruction provided in departmentalized grades 5 through 8~~, or to serve as a reading specialist unless he or she holds a certificate valid for the grade level or levels of the assignment and:
- 1) holds the endorsement appropriate to the assignment; or
  - 2) met the requirements of Section 1.720 or Section 1.740 of this Part, as applicable to the grade level served, or their predecessor requirements at a time when they were applicable, as confirmed by the employing district's verification of the individual's qualifications; or
  - 3) presents evidence of having completed 24 semester hours of college coursework in reading on or after July 1, ~~2006~~2005, and has not exhausted the three-year period of eligibility available pursuant to 23 Ill. Adm. Code 25.100(l); or
  - 4) is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).

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

**Section 1.755 Requirements for Library Information Specialists Beginning July 1, 2004**

Beginning July 1, 2004, no individual shall be assigned to provide library and audio-visual services to students, teachers and other school personnel unless he or she holds a certificate that is valid for the grade level or levels of the students to be served and:

- a) holds an endorsement for Library Information Specialist or a comparable, previously issued endorsement such as Media or Library Science; or
- b) met the requirements of Section 1.720 or Section 1.750 of this Part, as applicable to the grade level served, or ~~their its~~ predecessor requirements at a time when they were applicable, as confirmed by the employing district's verification of the individual's qualifications; or
- c) presents evidence of having completed ~~24~~24.8 semester hours of college coursework in the field on or after July 1, 2006, and has not exhausted the three-year period of eligibility available pursuant to 23 Ill. Adm. Code 25.100(l); or

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- d) is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).

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

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

<u>Section Numbers</u> :	<u>Proposed Action</u> :
25.37	Amendment
25.100	Amendment
25.215	Amendment
25.225	Amendment
25.245	Amendment
25.425	Amendment
25.464	Amendment
25.497	Amendment
25.510	Amendment
25.550	New Section
25.855	Amendment
- 4) Statutory Authority: 105 ILCS 5/Art. 21, 14C-8, and 2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: This set of amendments addresses a number of disparate issues that have been identified within the rules and serves to make several technical corrections as well.

Accessibility of Special K-12 Certificates and Supervisory Endorsements

Section 25.37 sets forth the method by which subsequent certificates may be issued. This rule is being amended to address a shortage of teachers who are able to supervise other staff, by making the special K-12 certificate available to certain teachers as a subsequent certificate via a streamlined procedure. Section 21-4 of the School Code authorizes special certificates to be endorsed for supervision, but that same authorization is not provided for early childhood, elementary, or secondary certificates. However, there is not a large number of preparation programs leading to issuance of a special certificate in various subject areas. Consequently many high school teachers hold secondary certificates, and high schools may lack sufficient personnel authorized to perform certain supervisory functions.

An individual who holds a secondary certificate has completed a great deal of the requirements for the special certificate in the same subject area: an approved program, the coursework required in a major field of specialization, the pre-student teaching clinical experience, and the student teaching (and, in all recent cases, the basic skills test

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and content-area test). We believe that the “gap” between the secondary certificate and the special certificate can be filled adequately by requiring passage of the assessment of professional teaching that is relevant to the special certificate, since that is the test that encompasses the Illinois Professional Teaching Standards, technology standards, and English language arts standards that apply to all teachers across the full range of grades.

Therefore, we believe ISBE can reasonably facilitate secondary teachers’ access to supervisory endorsements by enabling them to attain K-12 certification via this means. If they meet the additional requirements for supervision that are imposed by Section 21-4 of the School Code, they would then be able to receive a supervisory endorsement.

Section 25.497, which currently discusses only supervisory endorsement of the school service personnel certificate, is being revised to acknowledge the availability of these endorsements on teaching certificates as well. The relevant sections of the School Code establish the same requirement for graduate-level coursework in each case, and that requirement does not need to be restated in the rule. The rule needs only to establish the content that the coursework is required to address.

## Requirements for Teachers in the Middle Grades

The revision to Section 25.100(k) will eliminate a discrepancy in requirements that resulted from the comprehensive changes that took effect June 1, 2004.

At the time of that rulemaking, it was our intention not to change the requirements for teachers in the departmentalized middle grades because other work on middle-grades credentials was in progress. Therefore Section 25.100(k) stated that the existing requirements in Section 1.720 would remain in place as exceptions to the new provisions for endorsements. The subject-area requirement for a middle-grades endorsement involves 18 semester hours of college credit, and the requirement for reading at all grade levels was also 18 semester hours until the rules changed in June of 2004. As a result, 24 semester hours are now required for reading at the elementary and high school levels, but only 18 hours are required in the middle grades. The same situation exists with respect to library information specialists, and we know that the 24-18-24 “hourglass” is leading to confusion in the field. Because the generally applicable requirements for these two fields have been increased, it seems far preferable to make the requirements for these fields uniform across all grade levels.

## Requirements for School Social Workers and School Counselors

The changes in these two Sections represent a technical correction only. Section 25.720

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has recently been revised to reflect the legislative changes that affect testing for out-of-state candidates, and the internal cross-references need to be updated. This correction is also being made at this time in Section 25.245, whose substantive aspects are discussed below.

## Requirements for School Nurses

The current rule for school nurses requires an evaluation of the preparation of out-of-state applicants with respect to the relevant content-area standards. Rather than requiring these applicants to seek certification through Illinois approved programs, the certification staff recommends a simpler method relying upon the existing degree and licensure requirements, the completion of an out-of-state program or certificate, and the Illinois standards-based examination. This change requires a corresponding change in Section 25.425 (Individuals Prepared in Out-of-State Institutions) to make school nurses subject to that Section's general provisions rather than providing for an exception.

## Short-Term Authorization

It has come to our attention that the list of entities given in the introduction to this rule omits regional offices of education. The point of the rule is to permit short-term authorization to be issued to any entity that is required to employ certified staff, and we have determined that the list should be replaced with a statement to that effect so that no entity will be unintentionally left out.

## Paraprofessionals

The change to Section 25.510 is a technical one, reflecting the recent proposed repeal of Part 480 and the inclusion of its remaining distinctive provisions within Part 475.

## Educational Interpreters

Public Act 90-200, enacted in 1997, established requirements for individuals who wish to represent themselves as interpreters for the deaf but exempted educational interpreters, among others, from those requirements. Instead, the Illinois Deaf and Hard of Hearing Commission was established and required to work with ISBE to develop recommended requirements for interpreters who serve in schools.

The content of new Section 25.550 conveys the requirements that have been developed under P.A. 92-200. There are two types of interpreters, sign language interpreters and cued speech interpreters, and approval for each type will be available at the initial,

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standard, and master levels. Emergency approval will also be available. Although the levels are modeled on the teacher certification structure, there is no requirement that an individual progress through lower levels to reach higher ones. Each applicant can be approved to reflect the level of educational attainment and interpreting skill that he or she has demonstrated. Standard and master approval will be renewable based upon evidence of having completed specified continuing education.

Requirements for Approved Providers of Continuing Professional Development  
Activities

Section 25.855(c)(1) currently requires that approved providers notify the State Board of Education in advance of the first offering of any new activity in the fields for which the providers are approved. This requirement has proven cumbersome in that it results in a large volume of paperwork without any substantive value in terms of quality. Consequently agency staff recommend its deletion.

- 6) Will these proposed amendments replace any 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 proposed amendments pending on this Part? Yes

<u>Section</u>	<u>Action</u>	<u>Illinois Register Citation</u>
25.11	Amendment	29 Ill. Reg. 3421, March 11, 2005
25.22	Amendment	29 Ill. Reg. 3421, March 11, 2005
25.32	Amendment	29 Ill. Reg. 3421, March 11, 2005
25.42	Amendment	29 Ill. Reg. 3421, March 11, 2005
25.82	Amendment	29 Ill. Reg. 3421, March 11, 2005
25.100	Amendment	29 Ill. Reg. 3421, March 11, 2005
25.115	Amendment	29 Ill. Reg. 3421, March 11, 2005
25.125	Amendment	29 Ill. Reg. 3421, March 11, 2005
25.160	Amendment	29 Ill. Reg. 3421, March 11, 2005
25.235	Amendment	29 Ill. Reg. 3421, March 11, 2005
25.450	Amendment	29 Ill. Reg. 3421, March 11, 2005

- 10) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a state mandate.

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## NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777

(217) 782-5270

Comments may also be submitted via e-mail, addressed to:

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

The full text of the Proposed 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

## SUBPART A: DEFINITIONS

## Section

25.10 Definition of Terms Used in This Part

## SUBPART B: CERTIFICATES

## Section

25.11 New Certificates (February 15, 2000)  
25.15 Standards for Certain Certificates  
25.20 Requirements for the Elementary Certificate  
25.22 Requirements for the Elementary Certificate (2004)  
25.30 Requirements for the Secondary Certificate  
25.32 Requirements for the Secondary Certificate (2004)  
25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies  
25.37 Acquisition of Subsequent Teaching Certificates (2004)  
25.40 Requirements for the Special Certificate  
25.42 Requirements for the Special Certificate (2004)  
25.43 Standards for Certification of Special Education Teachers  
25.45 Standards for the Standard Special Certificate – Speech and Language Impaired  
25.50 General Certificate (Repealed)  
25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects (Repealed)  
25.65 Alternative Certification  
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25.80 Requirements for the Early Childhood Certificate  
25.82 Requirements for the Early Childhood Certificate (2004)  
25.85 Special Provisions for Endorsement in Foreign Language for Individuals Currently Certified  
25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared

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- as Teachers But Not Currently Certified
- 25.90 Transitional Bilingual Certificate and Examination
- 25.92 Visiting International Teacher Certificate
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- 25.99 Endorsing Teaching Certificates
- 25.100 Endorsing Teaching Certificates (2004)

## SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL 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
- 25.127 Review of Individual Programs
- 25.130 Special Provisions for Institutions Subject to Conditions for Continuing Accreditation
- 25.135 Interim Provisions for Continuing Accreditation and Approval – July 1, 2000, through Fall Visits of 2001
- 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
- 25.147 Approval of Programs for Foreign Language Beginning July 1, 2003
- 25.150 The Periodic Review Process (Repealed)
- 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
- 25.210 Requirements for the Certification of School Social Workers

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25.215	Certification of School Social Workers (2004)
25.220	Requirements for the Certification of Guidance Personnel
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25.300	Relationship Among Credentials in Subpart E
25.310	Definitions (Repealed)
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- 25.437 Equivalency of General Education Requirements (Repealed)
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- 25.470 Meaning of Experience on Administrative Certificates (Repealed)
- 25.475 Certificates and Permits No Longer Issued (Repealed)
- 25.480 Credit for Certification Purposes (Repealed)
- 25.485 Provisional Recognition of Institutions (Repealed)
- 25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime
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- 25.510 Paraprofessionals; Teacher Aides
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- 25.530 Specialized Instruction by Noncertificated Personnel
- 25.540 Approved Teacher Aide Programs
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## SUBPART H: CLINICAL EXPERIENCES

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- 25.610 Definitions
- 25.620 Student Teaching
- 25.630 Pay for Student Teaching (Repealed)

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25.800	Professional Development Required
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25.840	Action by State Teacher Certification Board; Appeals
25.845	Responsibilities of School Districts
25.848	General Responsibilities of LPDCs
25.850	General Responsibilities of Regional Superintendents
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- 25.865 Awarding of Credit for Activities with Providers
- 25.870 Continuing Education Units (CEUs)
- 25.872 Special Provisions for Interactive, Electronically Delivered Continuing Professional Development
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- 25.900 Applicability of Requirements in this Subpart
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  - 25.910 Requirements for Induction and Mentoring
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  - 25.930 Requirements for Continuing Professional Development Units (CPDUs)
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  - 25.940 Examination
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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
  - 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;

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amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; preemptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; preemptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; preemptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744, effective March 21, 2003; amended at 27 Ill. Reg. 8071, effective April 28, 2003; emergency amendments at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 12523, effective July 21, 2003; amended at 27 Ill. Reg. 16412, effective October 20, 2003; emergency amendment at 28 Ill. Reg. 2451, effective January 23, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 8556, effective June 1, 2004; emergency amendments at 28 Ill. Reg. 12438, effective August 20, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1212, effective January 4, 2005; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: CERTIFICATES

**Section 25.37 Acquisition of Subsequent Teaching Certificates (2004)**

The provisions of this Section shall apply when an individual who already holds one or more Illinois early childhood, elementary, secondary, or special teaching certificates wishes to receive an additional teaching certificate of one of those types pursuant to Section 21-11.2 of the School Code.

- a) The candidate shall submit his or her official transcripts and evidence of teaching experience to an Illinois institution of higher education operating a program

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approved pursuant to Subpart C of this Part that prepares candidates for the certificate sought.

- b) The institution may, at its discretion, compare the coursework and clinical experiences already completed by the applicant to the standards for the certificate sought and, based on this comparison, may identify for the candidate a "focused program" consisting of coursework and experiences that he or she must complete in order to meet those standards.
  - 1) In formulating such a program, the institution shall ensure that the candidate has broad and deep knowledge of the subject matter, develops the knowledge and skills that are needed to work with students in the age and grade ranges encompassed by the certificate sought, and is knowledgeable about pedagogical approaches that are suitable for that age group.
  - 2) The institution may revise an individual's focused program to include additional or fewer components as it may deem appropriate based upon the results of internal performance assessments that form part of the unit assessment system (see Section 25.140 of this Part) or other assessments that are directly related to the standards for the certificate sought.
  - 3) Each institution shall make available a description of the method to be used by the educational unit in assessing the degree to which the work previously completed by candidates for focused programs has addressed relevant standards and in identifying the coursework and experiences these candidates will be required to complete in order to qualify for subsequent certificates. An institution that uniformly requires all candidates seeking subsequent teaching certificates or subsequent teaching certificates of a particular type under this Section to complete certain coursework or field experiences, or to complete a full program without acknowledgment of prior courses or experiences, shall publish and make available a written statement to this effect, describing those requirements.
- c) A candidate who completes a focused program shall be considered as having completed the institution's approved program for the certificate sought and shall be eligible to be recommended for certification by entitlement, signifying that the candidate has met all applicable standards.

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- d) The provisions of subsections (a) through (c) of this Section notwithstanding, an individual who holds a valid secondary certificate may receive a special K-12 certificate by submitting an application, along with the required fee and evidence of having passed the test of basic skills and the applicable content-area test and the assessment of professional teaching relevant to the special certificate (see Section 25.720 of this Part). An endorsement valid for Grades K-12 shall be affixed to the certificate, reflecting the area in which the individual has completed a major area of specialization as provided in Section 25.42(d) of this Part. Additional endorsements may be affixed pursuant to Sections 25.100 and 25.497 of this Part.

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

**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*

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*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 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

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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 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:

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- 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
  - 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, except that applications received through June 30, 2006, for endorsements in reading and library information shall be reviewed on this basis. Deficiency 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.

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- 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 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.

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- 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
  - 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.

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- 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:

    - 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

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- vi) literature appropriate to students across all grade ranges; or
  - C) having completed, on or before June 30, ~~2006~~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 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 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

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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 the number of hours involved).
  - 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, ~~other than including~~ reading and library information specialist 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.

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

## SUBPART D: SCHOOL SERVICE PERSONNEL

**Section 25.215 Certification of School Social Workers (2004)**

- a) Each candidate for the school service personnel certificate endorsed for school social work shall hold a master's degree in social work with a specialization in school social work awarded by a graduate school of social work accredited by the Council on Social Work Education.
- b) Each candidate shall have completed an Illinois program approved for the preparation of school social workers pursuant to Subpart C of this Part or a comparable approved program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part).
- c) Each candidate shall have completed both a supervised field experience of at least 400 contact hours, supervised by a field instructor holding a master's or higher degree in social work, and a school social work internship of at least 600 contact hours in a school setting.
- d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills, ~~subject to the provisions of Section 25.720 if its passage would be required for receipt of a standard certificate pursuant to Section 25.720(a)~~ of this Part. (See also 23 Ill. Adm. Code 23.140.)
- 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. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.225 Certification of School Counselors (2004)**

- a) Each applicant for the school service personnel certificate endorsed for school counseling shall hold a master's degree awarded by a regionally accredited institution of higher education in school counseling, another counseling or related field (e.g., social work or psychology), or an educational field. (See subsection (h) of this Section.)

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- b) Each applicant shall have completed an Illinois program approved for the preparation of school counselors pursuant to Subpart C of this Part or a comparable approved program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part).
- c) Each candidate shall have completed a supervised counseling practicum of at least 100 clock hours that provided interaction with individuals and groups of school age and included at least 40 hours of direct service work. Except as provided in subsection (e) of this Section, each applicant shall have completed a structured and supervised internship that is part of an approved program.
- 1) The internship shall be of a length that is determined by the approved program to be adequate to enable candidates to meet the standards set forth at 23 Ill. Adm. Code 23.110 but shall entail at least 600 hours and last no less than one semester, during which the candidate shall engage in the performance of various aspects of the counseling role and shall be gradually introduced to the full range of responsibilities associated with that role. However, the internship for an individual with at least two years of teaching experience may, at the discretion of the institution offering the approved program, consist of no fewer than 400 hours. In each case at least 240 hours of the internship shall involve direct service work with individuals and groups of school age.
  - 2) The internship shall occur in a school setting except that, at the discretion of the institution, a maximum of one-third of the hours required may be credited for experiences in other related settings such as hospitals or day care settings that, in the judgment of the institution, expose the candidate to the needs of school-aged children and prepare the candidate to function as a school counselor.
  - 3) An institution may recommend certification of a candidate who was enrolled in an approved program prior to July 1, 2004, and has completed an internship meeting the requirements applicable at the time of his or her enrollment.
- d) Except as provided in subsections (e) and (f) of this Section, each applicant shall either:
- 1) hold or be qualified to hold a teaching certificate; or

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- 2) have completed, as part of an approved program, coursework addressing:
  - A) the structure, organization and operation of the educational system, with emphasis on P-12 schools;
  - B) the growth and development of children and youth, and their implications for counseling in schools;
  - C) the diversity of Illinois students and the laws and programs that have been designed to meet their unique needs; and
  - D) effective management of the classroom and the learning process.
- e) An applicant who holds another state's certification in school counseling shall not be subject to the requirements of subsection (c) or subsection (d) of this Section if he or she presents evidence of at least two years' full-time experience as a school counselor.
- f) An applicant who has completed an approved school counseling program in another state that includes an internship meeting the requirements of subsection (c) of this Section shall not be subject to the requirements of subsection (d) of this Section.
- g) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills, subject to the provisions of Section 25.720 if its passage would be required for receipt of a standard certificate pursuant to Section 25.720(a) of this Part. (See also 23 Ill. Adm. Code 23.110.)
- h) An applicant who holds a master's degree in any field other than school counseling, or who holds a bachelor's degree only, shall be required to complete the equivalent of all requirements of an approved school counseling preparation program. The Illinois institution offering the program shall review the individual's educational and experiential background and identify any of the standards set forth at 23 Ill. Adm. Code 23.110 or other applicable requirements of this Section that the individual's preparation has not addressed. Upon successful completion of the coursework and experiences offered by the institution that address the identified standards, the applicant shall be eligible to be recommended for certification by entitlement.

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- i) 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. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.245 Certification of School Nurses (2004)**

- a) Each candidate for the school service personnel certificate endorsed for school nursing shall hold a bachelor's degree.
- b) Each candidate shall be licensed as a registered professional nurse in Illinois pursuant to the Nursing and Advanced Practice Nursing Act [225 ILCS 65].

- c) Each candidate shall have completed an Illinois program approved for the preparation of school nurses pursuant to Subpart C of this Part or a comparable approved program in another state or country or hold a comparable certificate issued by another state or country~~or shall have been recommended for certification by such a program.~~

~~1) Each out-of-state candidate shall submit his or her official transcripts to an Illinois institution of higher education operating an approved program. The institution may, at its discretion, compare the coursework and clinical experiences already completed by the applicant to the standards for the school nurse certificate (see 23 Ill. Adm. Code 23.120) and, based on this comparison, may identify for the candidate a "focused program" consisting of coursework and experiences that he or she must complete in order to meet those standards. If the institution determines that the individual's preparation is sufficient to meet the applicable standards, the institution may recommend the individual for certification without requiring additional preparation.~~

~~2) In formulating a focused program, the institution shall ensure that the candidate has broad and deep knowledge of the subject matter and develops the necessary knowledge and skills. The institution may revise an individual's focused program to include additional or fewer components as it may deem appropriate based upon the results of internal performance assessments that form part of the unit assessment system (see Section 25.140 of this Part) or other assessments that are directly related to the standards for the school nurse certificate.~~

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- ~~3) An institution that uniformly requires all out-of-state candidates seeking certification in school nursing to complete certain coursework or field experiences, or to complete a full program without acknowledgment of prior courses or experiences, shall publish and make available a written statement to this effect, describing those requirements.~~
- ~~4) An out-of-state candidate who completes a focused program shall be considered as having completed the institution's approved program in school nursing and shall be eligible to be recommended for certification by entitlement, signifying that the candidate has met all applicable standards.~~
- d) Each candidate shall have met the requirements of either subsection (d)(1) or subsection (d)(2) of this Section.
- 1) Completion of an internship that:
- A) was determined by the approved program to be sufficient in length for the candidate to meet the standards set forth at 23 Ill. Adm. Code 23.120, but in no case consisted of fewer than 300 hours of experiences; and
- B) was supervised by a certified school nurse with at least two full school years of full-time experience as a school nurse and at least one full school year of full-time experience with the current employer.
- 2) Completion of two years of experience as a school nurse prior to July 1, 1972.
- e) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills, subject to the provisions of Section 25.720 ~~if its passage would be required for receipt of a standard certificate pursuant to Section 25.720(a)~~ of this Part. (See also 23 Ill. Adm. Code 23.120.)
- f) 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. \_\_\_\_\_, effective \_\_\_\_\_)

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## 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.
  - 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

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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.
    - 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.

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- 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) 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) 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) 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.

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

**Section 25.464 Short-Term Authorization for Positions Otherwise Unfilled**

Subject to the provisions of this Section, ~~an entity that is required to employ certified teachers 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

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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;
  - 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 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

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- 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;
  - 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

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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. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.497 Supervisory Endorsements**

A special K-12 or special preschool-age 21 teaching certificate or a school service personnel certificate~~The School Service Personnel Certificate~~ may be endorsed for supervision in accordance with the provisions of Section 21-4 or 21-25 of the School Code, as applicable, provided that the eight semester hours of graduate professional education required by the relevant Section shall include at least one course that relates primarily and explicitly to the supervision of personnel and one course that relates primarily and explicitly to the administration and organization of schools. A supervisory endorsement affixed to a special certificate shall be identified by subject area, to reflect the individual's major area of specialization.  
~~upon:~~

- a) ~~Presentation of evidence of possessing a master's degree or higher from a recognized institution of higher learning; and~~
- b) ~~Presentation of evidence of possessing eight semester hours of graduate professional education which shall include at least one course that relates primarily and explicitly to the supervision of personnel, and one course that relates primarily and explicitly to the administration and organization of schools; and~~
- e) ~~Presentation of evidence of at least two years of appropriate teaching or school service personnel experience.~~

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

SUBPART G: THE UTILIZATION OF PARAPROFESSIONALS AND

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## OTHER NONCERTIFIED PERSONNEL

**Section 25.510 Paraprofessionals; Teacher Aides**

- a) The terms "paraprofessionals" and "teacher aides" shall be used to refer to the noncertificated personnel authorized by Section 10-22.34 of the School Code [105 ILCS 5/10-22.34] to be employed to assist in instruction. The terms "paraprofessional" and "teacher aide" shall be considered synonymous.
- b) Approval of Paraprofessionals
  - 1) Service as a paraprofessional requires a statement of approval issued by the State Board of Education, in consultation with the State Teacher Certification Board. Paraprofessionals first employed in programs for students with disabilities on or before June 30, 2005, shall be subject to this requirement as of July 1, 2007.
  - 2) Each individual who is required to hold a statement of approval shall submit an application to the State Superintendent of Education, accompanied by evidence that he or she meets the requirements of subsection (c) of this Section. Each individual who wishes to serve as a paraprofessional in a targeted assistance program and is paid with federal funds provided under Title I, Part A, or in a school-wide program that is supported with such funds shall submit an application for approval accompanied by evidence that he or she meets the requirements of subsection (d) of this Section. Each applicant who qualifies shall be issued a statement of approval, which shall indicate whether it applies to programs supported with federal Title I, Part A, funds.
- c) Each paraprofessional shall be of good character and shall be a citizen of the United States or legally present and authorized for employment. Each paraprofessional shall be subject to that portion of Section 24-5 of the School Code [105 ILCS 5/24-5] that requires physical fitness and freedom from communicable disease, including evidence of freedom from tuberculosis. Each paraprofessional shall hold a high school diploma or its recognized equivalent. To receive approval to serve as a teacher aide, an individual shall:
  - 1) present evidence of having completed 30 semester hours of college credit at a regionally accredited institution of higher education; or

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- 2) complete a training program for paraprofessionals that has been approved either by the Illinois Community College Board or by the State Board of Education in consultation with the State Teacher Certification Board; or
  - 3) pass the ParaPro test offered by the Educational Testing Service (ETS) with at least the score identified by the State Board of Education in consultation with the State Teacher Certification Board; or
  - 4) pass the Work Keys test offered by ACT with at least the score identified by the State Board of Education in consultation with the State Teacher Certification Board and present verification by the employing district or other entity that:
    - A) the individual's classroom performance was observed as part of a formal evaluation that yielded a satisfactory rating; or
    - B) the individual's classroom performance was observed prior to employment and the district's representative has concluded that the individual was effective in performing the assigned duties.
- d) In addition to meeting the requirements of subsection (c) of this Section, each paraprofessional employed to assist with instruction in a targeted assistance program and paid with federal funds provided under Title I, Part A, or employed in a school-wide program that is supported with such funds is subject to the additional requirements of Section 1119 of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (P.L. 107-110; see also 34 CFR 200.58 (2003), no later editions of or revisions to these regulations are included). No paraprofessional may be assigned to serve in such a capacity after the deadline established in federal law for the group of which he or she is a member unless he or she holds a statement of approval that is specific for this purpose. To qualify for this purpose, an individual shall either have completed two years of study at an institution of higher education, hold an associate's or higher degree, or successfully complete a formal State or local assessment.
- 1) Completion of "two years of study at an institution of higher education" means completion of at least 60 semester hours of college coursework at an accredited institution of higher education.
  - 2) "Formal State assessment" means:

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- A) either of the tests discussed in subsections (c)(3) and (c)(4) of this Section; or
- B) possession of a statement of approval issued under subsection (c)(1) or (c)(2) of this Section and presentation to the State Superintendent of Education of evidence that the individual has accumulated 300 Professional Training Points (PTPs).
  - i) Work experience as a paraprofessional in a public or nonpublic school shall be credited at the rate of 30 PTPs per year, up to a maximum of 150 PTPs. The required evidence of completion for this experience shall be a letter signed by the chief administrator or other designated official of the employing district, other public entity, or nonpublic school documenting the nature and duration of the individual's employment.
  - ii) College coursework shall be credited at the rate of 15 PTPs per semester hour. The required evidence of completion for college coursework shall be official transcripts issued by the institution(s) at which it was completed.
  - iii) Completion of the Paraprofessional Test Preparation Curriculum developed by the Illinois Community College Board in partnership with the Illinois State Board of Education shall be credited as 15 PTPs. The required evidence for completion of this curriculum shall be a certificate of completion issued to the individual.
  - iv) Additional training activities shall be credited at the rate of one PTP per hour of the individual's direct participation, provided that training activities shall be creditable only if they address or enhance the paraprofessional's ability to assist in the academic content areas of reading/language arts, writing, or mathematics or in reading readiness, writing readiness, or mathematics readiness. The required evidence of completion for each training activity that occurred prior to July 1, 2004, shall include a description of the event, including its subject, date, location, and provider

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if known; and, if available, a program, outline, or completion form supplied by the provider to indicate the individual's attendance at the event. The required evidence of completion for each training activity that occurred on or after July 1, 2004, shall include a description of the event, including its subject, date, location, and provider; a program or outline if available; and a completion form supplied by the provider to indicate the individual's attendance at the event. In all cases the required evidence shall include a signed statement by the individual indicating the length of his or her participation and verifying that the activity addressed one of the areas required by this subsection (d)(2)(B)(iv).

- 3) "Formal local assessment" means a local assessment that conforms to the guidelines established in section C-5 of the Draft Non-Regulatory Guidance of November 15, 2002, published on the subject of Title I Paraprofessionals by the United States Department of Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW, Washington, D.C. 20202.

e) Revocation of Approval

- 1) When the State Superintendent of Education receives information indicating that an individual who holds approval as a teacher aide or paraprofessional has been designated as a "sex offender" as defined in Section 2 of the Sex Offender Registration Act [730 ILCS 150/2] or as a "child sex offender" as defined in Section 11-9.3 of the Criminal Code of 1961 [720 ILCS 5/11-9.3], or has been named as a perpetrator in an indicated report filed pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5/Art.1], the State Superintendent may revoke an individual's approval after the individual has had an opportunity for a hearing before the State Teacher Certification Board pursuant to 23 Ill. Adm. Code ~~475 (Contested Cases and Other Formal Hearings)480 (Hearings Before the State Teacher Certification Board)~~. The State Superintendent's decision shall be considered an "administrative decision" for purposes of the Administrative Review Law [735 ILCS 5/Art. III].
- 2) When the State Superintendent of Education receives information indicating that an individual who holds approval as a teacher aide or

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paraprofessional has been convicted of any sex offense or narcotics offense as defined in Section 21-23a of the School Code [105 ILCS 5/21-23a] or has been convicted of first degree murder, attempted first degree murder, or a Class X felony, the State Superintendent shall forthwith revoke the individual's approval. The State Superintendent's decision shall be considered an "administrative decision" for purposes of the Administrative Review Law.

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

**Section 25.550 Approval of Educational Interpreters**

Each educational interpreter in the public schools shall be of good character and shall be a citizen of the United States or legally present and authorized for employment. Each educational interpreter shall be subject to that portion of Section 24-5 of the School Code that requires physical fitness and freedom from tuberculosis. Each educational interpreter shall hold a high school diploma or its recognized equivalent. Beginning July 1, 2006, assignment as an educational interpreter in the public schools shall require a statement of approval from the State Superintendent of Education, which shall be identified as valid either for sign language interpreting or for cued speech interpreting. Each individual who is required to hold a statement of approval shall submit an application to the State Superintendent, accompanied by the fee required under Section 21-12 of the School Code and evidence that he or she meets the requirements applicable to the type and level of approval sought.

a) Initial Approval

1) Each applicant shall have:

- A) completed 30 semester hours of college credit from one or more regionally accredited institutions of higher education; or
- B) passed the Educational Interpreter Knowledge Assessment (EIKA); or
- C) passed the written examination administered by the Registry of Interpreters for the Deaf (RID); or
- D) achieved the score identified as passing by the Illinois State Board of Education on either of the examinations for paraprofessionals discussed in Section 25.510(c)(3) and (4) of this Part.

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- 2) Each applicant for initial approval as a sign language interpreter shall have:
    - A) attained a rating of Level 3.0 or above on the Educational Interpreter Performance Assessment (EIPA); or
    - B) received a certificate issued by the RID; or
    - C) scored at the "passing" level or above on the examination of the American Consortium of Certified Interpreters (ACCI).
  - 3) Each applicant for initial approval as a cued speech interpreter shall have:
    - A) attained a rating of Category 4 or above on the Basic Cued Speech Proficiency Rating administered by Testing, Evaluation and Certification Unit, Inc. (TEC Unit); or
    - B) attained Transliteration Skills Certification from TEC Unit at level 3 or above.
- b) Standard Approval
- 1) Each applicant shall:
    - A) have completed 60 semester hours of college credit from one or more regionally accredited institutions of higher education; or
    - B) hold an associate's degree issued by a regionally accredited institution of higher education; or
    - C) have passed one of the examinations required for initial approval under subsection (a) of this Section.
  - 2) Each applicant for standard approval as a sign language interpreter shall:
    - A) have attained a rating of Level 3.5 or above on the EIPA; or



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- 1) Initial approval shall be valid for four years of interpreting within the eight-year period following its issuance, provided that the approval of an individual who completes four years of interpreting shall continue to be valid through the immediately following June 30. Initial approval shall not be renewable. An individual need not have held initial approval to qualify for standard or master approval.
  - 2) Standard approval shall be valid for five years, subject to the provisions of Section 21-22 of the School Code, and shall be renewable upon presentation of evidence that, during the five-year period of the approval's validity, the individual has:
    - A) completed 40 hours of continuing education; or
    - B) completed 25 hours of continuing education and received certification from RID or from ACCI.
  - 3) Master approval shall be valid for ten years, subject to the provisions of Section 21-22 of the School Code, and shall be renewable upon presentation of evidence that, during the ten-year period of the approval's validity, the individual has:
    - A) completed 80 hours of continuing education; or
    - B) completed 65 hours of continuing education and received certification from RID or from ACCI.
  - 4) Emergency approval shall be valid for two years, subject to the provisions of Section 21-22 of the School Code, and shall not be renewable.
- f) Continuing Education
- 1) An individual may accrue hours of continuing education by participating in conferences, workshops, institutes, seminars, symposia, or other, similar training events that:
    - A) are designed to improve the skills and knowledge of interpreters for the deaf; or

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- B) are organized by an entity that is approved pursuant to Section 25.855 or 25.860 of this Part and address educational concerns.
- 2) An individual may accrue the required credit for continuing education by completing college coursework that is part of an interpreter training program offered by a regionally accredited institution of higher education or an Illinois community college. One course of at least three semester hours may be used to fulfill 100 percent of the requirement for renewal of standard approval or 50 percent of the requirement for renewal of master approval. Two courses totaling at least six semester hours may be used to fulfill 100 percent of the requirement for renewal of master approval.
- 3) Holders of approval at the master level only may accrue up to 20 hours of continuing education for mentoring provided to holders of initial or standard approval.
- 4) Each individual shall be required to accrue at least 60 percent of the required hours of continuing education in activities under subsection (f)(1)(A), (f)(2), or, if applicable, (f)(3) of this Section, in any combination.
- 5) Evidence of Completion
- A) Along with his or her statement of approval, each individual who will be required to complete continuing education as a condition of renewal shall be furnished with a log format enabling him or her to record the activities completed. For any activity completed under subsection (f)(1) of this Section, the individual shall present the attendance form provided by the entity organizing the event, except that the organizer's signature on the log form shall suffice in cases where participants receive no other written verification of their attendance.
- B) As evidence of completion for college coursework, the individual shall present a grade report or official transcript issued by the institution indicating that he or she has passed the course or courses.
- C) As evidence of completion for mentoring, the individual shall present the signature of an authorized representative of the

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employing entity on the log format provided, documenting the formal mentoring arrangement and the time spent.

- g) Revocation  
The provisions of Section 25.510(e) of this Part shall apply to the revocation of approval for educational interpreters.

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

## SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

**Section 25.855 Approval of Illinois Providers**

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.

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- 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 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;
  - 2)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;
  - 3)4) maintain attendance records for each event or activity it conducts or sponsors for a period of not less than five years; and
  - 4)5) include in each announcement regarding an event or activity whether

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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);
  - 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 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.

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- 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.
- 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 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

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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. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Pupil Transportation Reimbursement
- 2) Code Citation: 23 Ill. Adm. Code 120
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
120.20	Amendment
120.30	Amendment
120.50	Amendment
120.110	Amendment
120.115	Amendment
120.200	Amendment
120.210	Amendment
120.220	Amendment
120.230	Amendment
120.235	Repeal
120.240	Amendment
120.245	Amendment
120.250	Amendment
- 4) Statutory Authority: 105 ILCS 5/Art. 29
- 5) A Complete Description of the Subjects and Issues Involved: These amendments result from the comprehensive review of the agency's rules. In addition to streamlining and general technical updating, these changes include elimination of the requirement for the "Resident Pupils Transported Work Sheet" from Section 120.110.
- 6) Will this rulemaking replace any emergency amendments 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 Objective: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

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Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street (W-475)  
Springfield, Illinois 62777

(217) 782-5270

Comments may also be submitted via e-mail, addressed to:

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

The full text of the Proposed 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 c: FINANCE

## PART 120

## PUPIL TRANSPORTATION REIMBURSEMENT

## SUBPART A: SCHOOL REIMBURSEMENT

## Section

120.10	Definitions
120.20	Transportation and Student Discipline
120.30	Pupil Transportation Services Eligible for Reimbursement
120.40	Pupil Transportation Services and Costs Not Eligible for Reimbursement
120.50	Reimbursable Direct Operating Costs
120.60	Reimbursable Annual Depreciation Allowances
120.70	Deductions from Direct Operating Costs
120.80	Reimbursable Indirect Cost for Pupil Transportation Services
120.90	Cost Proration Related to Pupil Transportation
120.100	Reimbursement Formulas
120.110	Reporting Requirements
120.115	Fully Allocated Costs of Transportation
120.120	Bus Scheduling Services and Software
120.130	Seat Back Reimbursement (Repealed)

## SUBPART B: CUSTODIAN REIMBURSEMENT FOR PUPIL TRANSPORTATION

## Section

120.200	Definitions
120.210	Custodians Eligible for Reimbursement
120.220	Custodians Not Eligible for Reimbursement
120.230	Responsibilities of Schools
120.235	Responsibilities of Public and Nonpublic Chief Administrative Officers <a href="#">(Repealed)</a>
120.240	Reimbursement
120.245	Responsibilities of the Regional Superintendents of Schools
120.250	Dispute Resolution
120.260	Audit and Enforcement

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AUTHORITY: Implementing and authorized by Article 29 of the School Code [105 ILCS 5/Art. 29].

SOURCE: Adopted at 10 Ill. Reg. 19438, effective October 31, 1986; amended at 10 Ill. Reg. 21675, effective December 11, 1986; amended at 12 Ill. Reg. 4147, effective February 5, 1988; amended at 13 Ill. Reg. 7731, effective May 8, 1989; amended at 16 Ill. Reg. 10213, effective June 10, 1992; emergency amendment at 18 Ill. Reg. 12853, effective August 9, 1994, for a maximum of 150 days; emergency expired January 6, 1995; amended at 21 Ill. Reg. 2165, effective February 1, 1997; amended at 26 Ill. Reg. 1169, effective January 16, 2002; amended at 28 Ill. Reg. 4575, effective February 24, 2004; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: SCHOOL REIMBURSEMENT

**Section 120.20 Transportation and Student Discipline**

- a) Whenever a school district which provides transportation to a pupil requires that the pupil for disciplinary reasons serve a detention period either before or after the regular school day, the district shall provide transportation to the pupil unless the pupil's parent or guardian has agreed to provide the transportation necessary for the pupil to serve the detention period. The district may claim reimbursement for such transportation which it provides, as allowed in Section 120.30 of this Part.
- b) When detention periods are scheduled for Saturdays or other days when students are not in attendance, the district is not obligated to provide transportation services and no reimbursement shall be available for any transportation provided.

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

**Section 120.30 Pupil Transportation Services Eligible for Reimbursement**

Each school district that files a claim for State reimbursement for pupil transportation shall be subject to the requirements of this Subpart A in order to be eligible for such reimbursement.

Pupil transportation services eligible for reimbursement are listed below:

- a) Regular Pupil Transportation Services for Pupils in Kindergarten or Any of Grades 1 through 12
  - 1) Transportation services provided for pupils residing at a distance of one and one-half miles or more from the attendance center to which they are

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assigned.

- A) *The distance shall be measured from the exit of the property where the pupil resides to the point where pupils are normally unloaded at the attendance center to which they are assigned (Section 29-3 of the School Code [105 ILCS 5/29-3]).*
  - B) *If a pupil is at a location within the school district other than his/her residence for child care purposes at the time for transportation to and/or from school, that location may be considered for purposes of determining the 1½ miles from the school attended (Section 29-5 of the School Code).*
  - C) *Such school board may comply with the provisions of this Section by providing free transportation for pupils to and from an assigned school and a pick-up point located not more than one and one-half miles from the home of each pupil assigned to such point (Section 29-3 of the School Code).*
- 2) Transportation services provided for pupils residing within a distance of one and one-half miles from the attendance center to which they are assigned from pickup points at the beginning of the school day and back again at the close of the school day, effective on the date that the Illinois Department of Transportation grants written approval pursuant to 92 Ill. Adm. Code 556 (Rules on Transporting Pupils Where Walking Constitutes a Serious Safety Hazard) that a serious safety hazard exists due to vehicular traffic, for specific areas and specific ages.
  - 3) Transportation services provided for nonpublic school pupils when pupil transportation services for the nonpublic school pupils are provided on the same basis as the transportation services for public school pupils as provided in Section 29-4 of the School Code.
  - 4) Transportation services provided to a pupil who is required to be transported but is also required for disciplinary reasons to serve a detention period either before or after the regular school day.
  - 5) Transportation which is provided prior to or following voluntary, extracurricular and/or cocurricular activities, including sport practices, club meetings, drama rehearsals, or choral and band practices where such

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activities are scheduled before or after the school day, qualifies as transportation provided at the beginning or end of the school day and is therefore subject to reimbursement with respect to students who are required to be transported.

- 6) Transportation services provided for pupils between attendance centers during the school day. This includes transportation of vocational pupils between attendance centers or a building or other trades skill development site of less than one and one-half miles.
- b) Vocational pupil transportation services provided during the school day for vocational pupils transported one and one-half miles or more one way from their assigned attendance center to a vocational program located at:
    - 1) An area vocational center;
    - 2) Another school district; or
    - 3) A building or other trades skill development site.
  - c) Special education pupil transportation services, including field trips, provided for special education pupils in accordance with Sections 14-7.02 and 14-13.01(b) of the School Code [105 ILCS 5/14-7.02 and 14-13.01(b)] and with 23 Ill. Adm. Code 226 (Special Education). This includes field trips (community based instruction) when approved by the district's state approved director of special education as defined in 23 Ill. Adm. Code 226.
  - d) Transportation provided to any student in connection with a field trip:
    - 1) that occurs during a day of student attendance included on the official school calendar of the school district;
    - 2) whose hours are part of the claimable clock hours on the General State Aid Claim (i.e., the destination of the trip is considered to be the assigned attendance center for all students enrolled in the class);
    - 3) that is provided free of charge to the pupil;
    - 4) that is part of the school's curriculum for which pupils earn credit for graduation; and

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- 5) that is not listed in Section 120.40(a)(1) or (2) of this Part.

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

**Section 120.50 Reimbursable Direct Operating Costs**

All reimbursable direct operating costs must be paid from the Transportation Fund of a school district, except for those items required by Section 17-7 of the School Code to be paid from the Operation and Maintenance Fund and IMRF payments made for transportation supervisory salaries. All reimbursable direct operating costs of a cooperative for special education or vocational education must be paid from function 2550 (Pupil Transportation Services; see 23 Ill. Adm. Code 110.Table D). Reimbursable direct operating costs are listed below:

- a) District owned and operated pupil transportation services, including districts which make payments to other LEAs.
- 1) *The cost of physical examinations for school bus drivers required for their employment* (Section 29-5 of the School Code) pursuant to 23 Ill. Adm. Code 275 (Pupil Transportation).
  - 2) Salaries and/or wages for the following employees:
    - A) School bus driver(s);
    - B) School bus maintenance personnel;
    - C) Chief mechanic;
    - D) Special education attendants or aides for that portion of time they assist special education pupils, i.e., for transit time only;
    - E) Transportation supervisory salary costs as defined in Section 120.10 of this Part when paid from the Transportation Fund as set forth in Section 120.90(b) and (c) of this Part; and
    - F) Dispatchers and clerical workers who support the transportation functions, when their positions are documented and records support the percentage of time claimed for each position.

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- 3) The cost of the following benefits for the employees enumerated in subsection (a)(2) of this Section (if proration is necessary for salaries and/or wages, benefits shall be prorated in the same manner):
  - A) Health insurance;
  - B) Life insurance;
  - C) Dental insurance;
  - D) Vision insurance;
  - E) Annuities in lieu of health, life, dental, or vision insurance;
  - F) Municipal retirement contribution, if paid by the employer as part of the transportation supervisory salary costs; and
  - G) Teacher retirement contributions, if paid by the employer from the Transportation Fund as part of the transportation supervisory salary costs.
- 4) Payments made to other school districts for providing pupil transportation services and expenditures consistent with this Part.
- 5) Payments made to other agencies for computerized bus scheduling; to companies for the purchase of computer software used to establish school bus routes; and to companies for maps that identify vehicular traffic hazards.
- 6) Payments made for fuel, oil, tires, and other supplies that are necessary for the operation of pupil transportation vehicles.
- 7) The total cost of converting school bus gasoline engines to more fuel efficient engines or to engines which use alternate energy sources.
- 8) Expenditures (according to a school district's written travel reimbursement policies) for travel to workshops or meetings conducted by the regional superintendent or the State Superintendent of Education designed to improve the driving skills of school bus drivers or travel to other training programs that are for the enhancement of skills necessary to operate

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vehicles safely, manage student behavior, or address specific student needs (excluding competitions).

- 9) Expenditures for contractual maintenance services including materials, parts, supplies and labor necessary for the operation of pupil transportation vehicles or equipment used in the transportation program not exceeding \$2,500 per service.
- 10) Expenditures for lease agreements for pupil transportation vehicles, for lease/rental of less than 30 days.
- 11) Expenditures for insurance, license plates, and inspection fees pertaining to pupil transportation vehicles.
- 12) Expenditures for the rental of pupil transportation equipment for fewer than 30 days.
- 13) Transportation related building, land and building maintenance costs. The prorated costs of operation and maintenance of buildings, as set forth in Section 120.90(g) of this Part, when directly related to pupil transportation services including:
  - A) Utility costs;
  - B) Custodial supplies and services;
  - C) Insurance for building(s) and/or for site improvement(s);
  - D) Security services;
  - E) Telephone charges incurred for the transportation program; and
  - F) Lease or rental of land or buildings for storing or maintaining transportation vehicles when leased for less than 30 days.
- 14) Expenditures for items that enhance transportation safety, costing less than \$2,500 and not funded by any other federal or State source of funding, including but not limited to:
  - A) federally approved child safety restraint systems;

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- B) reflective tape;
- C) alarm/warning systems for child safety;
- D) [cameras used on school buses specifically for security purposes.](#)

## b) Contractual pupil transportation services

- 1) The cost of contractual pupil transportation services, which shall be limited to the following types:
  - A) Payments to independent carriers whose drivers and vehicles comply with the Illinois Vehicle Code (e.g., to bus companies, taxi companies, limousine services, and medical transportation carriers qualifying as independent carriers); and
  - B) Payments to parents or guardians for transporting their own children when the district has an obligation to provide free pupil transportation services.
- 2) Payments made for fuel, oil, tires, and other supplies that are necessary for the operation of pupil transportation vehicles.
- 3) Transportation supervisory salary costs as allowed in subsections (a)(2)(E) and (a)(3)(E) and (F) of this Section.
- 4) Transportation related building, land and building maintenance costs as allowed in Sections 120.50(a)(13) and 120.60(d) and (e) of this Part.

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

**Section 120.110 Reporting Requirements**

According to the date set forth in Section 29-5 of the School Code, districts shall annually [transmit report, on the State Board of Education form entitled "Annual Claim for Pupil Transportation Reimbursement,"](#) the information described in subsections (a) through (e) of this Section [to the State Superintendent of Education via electronic means.](#)

- a) For regular pupil transportation services, the school districts shall annually,

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pursuant to Section 29-5 of the School Code, report the following items:

- 1) Total number of enrolled pupil days in the regular pupil transportation service, ~~to be compiled on the State Board of Education form, "Resident Pupils Transported Work Sheet"~~ for each of the following:
    - A) Pupils residing one and one-half miles or more from their assigned attendance center;
    - B) Pupils residing less than one and one-half miles from their assigned attendance center; and
    - C) Pupils residing less than one and one-half miles from their assigned attendance center with vehicular hazard approval.
  - 2) Total number of student attendance days on the official school calendar.
  - 3) Total number of pupils, ~~to be compiled on the "Resident Pupils Transported Work Sheet"~~ in the following categories:
    - A) Public school pupils transported during the regular school term;
    - B) Nonpublic school pupils transported during the regular school term;
    - C) Pre-kindergarten pupils transported during the regular school term on regular routes for grades kindergarten-12; and
    - D) Pupils transported on reimbursable field trips who are not enrolled to be transported on a reimbursable regular route.
  - 4) Total number of vehicle miles traveled to and from school during the regular school term, including the total mileage traveled during the regular school term for reimbursable regular field trips.
  - 5) Expenditures and deductions as set forth in Sections 120.50 through 120.80 of this Part.
- b) For vocational pupil transportation services, the school districts shall annually report the following items:

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- 1) Total number of pupils transported during the regular school term;
  - 2) Total number of vehicular miles traveled during the regular school term, including the total mileage traveled during the regular school term for reimbursable vocational field trips; and
  - 3) Expenditures and deductions as set forth in Sections 120.50 through 120.80 of this Part.
- c) For special education pupil transportation services, the school districts shall annually report the following information:
- 1) Total number of special education pupils transported during the regular and summer school terms;
  - 2) Total number of vehicular miles traveled during the regular and summer school terms, including the total mileage traveled for reimbursable special education field trips; and
  - 3) Expenditures and deductions as set forth in Sections 120.50 through 120.80 of this Part.
- d) For nonreimbursable pupil transportation services, the school districts shall annually report the:
- 1) Total number of vehicle miles traveled during the regular and summer school terms; and
  - 2) Expenditures as set forth in Sections 120.50 through 120.80 of this Part.

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

**Section 120.115 Fully Allocated Costs of Transportation**

This Section sets forth the requirements for calculating a district's fully allocated costs for the provision of transportation when such a calculation is called for under Section [29-6.429-6.3](#) of the School Code [105 ILCS [5/29-6.45/29-6.3](#)].

- a) Definitions

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- 1) "Avoidable costs" means costs incurred by a district that would be eliminated or transferred to a contractor if the district contracted for transportation services.
- 2) "Unavoidable costs" means costs incurred by a district that would still exist for the district if the district contracted for transportation services.
- 3) "Residual value" means the value of an asset at the time of its disposal.

## b) Allocation of Costs

The allocation of costs directly attributable to the provision of transportation services by the district shall be accomplished as outlined in this subsection (b).

- 1) Costs in the categories enumerated in subsection (c) of this Section which are attributable to the provision of transportation shall be separated from costs in those categories not attributable to the provision of transportation by determining what percentage or portion of each item of expense is used for transportation.
- 2) Each item of cost shall be expressed in terms of the appropriate cost unit, such as an hourly wage, a monthly salary, a monthly lease payment, or a per-mile expense.
- 3) The costs attributable to transportation shall be separated into avoidable and unavoidable costs so that bid amounts can be accurately compared with the district's cost for the same set(s) of services and activities.

## c) Fully Allocated Costs

The items enumerated in this subsection (c) and in subsection (d) of this Section are eligible for inclusion by the district in its calculation of the fully allocated cost for the provision of transportation.

- 1) Labor/Personnel Costs
  - A) Managers (direct administration)
  - B) Supervisors

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- C) Dispatchers
  - D) Drivers
  - E) Aides/Monitors
  - F) Security Personnel
  - G) Clerical Personnel
  - H) Training Personnel
  - I) Custodians, Groundskeepers, and Maintenance Personnel
  - J) Accountants
  - K) Personnel Administrative Staff
  - L) Legal Staff
  - M) Mechanics/Helpers
  - N) Inventory/Parts Clerks
  - O) Fuel Attendants
  - P) Vehicle Cleaners
  - Q) Planners/Schedulers
- 2) Employee Benefits (associated with personnel included pursuant to subsection (c)(1) of this Section)
- A) FICA and Medicare
  - B) Unemployment insurance
  - C) Worker's Compensation

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- D) Insurance
  - i) health/hospital
  - ii) dental
  - iii) life
  - iv) disability
- E) Pension and retirement plans
- F) Paid absences
- 3) Maintenance and Supplies
  - A) Office supplies
  - B) Postage and shipping
  - C) Custodial supplies
  - D) Training materials
  - E) Uniforms
  - F) Fuel (for vehicles only)
  - G) Oil and grease
  - H) Tires and tubes
  - I) Parts and supplies
  - J) Tools
- 4) Utilities
  - A) Water and sewage

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- B) Electricity
  - C) Telephone
  - D) Gas/Oil/Coal (for facilities only)
  - E) Trash collection
  - F) Collection of used oil
- 5) Insurance
- A) Liability insurance
  - B) Vehicle insurance
  - C) Property, plant, and equipment insurance
  - D) Umbrella insurance
- 6) Capital Assets (eligible for depreciation and/or opportunity costs; see subsection (d) of this Section)
- A) Office space
  - B) Office equipment, including computers
  - C) Parking lots
  - D) Furniture
  - E) Land
  - F) Vehicle storage
  - G) Passenger shelters
  - H) Buses
  - I) Support vehicles

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- J) Radio/communications equipment and other necessary equipment permanently attached to a vehicle
- K) Maintenance facilities
- L) Fuel storage and pumps
- M) Tools
- N) Shop equipment
- 7) Taxes, Fees, and Permits
  - A) Property tax
  - B) Sales and excise tax
  - C) Operating permits
  - D) Registration fees
  - E) Licensing fees
  - F) Vehicle inspections
- 8) Miscellaneous
  - A) Travel and per diem
  - B) Subscriptions and dues
  - C) Physical examinations
  - D) Professional meetings
  - E) Drug and alcohol testing
  - F) Criminal background checks

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- G) Routing software
  - H) Consultants' fees
  - 9) Any other costs that the district can document in writing are attributable to its provision of transportation under the terms set forth in this Section.
- d) Depreciation and Opportunity Costs
- 1) Only capital assets owned by the district are eligible for depreciation; leased assets are treated as annual expenditure items based upon the cost of the lease for the fiscal year being examined. Land has an unlimited useful life and is therefore not depreciated.
    - A) Only those assets with depreciable value in excess of \$1,000 shall be eligible for depreciation.
    - B) The amount of depreciation attributable to the fiscal year in question shall be calculated by dividing the cost of acquiring the asset minus its residual value by its useful life.
  - 2) The opportunity cost of an asset shall be calculated by assessing its current market value, subtracting the cost of disposing of the asset, and multiplying the resulting amount by the interest rate available to the district for the purchase of assets over time.
- e) Projecting Future Costs
- Using costs for the most recent fiscal year as a base-year point of departure, districts shall project future costs for continuing to provide transportation services, as a basis for comparison with bid amounts. Factors which will influence the district's future costs must be identified and included in the calculation as set forth in this subsection (e).
- 1) The district shall identify known or anticipated changes in service which would result in significant increases or decreases in cost, such as:
    - A) an increased or reduced number of routes;
    - B) an increased or reduced number of students;

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- C) changes in riders' eligibility;
  - D) changes in safety hazard identification practices; and
  - E) any other expected change in amount or level of service.
- 2) The district shall compute the magnitude of the anticipated change by:
- A) determining the number of routes that would be added or subtracted;
  - B) determining the number of students that would be added or subtracted from ridership;
  - C) determining the amount of change in fixed costs affected by contractual obligations such as insurance; and
  - D) determining the amount or degree of any other changes affecting routes, students, and cost factors related to transportation.
- 3) The district shall identify those elements of cost delineated in subsection (c) of this Section that will be affected by the anticipated changes and shall project the changes in such costs.
- 4) The district shall estimate the costs associated with replacement of existing capital assets and purchase of new capital assets to accommodate projected changes in the level of services needed.
- 5) The district shall accumulate the cost increases or decreases and the amortized capital cost increases or decreases over a period equal to the bid timeframe, adding the increase to or subtracting the decrease from the cost for the base year and displaying this addition or subtraction by item of cost.
- 6) The district shall apply a cumulative inflation factor to each year beyond the base year.

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

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## SUBPART B: CUSTODIAN REIMBURSEMENT FOR PUPIL TRANSPORTATION

**Section 120.200 Definitions**

"Affidavit" means a written ~~and notarized~~ statement signed by the custodian in which it is stated that to the best knowledge and belief of the custodian the pupil transportation expenses claimed for the school year indicated are accurate.

"Contemporaneous ~~records~~~~Records~~" means documentary evidence of expenditures or mileage accumulated for pupil transportation such as cancelled checks, receipts from public or private carriers or calculations based on odometer readings.

"Custodian" shall have the meaning given to that term in Section 29-5.2(b) of the School Code [105 ILCS 29-5.2(b)]~~means, with respect to a qualifying pupil, an Illinois resident who is the parent, or parents, or legal guardian of such qualifying pupil.~~

"Full-time pupil enrolled in kindergarten" means a pupil enrolled in either a full-day or a half-day kindergarten program.

"One and one-half miles distance" shall have the meaning given to that term in Section 29-3 of the School Code~~means the distance from the exit of the property where the pupil resides to the point where pupils are normally unloaded at the school attended; such distance shall be measured by determining the shortest distance on normally traveled roads or streets~~ (Section 29-3 of the School Code; Ill. Rev. Stat. 1987, ch. 122, par. 29-3).

"Qualifying pupil" means an individual who meets the criteria set forth in Section 29-5.2(b) of the School Code.~~;~~

~~Is a resident of the State of Illinois; and~~

~~Is under the age of 21 at the close of the school year for which reimbursement is sought; and~~

~~During the school year for which reimbursement is sought was a full-time pupil enrolled in a kindergarten through 12<sup>th</sup> grade educational program; and~~

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~~Did not live within 1½ miles from the school in which the pupil was enrolled or have access to transportation provided entirely at public expense to and from that school and a point within 1½ miles of the pupil's residence, measured in a manner consistent with Section 29-3 of The School Code; or~~

~~Did live within 1½ miles from the school in which the pupil was enrolled as measured in a manner consistent with Section 29-3 of the School Code, did not have access to transportation provided entirely at public expense to and from that school, and conditions were such that walking would have constituted a serious hazard to the safety of the pupil due to vehicular traffic.~~

"Qualified transportation expenses" shall have the meaning given to that term in Section 29-5.2(b) of the School Code~~means costs reasonably incurred by the custodian to transport, for the purposes of attending regularly scheduled day time classes, a qualifying pupil between such qualifying pupil's residence and the school at which such qualifying pupil is enrolled and shall include automobile expenses at the standard mileage rate allowed by the United States Internal Revenue Service as reimbursement for business transportation expense, as well as payments to mass transit carriers, private carriers, and contractual fees for transportation.~~

"Regularly scheduled daytime classes" means classes that are scheduled during the normal school day as defined by the district, are taken for academic credit, or count towards graduation. Elective or extracurricular classes that are held outside the normal school day are not "regularly scheduled daytime classes".

"School" shall have the meaning given to that term in Section 29-5.2(b) of the School Code~~means a public or nonpublic elementary or secondary school in Illinois, attendance at which satisfies the requirements of Section 26-1 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 26-1).~~

"Serious safety hazard~~Safety Hazard~~" – means conditions in which walking would have constituted a serious hazard to the safety of the pupil due to vehicular traffic, as determined by the Illinois Department of Transportation pursuant to~~The determination of what constitutes a serious safety hazard shall in each case be made by the Illinois Department of Transportation in accordance with guidelines which that Department shall promulgate in~~ 92 Ill. Adm. Code 557 (Transportation).

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

**Section 120.210 Custodians Eligible for Reimbursement**

- a) This Subpart establishes the procedures for reimbursing custodians for qualified transportation expenses as provided in Section 29-5.2 of the School Code [105 ILCS 5/29-5.2].
- b) The custodian must complete a claim form, provided by the State Board of Education, no later than June 30 of each year. The claim form will be available at each school attendance center for which the State Board of Education has a mailing address on file.
  - 1) In cases where a qualifying pupil resides within 1½ miles of the pupil's school but for whom walking constitutes a serious hazard to the safety of the pupil due to vehicular traffic, the custodian must first request a determination of a serious safety hazard from the Illinois Department of Transportation, except that any custodian who previously received a determination that a serious safety hazard exists need not resubmit such a request for four years.
  - 2) The custodian's request for a determination of a serious safety hazard must be completed on a form provided by the regional superintendent of schools for the county in which the custodian resides and must be returned to that regional superintendent by February 1 of the school year for which reimbursement will be sought, except that custodians resident of the City of Chicago shall contact the State Board of Education to obtain the form and shall return it to the State Board's Springfield office by February 1 of the school year for which reimbursement will be sought.
- c) The custodian shall certify on the claim form provided by the State Board of Education that:
  - 1) the custodian is the parent or legal guardian of the pupil(s) for whom expenses are being claimed;
  - 2) during the school year for which reimbursement is being claimed, the pupil(s) attended regularly scheduled day-time classes as full-time student(s) in a kindergarten through grade 12 program at the public or

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nonpublic school;

- 3) the pupil(s) resided 1½ miles or more from the school attended and did not have access to transportation to and from school provided entirely at public expense; or these pupils lived within 1½ miles from the school attended, the Illinois Department of Transportation has determined, within the last four years, that walking would constitute a serious hazard to the safety of the pupils due to vehicular traffic, the hazardous conditions remain unchanged, and the pupils did not have access to transportation to and from school provided entirely at public expense; and
- 4) the custodian paid the amount claimed to transport the pupil(s) to and from school during the school year for which the claim is being submitted; and
- 5) that if requested within three years after the close of the school year for which reimbursement is claimed, the custodian will provide the State Superintendent of Education with either contemporaneous records verifying the amount claimed or an affidavit verifying the amount claimed and notification of a serious safety hazard issued by the Illinois Department of Transportation when the pupil(s) claimed lived within 1½ miles of the school attended.

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

**Section 120.220 Custodians Not Eligible for Reimbursement**

Custodians who receive full pupil transportation reimbursement from other appropriations (including reimbursement for special education transportation under 23 Ill. Adm. Code 226.750226: Subpart M) or state agencies are not eligible to receive reimbursement under this Part.

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

**Section 120.230 Responsibilities of Schools**

- a) Schools shall notify custodians of the eligibility criteria set forth in Section 29-5.2 of the School Code and Section 120.210 of this Part by November 1 of each year. This notification shall include the fact that claim forms will be available, as well as informing, and of the availability of claim forms for transportation reimbursement by April 15 of each year. Such notification shall also inform

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custodians of the existence of the dispute resolution procedures contained in Section 120.250 of this Part.

- b) Schools ~~shall~~will make the claim forms available by ~~March~~May 1 of each year at each of their attendance centers for custodians to come in and complete.
- c) Each attendance center shall designate a representative to assist custodians in completing claims, to explain eligibility requirements, and to forward completed claims to the State Board of Education by the date specified in subsection (e) of this Section.
- d) The school's representative will sign each claim form certifying that:
- 1) he or she is the authorized representative at that specific school;
  - 2) attendance at that school satisfies the Illinois compulsory attendance requirements as specified in Section 26-1 of the School Code [105 ILCS 5/26-1];
  - 3) the pupil(s) claimed attended regularly scheduled day-time classes as full-time pupil(s) at the school during the year claimed; ~~and~~
  - 4) the pupil(s) claimed did not have access to transportation to and from school provided entirely at public expense; ~~and~~
  - 5) the individual making each claim is the custodian of the pupil(s) claimed.
- e) Schools ~~shall transmit~~will submit one copy of the completed form(s) to the State ~~Superintendent~~Board of Education on or before July 31. Claims received by the State ~~Superintendent~~Board after July 31 will be reimbursed only if funds remain available for this purpose.

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

**Section 120.235 Responsibilities of Public and Nonpublic Chief Administrative Officers**  
**(Repealed)**

*~~The chief administrative officer of each school shall notify custodians of qualifying students that reimbursement is available. Notification shall occur by the first Monday in November of the school year for which reimbursement is available (Section 29-5.2(h) of the School Code; Ill.~~*

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~~Rev. Stat. 1987, ch. 122, par. 29-5.2 (h).~~

(Source: Repealed at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 120.240 Reimbursement**

- a) Claim forms will be reviewed by State Board of Education staff to determine compliance with the requirements of this Part.
- b) Claims ~~that~~~~which~~ are incomplete because of missing information (e.g., custodian or school official signature), illegible information, or inaccurate information (e.g., a mismatch between the number of students and the amounts claimed, or an inaccurate calculation of claims) will be investigated by contacting the respective schools. Failure to resolve claim problems shall result in denial of reimbursement of the custodians included on the deficient claims.
- c) The State Superintendent of Education shall prepare a report of all claims approved in accordance with this Part, shall prepare vouchers showing the amounts due to custodians, and shall transmit these documents to the Comptroller of the State of Illinois by December 1.
- d) Reimbursement to custodians for qualified transportation expenses incurred shall be limited to the amount specified in Section ~~29-5.2(e)~~~~29-5.2(d)~~ of the School Code [105 ILCS ~~5/29-5.2(e)~~~~5/29-5.2(d)~~].
- e) Reimbursement to regional superintendents of schools shall be \$5.00 for each request for determination of a serious safety hazard which was sent to the Illinois Department of Transportation and for which notification of the determination was forwarded to the requesting parent/guardian.

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

**Section 120.245 Responsibilities of the Regional Superintendents of Schools**

- a) Regional superintendents of schools shall maintain copies of forms and instructions for completing such forms for parents/guardians to request a determination of a serious safety hazard from the Illinois Department of Transportation.
- b) Regional superintendents shall accept completed forms from parents/guardians

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requesting a determination of a serious safety hazard from the Illinois Department of Transportation up to and including February 1 of the school year. Each regional superintendent shall forward the completed forms to the Illinois Department of Transportation within 15 calendar days after receipt.

- c) Regional superintendents shall receive notifications of the determination of whether a serious safety hazard exists from the Illinois Department of Transportation. The regional superintendent shall make a copy of each notification and shall immediately forward such notification to the parents/guardians who requested the determinations. Immediately is defined as within one day after receipt where a day constitutes a day when the regional superintendent's office is open for business. Each regional superintendent shall retain a copy of each notification received for four years after the date of the Illinois Department of Transportation's determination.
- d) Regional superintendents shall maintain a log of these functions that includes at least the following:
  - 1) the name and address of the parent/guardian making a request for determination of a serious safety hazard;
  - 2) the name and address of the school the pupil(s) attend;
  - 3) the date the completed request for determination of a serious safety hazard is received from the parent/guardian at the regional superintendent's office;
  - 4) the date the request is forwarded to the Illinois Department of Transportation;
  - 5) the date notification of determination of a serious safety hazard is received from the Illinois Department of Transportation; and
  - 6) the date the notification of determination of a serious safety hazard is forwarded to the parent/guardian.
- e) On or before ~~June~~[April](#) 30 of each year, each regional superintendent shall file a copy of his or her log and a bill for processing requests for serious safety hazard determinations. The bill for processing will be computed by multiplying the number of requests for serious safety hazard determinations sent to the Illinois

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Department of Transportation for which notification of determination was received and forwarded to the requesting parent/guardian for the current school year times \$5.00.

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

**Section 120.250 Dispute Resolution**

- a) When a custodian and school official disagree as to the validity of a claim for reimbursement, each party shall submit to the State Superintendent of Education a written statement including the reasons for the dispute and any documentary evidence supporting their respective positions. This shall be done by October 1 ~~after~~ the close of the school year ~~to~~ which the dispute ~~applies~~ occurs.
- 1) Failure of the school official to comply with this requirement will automatically validate the position of the custodian, provided that the custodian's claim is otherwise in conformance with this Part.
  - 2) Failure of the custodian to comply with this requirement will automatically validate the position of the school official, provided that it is otherwise based on the provisions of Section 29-5.2 of the School Code and this Part.
- b) A custodian who believes that the State's reimbursement is inaccurate may file a request for correction of said reimbursement, provided that:
- 1) the request is submitted in writing to the State Superintendent of Education within ten calendar days after receipt of the check for reimbursement; and
  - 2) the request includes:
    - A) a statement of the custodian's reasons for disputing the amount of reimbursement received and any documentary evidence pertaining thereto,
    - B) a statement of the amount of money the custodian believes is properly due from the State, and
    - C) the custodian's name, address, and telephone number.

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- c) The State Superintendent of Education shall review the evidence submitted pursuant to subsection (a) or (b) of this Section and, based on the applicable provisions of Section 29-5.2 of the School Code and this Part, shall issue a written decision to the person(s) submitting the evidence within 30 calendar days after receipt of the evidence. The decision of the State Superintendent shall be final.

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

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- 1) Heading of the Part: Pupil Transportation
- 2) Code Citation: 23 Ill. Adm. Code 275
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
275.10	Repeal
275.20	Repeal
275.30	Repeal
275.40	Repeal
275.50	Repeal
275.60	Repeal
275.70	Repeal
275.80	Repeal
275.90	Repeal
275.100	Repeal
275.110	Repeal
275.115	Repeal
275.120	Repeal
- 4) Statutory Authority: 105 ILCS 5/2-3.6, 27-26, and Art. 29; 625 ILCS 5/12-807.2 and 12-812(b)
- 5) A Complete Description of the Subjects and Issues Involved: Existing Section 1.510 within the rules for Public Schools Evaluation, Recognition and Supervision is being expanded to encompass nearly all the material in Part 275 that is still current. A new Section 1.515 is also being added to set forth the training requirements for individuals who train school bus drivers. Insertion of this material will allow ISBE to repeal Part 275 in its entirety and include all district transportation-related requirements in one location.
- 6) Will this proposed repealer replace any emergency repealer currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed repealer contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a state mandate.

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- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street (W-475)  
Springfield, Illinois 62777

(217) 782-5270

Comments may also be submitted via e-mail, addressed to:

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

The full text of the Proposed Repealer 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 h: TRANSPORTATION

## PART 275

PUPIL TRANSPORTATION **(REPEALED)**

**AUTHORITY:** Implementing Section 27-26 and Article 29 of the School Code [105 ILCS 5/27-26 and Art. 29], Section 1-182 of the Illinois Vehicle Code [625 ILCS 5/1-182], Sections 6-104(b) and (d) and 6-106.1 of the Illinois Driver Licensing Law [625 ILCS 5/6-104(b) and (d) and 6-106.1], and Sections 11-406, 11-1202, and 11-1414 of the Illinois Rules of the Road [625 ILCS 5/11-406, 11-1202, and 11-1414] and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6] and Sections 12-807.2 and 12-812(b) of the Illinois Vehicle Equipment Law [625 ILCS 5/12-807.2 and 12-812(b)].

**SOURCE:** Illinois School Bus Transportation Rules and Regulations, amended April 18, 1974; rules repealed, new rules adopted at 2 Ill. Reg. 37, p. 201, effective September 25, 1978; codified at 7 Ill. Reg. 16507; amended at 13 Ill. Reg. 1532, effective January 23, 1989; emergency amendment at 14 Ill. Reg. 6411, effective April 17, 1990, for a maximum of 150 days; emergency expired September 14, 1990; amended at 14 Ill. Reg. 17954, effective October 18, 1990; amended at 19 Ill. Reg. 16545, effective December 5, 1995; amended at 21 Ill. Reg. 14543, effective October 28, 1997; amended at 22 Ill. Reg. 12533, effective July 6, 1998; repealed at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 275.10 Definition of a School Bus**

The definition of a school bus shall be as set forth in Section 1-182 of the Illinois Vehicle Code [625 ILCS 5/1-182].

**Section 275.20 Routing**

- a) School bus routing is the responsibility of the local school board.
- b) Bus stops shall be planned to maximize safety. To the greatest extent possible, school districts shall arrange school bus stops so that school buses will not have to back up and so that crossing arms will not infringe on pedestrian crosswalks or cross streets. If a loading zone is not visible to oncoming and following traffic, the Illinois Department of Transportation must be notified to determine the need

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to erect appropriate signs.

- c) A map or written description which designates each school bus route, the regular stops, railroad grade crossings, and other pertinent information shall be maintained by the local education agency.
- d) School buses are not required to enter private property. However, where a school district chooses to enter private property, it should obtain written permission from the said property owner or the owner's designated representative.
- e) Only persons authorized by the school district are allowed to ride school buses.

**Section 275.30 Annual Medical Examination and Certificate (Repealed)**

(Source: Repealed at 19 Ill. Reg. 16545, effective December 5, 1995)

**Section 275.40 Permit Application Process (Repealed)**

(Source: Repealed at 19 Ill. Reg. 16545, effective December 5, 1995)

**Section 275.50 Hearings (Repealed)**

(Source: Repealed at 19 Ill. Reg. 16545, effective December 5, 1995)

**Section 275.60 Vehicles Designed to Carry Nine Passengers or Less Excluding the Driver (Repealed)**

(Source: Repealed at 21 Ill. Reg. 14543, effective October 28, 1997)

**Section 275.70 Issuance of Permit (Repealed)**

(Source: Repealed at 19 Ill. Reg. 16545, effective December 5, 1995)

**Section 275.80 Training**

Initial and refresher training is required of all school bus drivers by Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1]. Pursuant to Section 3-14.23 of the School Code [105 ILCS 5/3-14.23], Regional Superintendents of Schools are responsible for conducting training programs for school bus drivers, which programs shall be established by the State Board of Education and approved by the Secretary of State pursuant to the Secretary's rules for

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Transportation (92 Ill. Adm. Code 1035).

- a) Section 1035.30 of the Secretary's rules requires the certification of bus driver instructors by the State Board of Education. The following standards shall apply to such certification.
  - 1) The person must be at least 21 years of age.
  - 2) The person must hold or have held an Illinois School Bus Driver's Permit, hold a current teaching certificate endorsed for driver education, or have the approval of the regional superintendent as having had other direct involvement in school bus transportation.
  - 3) The person must have completed the American Red Cross Basic First Aid Course or refresher course within the last three years.
  - 4) The person must have assisted a certified instructor with the conduct of an initial training course and have received a satisfactory evaluation of overall teaching performance.
  - 5) Certification of bus driver instructors shall be renewed annually. Renewal shall be sought by the regional superintendent of the region where services will be provided, with the permission of the individual(s) in question and using a form supplied by the State Board of Education. Renewal of certification shall be based on the criteria set forth in subsections (a)(1) through (a)(4) of this Section.
- b) The State Board shall notify each regional superintendent of the certification status of all affected instructors in his or her region and of any deficiencies preventing the certification of any individual. The regional superintendent shall be responsible for notifying instructors of their status.
- c) The regional superintendent shall be responsible for notifying the employers of all bus drivers who complete initial or refresher training courses.

**Section 275.90 Bus Safety Training for Students**

- a) Section 27-26 of the School Code requires each public school's curriculum to include instruction in safe riding practices for all students transported by a school bus in connection with any school activity.

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- b) Such instruction shall be given at least twice during each school year.
- c) Such instruction shall include at least two emergency evacuation drills during each school year.
- d) Such instruction shall include instruction on the proper procedures for walking around school bus crossing arms. Students shall be instructed not to step over or under a crossing arm or swing on it.

**Section 275.100 Responsibility of Local School Boards**

- a) Each local board of education shall designate a person under its direct supervision to ensure that all laws and regulations affecting safe pupil transportation are adhered to.
- b) A map or written description which designates each school bus route, the regular stops, railroad crossings, and other pertinent information shall be maintained.
- c) A record of emergency evacuation drills shall be maintained.
- d) Evidence of adequate insurance protection shall be maintained by the local education agency.
- e) A current list and employment record of all school bus drivers shall be maintained by the local education agency for which transportation is being provided. Regional superintendents shall require that this information be provided to their office.
- f) Local school boards shall institute policies and practices which promote the safety and well-being of school bus passengers including provisions which support Section 10-22.6(b) of the School Code [105 ILCS 5/10-22.6(b)].
- g) In case of a death which occurs as a result of a school bus accident, the local education agency shall immediately contact the regional superintendent by telephone.
- h) Local school boards of districts that provide transportation of pupils on buses that are owned by the district and operated by drivers employed by the district shall comply with the requirements of Section 29-6.3 of the School Code [105 ILCS

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5/29-6.3]. The district's fully allocated costs for the direct provision of transportation shall be calculated in accordance with applicable provisions of the State Board of Education's rules for Pupil Transportation Reimbursement (see 23 Ill. Adm. Code 120.115).

**Section 275.110 Operating A School Bus**

- a) School buses must be operated in accordance with all state statutes and rules of the State Board of Education and the Illinois Department of Transportation.
- b) Each driver shall conform with the Illinois Department of Transportation's pre-trip inspection requirements.
- c) The service door shall be closed at all times when the bus is in motion.
- d) Windows shall not be lowered below the stop line painted on the body pillar.
- e) The emergency door shall be unlocked but securely latched when operating the school bus.
- f) The driver shall not leave the bus while the motor is running.
- g) The gasoline tank shall not be filled while there are any persons on the bus or while the motor is running.
- h) The school bus signs shall be displayed only when the bus is being used for official school transportation.
- i) The required alternately flashing warning lights and stop arm shall be used only when stopping to receive or discharge students.
- j) The manufacturer's capacity for a bus shall not be exceeded.
- k) All passengers shall be seated when the bus is in motion.
- l) Students shall not be asked to leave the bus along the route for breach of discipline, nor shall they be asked to sit anywhere other than a seat for breach of discipline.
- m) Gross disobedience or misconduct on the part of a student shall be reported to the

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED REPEALER

proper school authority for appropriate disciplinary action.

- n) The driver shall not back a bus at the school while students are in the vicinity unless a responsible person is present to guide the bus driver.
- o) Loading: When children are picked up and must cross a roadway, the driver shall beckon them to cross the road when it is safe to do so. Students shall be instructed to wait for the proper signal to cross the roadway when traffic conditions are such that they may go safely ahead of the bus.
- p) The driver on a regular route shall not be expected to wait for a tardy student but may proceed on a timely route if the student is not in sight. The driver should be seldom late and never early.
- q) Unloading: At school, the bus shall be driven onto the school grounds to discharge pupils or they should be discharged so they will not have to cross a street. At all discharge points where it is necessary for pupils to cross a roadway, the driver shall direct students to a distance at least ten feet in front of the bus on the shoulder of the highway and to remain there until a signal is given by the bus driver for the students to cross.
- r) The driver shall not allow a student to get off the bus at any place other than the student's designated discharge point unless permission is granted by the proper school official.
- s) Except with the permission of school authorities, the driver shall transport no school children with animals. The animal must be properly confined at all times on the school bus.
- t) The driver shall not permit a weapon or explosive of any kind on the bus.
- u) In case of an accident or breakdown while the bus is transporting students, the first consideration shall be whether it is safer to evacuate or to leave the students on the bus.
- v) All accidents shall be reported, immediately, to the appropriate school officials.
- w) A completed copy of the Illinois Department of Transportation's "Motorist Report of Motor Vehicle Accident Form" (SR-1) shall be forwarded immediately to the regional superintendent in case of an accident.

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- x) When stalled on the highway or shoulder of the highway, the driver shall place appropriate signals as outlined in Ill. Rev. Stat. 1981, ch. 95½, par. 12-702.
- y) The driver shall not smoke nor be under the influence of intoxicating beverages or drugs when operating a school bus.
- z) While carrying passengers, the driver shall stop at all railroad crossings except on a four lane highway with speed limits in excess of 45 miles an hour, or where the grade crossing is protected by a human flagman or law enforcement officer.
  - 1) The driver shall stop between 15 and 50 feet of the first rail. While stopped, open the service door, listen and look in both directions for any approaching train. When the driver determines that no train is approaching, close the door, then proceed completely across the grade crossing in low gear.
  - 2) The driver shall not change gears while crossing the tracks.
  - 3) The driver shall not use the alternately flashing warning signals or stop arm at railroad grade crossings.
- aa) The driver's seat belt shall always be properly fastened before putting the bus in motion.

**Section 275.115 School Bus Crossing Arm**

- a) A school bus driver shall use the school bus crossing arm whenever the bus stops to allow students to enter or leave the bus. The driver shall allow sufficient space for the full extension of the crossing arm without infringing on other vehicles, other obstacles, the pedestrian crosswalk, or a cross street. However, a driver may omit using the crossing arm at school loading areas where school buses are parked bumper to bumper or when extending the crossing arm would impede pedestrians' crossing, extend into the adjacent cross street, or collide with another object or vehicle.
- b) Each school bus driver shall keep a log of instances when he or she elects not to activate the crossing arm when its use is required, indicating for each instance the time, the location, and the reason for the decision not to activate it.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED REPEALER

- 1) Reports of such instances shall be filed with the school district, which shall use this information in evaluating school bus routes and pickup and dropoff points. Districts shall retain these records in a manner consistent with their retention policies applicable to other records.
- 2) Districts shall conduct such investigation as may be needed to determine whether a bus stop should be relocated due to an obstruction or other situation which causes the crossing arm not to be used.
- c) A school bus shall not be used if its crossing arm is found to be inoperable during the pre-trip inspection, or if the crossing arm has malfunctioned and has not yet been repaired.
- d) If a crossing arm malfunctions while the school bus is carrying students, the driver shall note the stop where the malfunction first occurs, continue on the route, and document all stops where the crossing arm fails to operate. School districts may establish policies requiring more stringent recordkeeping or other procedures when this occurs.

**Section 275.120 Special Education**

The State Board of Education publication, Special Education (23 Ill. Adm. Code 226), sets forth the regulations governing special education transportation.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Crow, Woodcock, Snipe, Rail and Teal Hunting
- 2) Code Citation: 17 Ill. Adm. Code 740
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
740.10	Amendment
740.20	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to change crow season to "October 15 through the next following February 28, closed during the firearm deer season" and to update sites and site-specific regulations.

Studies or Research Reports Used in Developing this Rulemaking:

- A) Bohlen, The Birds of Illinois, Indiana University Press.
- B) Welty, The Life of Birds, W.B. Saunders Company.
- C) Anderson, "Report for the 1995-96 Illinois Crow Hunter Survey" (IDNR)
- D) Graber and Graber, Illinois Birds: Corvidae, Illinois Natural History Survey Bulletin.

Copies of studies/reports listed in (A), (B) and (D) are copyrighted and may be obtained from the publisher. Copies of the report listed in (C) may be obtained from the Department of Natural Resources.

- 6) Will this rulemaking contain an automatic repeal date? 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 proposed amendments pending on this Part? No

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:
- Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271
- 217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2004

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 740  
CROW, WOODCOCK, SNIPE, RAIL AND TEAL HUNTING

## Section

- 740.10 Statewide Regulations  
740.20 Regulations at Various Department-Owned or -Managed Sites

**AUTHORITY:** Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

**SOURCE:** Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982; amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984; amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. 9998, effective June 21, 1994; amended at 19 Ill. Reg. 10577, effective July 1, 1995; amended at 20 Ill. Reg. 10851, effective August 5, 1996; amended at 21 Ill. Reg. 9061, effective June 26, 1997; amended at 22 Ill. Reg. 14782, effective August 3, 1998; amended at 23 Ill. Reg. 9033, effective July 28, 1999; amended at 24 Ill. Reg. 8901, effective June 19, 2000; amended at 25 Ill. Reg. 11364, effective August 14, 2001; amended at 26 Ill. Reg. 13605, effective September 3, 2002; amended at 28 Ill. Reg. 12882, effective September 1, 2004; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 740.10 Statewide Regulations**

- a) Woodcock, snipe, crow and rail regulations are in accordance with Federal Regulations (50 CFR 20, effective August 26, 1990) (no incorporation in this Part includes later amendments or editions) unless the regulations in this Part are more restrictive.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this Part, unless federal regulations are more restrictive.
- c) Woodcock
  - 1) Season dates, daily limits and possession limits are in accordance with federal regulations.
  - 2) Hunting hours: Sunrise to Sunset
- d) Snipe (Common)
  - 1) Season dates, bag limits and possession limits are in accordance with federal regulations.
  - 2) Hunting hours: Sunrise to Sunset
- e) Rail (Sora and Virginia)
  - 1) Season dates, bag limits and possession limits are in accordance with federal regulations
  - 2) Hunting hours: Sunrise to Sunset
- f) Teal
  - 1) Teal regulations are in accordance with federal regulations, (50 CFR 20.103, effective August 26, 1990; 50 CFR 20.104, effective August 26, 1990; 50 CFR 20.105, effective August 26, 1990; 50 CFR 20.106, effective August 26, 1990; and 50 CFR 20.109, effective August 26, 1990), unless the regulations in this Part are more restrictive.
  - 2) It shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 [USCU.S.C.](#) 703-711), the "Migratory Bird Hunting Stamp Act" (16 [USCU.S.C.](#) 718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20, effective August 29, 1990) (collectively referred to in this Part as federal regulations), or contrary to the Wildlife Code.

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- 3) Hunting hours are sunrise-sunset.
- g) Crow
- 1) Season dates: October 15 through the next following February 28, closed during the firearm deer seasons, July 1 through the next following August 15, and from December 15 through the next following March 1.
- 2) Hunting hours are ½ hour before sunrise through sunset.
- h) It shall be unlawful while attempting to take teal, rail or snipe to have in possession any shotgun shells not approved as non-toxic by federal regulations. Violation is a petty offense (see 520 ILCS 5/2.18-1(b)).
- i) Hunting during the closed season, over daily bag limit, or over possession limit is a Class B misdemeanor (see 520 ILCS 5/2.18).
- j) Woodcock, Snipe, Rail and Teal – Hunting prior to sunrise or after sunset is a Class B misdemeanor (see 520 ILCS 5/2.18). Hunting before ½ hour prior to sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).
- k) Crow – Hunting ½ hour after sunset is a Class B misdemeanor (see 520 ILCS 5/2.18). Hunting before ½ hour prior to sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

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

**Section 740.20 Regulations at Various Department-Owned or -Managed Sites**

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive. Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.20).
- b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

DEPARTMENT OF NATURAL RESOURCES

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Anderson Lake Conservation Area (closed 7 days before duck season)

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters – Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area (sub-impoundment area closes 7 days prior to the southern zone waterfowl season)

Crawford County Conservation Area

Cypress Pond State Natural Area

[Deer Pond State Natural Area](#)

Devil's Island

Dog Island Wildlife Management Area

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

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)

Ft. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Horseshoe Lake Conservation Area (public hunting area except controlled

## DEPARTMENT OF NATURAL RESOURCES

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goose hunting area)

~~I-24 Wildlife Management Area~~

Iroquois County Wildlife Management Area (season closes the day before permit pheasant season; 4:00 p.m. daily closing; sign in/out required; closed to snipe hunting)

Jubilee College State Park (season coincides with Jubilee Upland season, 17 Ill. Adm. Code 530.110)

Kankakee River State Park (woodcock only; during the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Kankakee River State Park)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to waterfowl season)

Kinkaid Lake Fish and Wildlife Area

Marseilles State Fish and Wildlife Area (woodcock only; Monday – Thursday only through October)

Mermet Lake Fish and Wildlife Area

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

Mississippi River Pools 16, 17, and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (West subunit only; woodcock only)

Pyramid State Park

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Ramsey Lake State Park (statewide hours until rabbit season begins; then 8:00 a.m. to 4:00 p.m.)

Randolph County Conservation Area (woodcock only)

Ray Norbut State Fish and Wildlife Area (~~all hunting closes December 15 in Eagle Creek Roost Area~~)

Red Hills State Park

Rend Lake Project Lands and Waters

Rice Lake Wildlife Area (season open during teal season only; sunrise until 1:00 p.m.)

Sahara Woods State Fish and Wildlife Area

Saline County Fish and Wildlife Area

Sam Dale Lake Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (During the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Sand Ridge State Forest)

Sielbeck Forest Natural Area

Skinner Farm State Habitat Area

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area (closes September 30)

Stephen A. Forbes State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Tapley Woods State Natural Area (closed during firearm deer season)

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Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Area only)

Washington County Conservation Area (woodcock only)

Weinberg-King State Park

Weinberg-King State Park – Spunky Bottoms Unit (check-in/check-out required)

Wildcat Hollow State Forest

- c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Chauncey Marsh

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

Fox Ridge State Park (woodcock only; 4:00 p.m. daily closing)

Harry "Babe" Woodyard State Natural Area (woodcock only; closes October 31)

Hidden Springs State Forest (4:00 p.m. daily closing)

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

Jim Edgar Panther Creek State Fish and Wildlife Area (hunters are restricted to the Open Units portion of the site during the controlled pheasant season, except those hunters who possess a valid Quality Unit or Controlled Unit permit)

## DEPARTMENT OF NATURAL RESOURCES

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

Lake Shelbyville – Eagle Creek State Park (woodcock only; 4:00 p.m. daily closing; closes opening day of site's pheasant season)

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

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

Moraine View State Park (woodcock only; 4:00 p.m. daily closing; season closes the day before site's controlled pheasant season)

Pyramid State Park – Captain Unit (open to hunters with a quality upland permit, daily draw waterfowl permit and site permit)

Pyramid State Park – Denmark Unit (open to hunters with a quality upland permit, daily draw waterfowl permit and site permit)

Pyramid State Park – East Conant Unit (open to hunters with a quality upland permit, daily draw waterfowl permit and site permit)

Pyramid State Park – Galum Unit (permit required; must be returned by February 15)

Newton Lake Fish and Wildlife Area (woodcock only; closed during firearm deer season)

Sanganois State Fish and Wildlife Area

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for woodcock hunting in waterfowl rest areas)

- d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites, except no permanent blinds allowed except as authorized in 17 Ill. Adm. Code 590.15, 590.20, 590.40 and 590.50 (exceptions are in parentheses):

Anderson Lake Conservation Area

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Blanding Wildlife Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters – Corps of Engineers managed lands  
(waters of Peppenhorst Branch and Allen Branch north of the buoys only)

Carlyle Lake Wildlife Management Area (teal hunting prohibited east of  
Kaskaskia River from the Cox's Bridge Access north to DNR property  
boundary)

Chain O'Lakes State Park (hunting is allowed only from numbered blind  
sites; the blinds need not be completed)

Chauncey Marsh (permit required)

Clinton Lake State Recreation Area (hunting in waterfowl areas East of  
Parnell Bridge and North of Route 54 only)

Coffeen Lake State Fish and Wildlife Area (hunters must sign in prior to  
hunting and sign out reporting harvest at the end of each day; hunting  
from staked sites only; no permanent blinds; hunting by boat access only;  
no cutting vegetation on site; hunting north of County Road N6th only;  
four hunters per blind site; no fishing north of County Road N6th during  
this season)

[Cypress Pond State Natural Area](#)

[Deer Pond State Natural Area](#)

Des Plaines Conservation Area (hunting is allowed only from numbered  
blind sites; the blinds need not be completed)

Devil's Island

Dog Island Wildlife Management Area

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Eldon Hazlet State Park – North Allen Branch Waterfowl Management Area

Ft. de Chartres Historic Site (hunting is allowed from anchored, portable boat blinds only)

Horseshoe Lake Conservation Area – Public Hunting Area (Alexander County)

Horseshoe Lake State Park (Madison County) (hunting is allowed only from numbered blind sites; blind builders must claim their blinds ½ hour before shooting time each day or blind is open to the public; blinds need not be completed)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit ([permit required](#))

Kaskaskia River State Fish and Wildlife Area

Kidd Lake State Natural Area (hunters must check in and out and report harvest each day; hunter quota filled on a first come-first served basis; cutting of vegetation is prohibited)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (site permit described in subsection (c) applies)

Lake Shelbyville – Corps of Engineers Managed Lands and Waters

Lake Sinnissippi Fish and Wildlife Area (hunting is allowed only from numbered blind sites; blind builders must claim their blinds ½ hour before shooting time each day or blind is open to the public; blinds need not be completed)

Marshall State Fish and Wildlife Area – all management units

Meredosia Lake

Mississippi River Fish and Waterfowl Management Area (Mississippi River Pools 25 and 26) (blind builders must claim their blinds ~~½~~[one-half](#) hour before shooting time or the blind is open for that day's hunt; no

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

hunting allowed in the designated Batchtown waterfowl rest area, [Crull Hollow waterfowl rest area and Godar waterfowl rest area](#))

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Pyramid State Park – Captain Unit (permit required; must be returned by February 15; hunting not allowed in Captain Unit waterfowl rest area)

Pyramid State Park – Denmark Unit (permit required; must be returned by February 15; hunting not allowed in Denmark Unit waterfowl rest area)

Pyramid State Park – Galum Unit (permit required, must be returned by February 15)

Ray Norbut Fish and Wildlife Area

Rend Lake Project Lands and Waters

Rice Lake Fish and Wildlife Area (check in and check out required; sunrise until 1:00 p.m.)

Saline County Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (permit required)

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area

Stephen A. Forbes State Park (walk-in hunting in the subimpoundment only)

Ten Mile Creek State Fish and Wildlife Area (permit required)

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area (public hunting area and firing line unit only)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Weinberg-King State Park – Spunky Bottoms Unit (check-in/check-out required)

## Woodford Fish and Wildlife Area

## e) Crow Hunting

- 1) Statewide regulations as provided for in this Part shall apply at the following sites (season dates in parentheses):

Anderson Lake Conservation Area

Big Bend State Fish and Wildlife Area

Big River State Forest

Green River State Wildlife Area (January 1 through statewide closing)

Hamilton County State Fish and Wildlife Area

~~Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit (mid-July through mid-August season closed; site permit required)~~

Jim Edgar Panther Creek State Fish and Wildlife Area (East and West Open Units~~Unit~~)

Mississippi River Pools 16, 17, 18

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

Pyramid State Park – Captain Unit (no hunting in waterfowl rest area; permit required, must be returned by February 15)

Pyramid State Park – Denmark Unit (no hunting in waterfowl rest area; permit required, must be returned by February 15)

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Pyramid State Park – East Conant Unit (no hunting in waterfowl rest area; permit required, must be returned by February 15)

Pyramid State Park – Galum Unit (no hunting in waterfowl rest area; permit required, must be returned by February 15)

Ray Norbut Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (~~July 1 through August 15~~; day after Canada goose season closes through statewide closing~~March 1~~; nontoxic shot only; permit required)

Spoon River State Forest (all hunters must sign in/sign out)

Stephen A. Forbes State Park

Weinberg-King State Park – Spunky Bottoms Unit (check-in/check-out required)

- 2) Crow hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by March 15 will result in loss of hunting privileges at that site for the following year:

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

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for crow hunting in waterfowl rest areas)

- 3) All hunters must make a reasonable effort to retrieve downed birds. All crows must be removed from the site by the hunter.

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.83                      Proposed Action: New
- 4) Statutory Authority: 625 ILCS 5/2-104(b) and 5/6-521(a)
- 5) A Complete Description of the Subjects and Issues Involved: HB719, PA 093-0667 gave the Secretary of State the authority to issue a Hazardous Material Endorsement to Commercial driver License (CDL) holders after a Security Threat Assessment has been successfully completed by the Transportation Security Administration (TSA) in compliance with the Department of Homeland Security to administer provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act) Public Law 107-56, October 25, 2001, 115 Stat 272.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? Yes
- 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 Objective: None
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: All comments must be in writing and should be sent to:  

Office of the Secretary of State  
Driver Services Department  
Jo Ann Wilson, Legislative Liaison  
c/o Director's Office  
2701 S. Dirksen Parkway  
Springfield, IL 62723

Telephone (217) 785-1441
- 12) Initial Regulatory Flexibility Analysis:

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not for profit corporations affected: None or minimum impact if company pays TSA fee.
  - 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 rule was not included on either of the 2 most recent regulatory agendas because: The Federal Final Rule that this is based on had not been published nor an effective date given in order to give us the guidelines to write this rule.
- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] No

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

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

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Driver's License Medical Advisory Board
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
<a href="#">1030.83</a>	<a href="#">Hazardous Material Endorsement</a>
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit

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1030.95	Consular Licenses (Repealed)
1030.96	Restricted Commercial Driver's License
1030.97	Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98	School Bus Commercial Driver's License
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License
1030.APPENDIX A	Questions Asked of a Driver's License Applicant
1030.APPENDIX B	Acceptable Identification Documents

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

**SOURCE:** Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993;

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amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1030.83 Hazardous Material Endorsement****a) Section 1030.83 Definitions**

"Authorized Secretary of State Employee" – a Secretary of State Driver Services Facility employee.

"Cancellation" – cancellation of a CDL with a HME – the annulment or termination by formal action of the Secretary of State of an individual's commercial motor vehicle license with a HME who is no longer entitled to such license in accordance with a notification from the Department of Homeland

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Security that the endorsement holder poses a security threat warranting denial of a hazardous material endorsement.

"Commercial Driver's License" or "CDL" – a driver's license issued by a state to a person that authorizes the person to drive a certain class of commercial motor vehicle or vehicles (see 625 ILCS 5/6-500).

"Commercial Motor Vehicle" – a motor vehicle having a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations or the Secretary of State; or any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the GVWR of any vehicles being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.

"Commercial Instruction Permit" or "CIP" – a permit issued pursuant to 625 ILCS 5/6-508.

"Driver" – any person who drives, operates, or is in physical control of a commercial motor vehicle, or who is required to hold a CDL.

"Driver License Facility" – facility operated by the Secretary of State where driving examinations are administered and driver's licenses are issued.

"Final Notification of Threat Assessment" – a final administrative determination by the Transportation Security Administration (TSA) that an individual poses a security threat warranting denial of the authorization for which the individual is applying.

"Hazardous Material" – upon a finding by the United States Secretary of Transportation, in his or her discretion, under 49 USC 5103a, that the transportation of a particular quantity and form of material in commerce may pose an unreasonable risk to health and safety or property, he or she shall designate the quantity and form of material or group or class of materials as a hazardous material. The materials so designated may include but are not limited to explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible materials, and compressed gases.

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"Hazardous Material Endorsement" or "HME" – an indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.

"Initial Notification of Threat Assessment" – an initial administrative determination by TSA that an individual poses a security threat warranting denial of the authorization for which the individual is applying.

"Secretary of State" – Illinois Secretary of State.

"Notification of No Security Threat" – an administrative determination by TSA that an individual does not pose a security threat warranting denial of the authorization for which the individual has successfully passed the Security Threat Assessment performed by TSA and is eligible to apply for a Hazardous Material Endorsement.

"Rescind Order" – a removal by formal action to annul or void a cancellation or denial of a Commercial Driver's License.

"Threat Assessment Fee" – the fee required to pay for the cost of TSA adjudicating security threat assessments, appeals, and waivers under 49 CFR 1572.

"Transportation Security Administration" or "TSA" – a division of the Department of Homeland Security to administer provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act); Public Law 107-56, October 25, 2001, 115 Stat. 272.

"Vendor" – an authorized fingerprint company approved by the Illinois State Police (ISP) who will transmit fingerprint data to ISP to be forwarded to the Federal Bureau of Investigation (FBI) for a security threat assessment.

- b) In order for the Secretary of State to issue a HME, all applicants must successfully comply with the following:
- 1) possess a valid and properly classified driver's license with a CIP or a CDL issued by the Secretary of State;

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- 2) submit the TSA application and a \$34 threat assessment fee to the authorized Secretary of State employee indicating he/she intends to apply for the TSA fingerprint-based criminal history record check;
  - 3) pass a written test administered by the Secretary of State on the transporting of hazardous materials;
  - 4) submit his/her fingerprints and pay all fees for taking and processing of the fingerprints to an authorized vendor who will transmit fingerprint data to ISP to be forwarded to the FBI for a fingerprint-based criminal history background record check for a threat assessment;
  - 5) pay all related application and fingerprinting fees as established by 49 CFR 1572, including, but not limited to, the amounts established by the FBI and the TSA;
  - 6) affirm under penalty of perjury that he/she has not made a false statement or knowingly concealed a material fact in any application for the HME.
- c) Upon receipt of Notification of No Security Threat from TSA on a driver that does not currently hold a HME on his CDL, the Secretary of State shall notify the applicant in writing of the Notification of No Security Threat from TSA and direct the applicant to return to a driver license facility to complete the requirements for the issuance of a HME.
  - d) Upon receipt of an Initial or Final Notification of Threat Assessment from TSA on a driver that does not currently hold a HME on his CDL, the Secretary of State shall place a tag on the driving record of the applicant indicating he is not eligible for a HME. Correspondence notifying the applicant of the failed threat assessment shall be sent by TSA directly to the applicant, along with information regarding the applicant's right to due process.
  - e) Upon receipt of Notification of No Security Threat from TSA on a driver that currently holds a CDL with a HME, the Secretary of State shall notify the applicant in writing of the Notification of No Security Threat from TSA and direct the applicant to return to a driver license facility to complete the requirements to renew or transfer from another state his/her CDL with a HME.
  - f) Upon receipt of an Initial or Final Notification of Threat Assessment from TSA on a driver that currently holds a CDL with a HME, the Secretary of State shall

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send written notice to the driver explaining that he/she has failed the Threat Assessment and, therefore, must appear at a driver license facility to have the HME removed from his/her CDL. The holder will be given at least 5 days, but no more than 30 days, from the date of the notice, to appear at a driver license facility and have the HME removed from his/her CDL. A corrected CDL will then be issued without the HME at no charge to the driver.

- g) Refusal or neglect of a driver to have the HME removed and obtain a corrected CDL shall result in the cancellation of the driver's CDL pursuant to 625 ILCS 5/6-201(a)(6) and 6-207. A driver whose CDL was cancelled may request an administrative hearing to contest the cancellation. The scope of the hearing shall be limited to the reason for the cancellation and shall not address the Threat Assessment conducted by TSA.
- h) If, after a driver's CDL has been cancelled pursuant to subsection (g), the Secretary receives a Notification of No Security Threat from TSA on the driver, an order rescinding the cancellation shall be entered and the driver's CDL and the HME will be valid.
- i) A driver who obtains a corrected CDL shall be deemed to be in compliance with the Secretary of State's request and shall be allowed to retain his/her CDL driving privileges.
- j) If the Secretary of State receives a Notification of No Security Threat after a driver has previously been deemed a Security Threat by TSA and has had the HME removed from his/her CDL in compliance with subsection (f), the Secretary of State shall send written notice to the driver that he/she is now eligible to have the HME added back to his/her CDL. The written notice shall advise the driver that he/she may visit a driver license facility to have a corrected CDL issued reflecting the HME at no cost to the driver.
- k) Effective January 31, 2005, the SOS shall not issue a new HME in compliance with subsection (c) until the Secretary of State has received a Notification of No Security Threat from TSA.
- l) Effective March 31, 2005, a driver who possesses a CDL with a HME and who will be applying to renew his/her CDL-HME after May 31, 2005 may complete the TSA application, pay all associated fees and submit his/her fingerprints to an authorized vendor. Effective May 31, 2005, the Secretary of State shall not renew

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or transfer from another state a HME in compliance with subsection (e) until the Secretary of State has received a Notification of No Security Threat from TSA.

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

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- 1) Heading of the Part: Required Procedure for Filing and Securing Approval of Policy Forms
- 2) Code Citation: 50 Ill. Adm. Code 916
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
916.10	Amendment
916.30	Amendment
916.40	Amendment
916.50	Amendment
916.Exhibit A	Amendment
916.Exhibit B	Repealed
916.Exhibit C	Repealed
916.Exhibit G	Repealed
916.Exhibit H	Repealed
916.Exhibit I	Repealed
916.Exhibit J	Repealed
- 4) Statutory Authority: Implementing Section 143 of the Illinois Insurance Code [215 ILCS 5/143] and Section 10 of the Voluntary Health Services Plans Act [215 ILCS 165/10] and Section 10 of the Dental Service Plan Act [215 ILCS 110/10] and Section 109 of the Dental Care Patient Protection Act [215 ILCS 109] and Section 4003 of the Limited Health Service Organization Act [215 ILCS 130/4003] and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3] and the Electronic Commerce Security Act [5 ILCS 175] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- 5) Effective Date of Amendments: March 22, 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 principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March, 26, 2004; 28 Ill. Reg. 5088
- 10) Has JCAR issued a Statement of Objection to these Amendments? No

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11) Differences between proposal and final version:

In the heading of Chapter I, strike "INSURANCE" and add "FINANCIAL AND PROFESSIONAL REGULATION".

In the table of contents, strike "and procedure for Order of Withdrawal" in the heading of Section 916.50.

Change all sources notes to "29" to reflect the current volume of the "*Illinois Register*".

In Section 916.30, definition of "Certificate of Compliance", add "is described in Section 916.50 and" after "Compliance" in the first sentence. On the second line of the first sentence, add "prior to" after "made" and change "September 30, 2004" to "January 1, 2006". In the second sentence, delete "an authentic digital electronic" and add "a readable authentic visible".

In Section 916.30, definition of "Department", strike "Insurance" and add "Financial and Professional Regulation".

In Section 916.30, definition of "Director", add "Financial and Professional Regulation-Division of", after the second "of".

In Section 916.30 add "Division means the Department of Financial and Professional Regulation-Division of Insurance."

At the request of JCAR and by agreement with the Division, Section 916.40 has been reorganized and revised as follows:

**Section 916.40 Filing Procedures**

- a) Certificate of Compliance. By December 31, 2005, Effective July 1, 1996 and each July 1 thereafter, each company doing business in the State of Illinois shall submit a Certificate "Certification of Compliance", as described in Section 916.50 and Exhibit A, for all previously approved policy forms previously approved by the Division on file with the Department. On or after January 1, 2006, this Certificate of Compliance will no longer be required, and for all policy form filings to be made during the next fiscal year. Every May a listing of approved policy forms on file with the State of Illinois will be provided to each company. Each company is responsible for withdrawing the policy forms

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~~included in this listing which the company is no longer issuing or marketing. However, policy forms which require related informational rate filings to be made should not be withdrawn. Each company will be responsible for certifying that the remaining policy forms either in use or being issued are in compliance by submitting the Certificate of Compliance found in Exhibit A of this Part.~~

- b) Forms Review. Each company shall file with the Director for approval and secure the approval of the Director for each new policy form before it is issued or delivered. Beginning January 1, 2006, each ~~Each policy form~~ filing shall be submitted~~include~~:

- 1) Directly through SERFF; or
- 2) By submitting the filing to the Division on compact disc (CD). These submissions shall be consistent with the format prescribed by SERFF, which is contained in the user's guide posted on the Division's website. The Division will upload these CD submissions to SERFF on behalf of the company. The CD filing shall include, as separate PDFs on the CD, each of the following:

A)1) A letter of submission giving a detailed description of:

- i)A) the purpose for the policy form and the manner in which it will be marketed;
- ii)B) a cross reference filing number for identical submissions made by affiliated companies.;

B)2) The policy forms. The text of each policy form shall be made out in "John Doe" fashion, bracketing any appropriate variable material. The form number shall appear in the lower left-hand corner of the policy form to be approved, and shall not exceed 30 characters. form(s) in duplicate;

C)3) A transmittal document that is consistent with the format prescribed by SERFF, which is contained in the user's guide posted on the Division's website. A typewritten General Transmittal, as set forth in Exhibit G of this Part, The transmittal document identifies identifying the company filing number and lists listing the policy form numbers. It includes the certification described in

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~~Section 916.50. No later than January 1, 2001 all companies must electronically submit the General Transmittal to the Director for all filings made pursuant to this Part. Computer generated General Transmittals will replace hard copy filings and must meet the prescribed specifications set forth by the Director. Prior to January 1, 2001 computer generated General Transmittal filings are optional. All forms in such filings shall be for the same line of business and the same category as found in Exhibit B. Also, identify the type, code, and subcode as set forth in Exhibit B of this Part. The transmittal required for policy form filings shall be substantially similar to those set forth in Exhibits G, H, I and J of this Part. Instructions for completing the General Transmittal and applying the category, type, code and subcode for each policy form are included in Exhibit G. A combination form shall be submitted as two separate filings. Each shall be identified by its own State tracking/company tracking ~~filing~~ ~~identification~~ number. Resubmission of pending policy forms within a filing shall be submitted under their original State tracking/company tracking number.~~

- ~~4) The text of each policy form shall be made out in "John Doe" fashion, bracketing any appropriate variable material. The form number shall appear in the lower left hand corner of the policy form to be approved, and shall not exceed 30 characters.~~
- ~~5) Resubmission of pending policy forms within a filing shall be submitted under their original "Filing Identification Number".~~
- c) Riders and Endorsements. Riders or endorsements ~~that~~which unilaterally reduce benefits, and are attached to a policy subsequent to the date the policy is issued, shall be reviewed and approved by the Director prior to their issuance or delivery ~~and shall be submitted on a separate typewritten general transmittal. A Certificate of Compliance is not applicable to these formally approved policy forms.~~
- d) Replacement Filings
  - 1) A new Substitution of any new policy form replacing for a form previously approved, when the where such new policy form bears the same form number as the previously approved form, shall be accompanied by:

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- A) a statement that the filing is a replacement; ~~substitution and~~
- B) the State tracking/company tracking number ~~or identification~~ of the previously approved form and the date of the previous approval; ~~and together with~~
- C) ~~a statement~~ advice that the previously approved policy form was never issued.
- 2) ~~Replacement~~ Substitution filings shall be assigned their own State tracking/company tracking ~~filing identification~~ number, and the original substituted filing shall be withdrawn by completing the transmittal document; ~~a typewritten replacement/withdrawal transmittal~~.
- e) Rates. Accident and health policy form filings written on an individual basis, individual and group Medicare supplement policy form filings and individual and group long-term care policy form filings shall be accompanied by rates providing an informational rate filing which provides a description of the classification of risks and the premium rates. Data demonstrating the calculation of the rates shall accompany each individual accident and health policy form ~~as a separate informational filing~~. Subsequent rates shall be submitted as information on the a typewritten informational transmittal document ~~pursuant to subsection (j) below~~.
- f) Credit Policies. Individual and group credit ~~Credit~~ policy form filings shall be accompanied by the a separate informational rate filing that which provides a description of the classification of risks and the premium rates. Data demonstrating the calculation of the rates shall accompany each credit policy form ~~as a separate informational filing~~. Subsequent credit rates shall be submitted with a transmittal document ~~on a typewritten informational transmittal pursuant to subsection (j) below~~.
- g) Filing Fee. ~~A quarterly~~ An invoice will be mailed to the company by the Division Department for the ~~required~~ filing fee required by Section 408(jj) of the Insurance Code [215 ILCS 5/408(jj)] ~~on a quarterly basis~~.
- h) Policy Form Withdrawal
- 1) ~~Each Replacement~~ Withdrawal of a policy form shall include:

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- ~~A)1)~~ A letter of explanation.
- ~~B)2)~~ A ~~transmittal document~~~~typewritten Replacement/Withdrawal Transmittal,~~ ~~as set forth in Exhibit H of this Part~~ listing the ~~State tracking/company tracking filing identification~~ number and policy form number of the forms to be withdrawn. ~~No later than January 1, 2001 all companies must electronically submit the Replacement/Withdrawal Transmittal to the Director when policy forms are to be withdrawn. Computer generated Replacement/Withdrawal Transmittals will replace hard copy filings and must meet prescribed specifications set forth by the Director. Prior to January 1, 2001, computer generated Replacement/Withdrawal Transmittal filings are optional.~~
- ~~2)3)~~ Each time a company's policy form ~~is to be withdrawn~~~~will no longer be issued~~, it is the responsibility of the company to notify the Director ~~of such action~~, on ~~a transmittal document that is consistent with the format the Replacement/Withdrawal Transmittal.~~ ~~prescribed by SERFF, which is contained in the user's guide posted on the Division's website. Instructions for completing the Replacement/withdrawal Transmittal are contained in Exhibit H of this Part.~~
- ~~4)~~ Each May a listing of approved policy forms on file with the State will be provided to each company. The purpose of this listing is to require the company to determine which policy forms should be withdrawn and to notify the Department each year of the policy forms in use by the company. The company will be responsible for returning the list by July 1st of each year withdrawing the policy forms which are no longer being issued or marketed. Instructions will accompany this listing.
- ~~i)~~ Each ~~Certificate of Assumption~~ submitted shall include:
- ~~1)~~ A letter of submission;
  - ~~2)~~ The assumption certificate in duplicate;
  - ~~3)~~ A ~~typewritten Certificate of Assumption Transmittal,~~ ~~as set forth in Exhibit I of this Part.~~ ~~No later than January 1, 2001 all companies must submit the Certificate of Assumption Transmittal electronically to the Director. Computer generated Certificate of Assumption Transmittals will replace hard copy filings and must meet prescribed specifications set forth by the Director. Prior to January 1, 2001, computer generated Certificate~~

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~~of Assumption Transmittal filings are optional. An assumption certificate will not be approved until the assumed policy forms are listed on the required transmittal. In instances where a company assumes a block of business from another, the filing identification number is prefixed with the FEIN of the ceded company followed by a dash. Instructions for completing the Certificate of Assumption Transmittal are contained in Exhibit I of this Part.~~

- j) ~~Each Informational Filing shall include:~~
- 1) ~~A letter of submission;~~
  - 2) ~~The informational material to be filed in duplicate;~~
  - 3) ~~A typewritten Informational Transmittal, as set forth in Exhibit J of this Part. No later than January 1, 2001 all companies must electronically submit the Informational Transmittal to the Director. Computer generated Informational Transmittals will replace hard copy filings and must meet prescribed specifications set forth by the Director. Prior to January 1, 2001, computer generated Informational Transmittal filings are optional. Instructions for completing the Informational Transmittal are contained in Exhibit J of this Part.~~

In Section 916.50, of the Section heading, strike "and procedure for Order of Withdrawal".

In Section 916.50, subsection (a), change "will" to "shall" in the first line. In the second line, delete "applicable filing requirements for the" and in the third line, delete "statutory provisions for the State of" and add "statutes" after "Illinois".

In Section 916.50, subsection (b), in the first line, add "Until January 1, 2006, each", strike the word "Each" before "company" and strike the "," after "shall"; delete the word "from"; strike "July 1, 1996" and delete "through December 31, 2005". On the second line, strike the "," after "thereafter"; add "Certificate" and strike "Certification".

In Section 916.Exhibit A, add "CERTIFICATE" and strike "CERTIFICATION".

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: Part 916 was last amended 5 years ago and now requires numerous revisions to better reflect current technological standards. As, PA 93-1083 now mandates that companies electronically file their policy forms with the Division, where previously there had been an option to either file electronically, or in hard copy. In addition to the substantive provisions previously mentioned, the Division will be eliminating obsolete provisions and making minor housekeeping changes.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Chuck Budinger, L/A&H Compliance Unit Supervisor  
Department of Financial and Professional Regulation  
Division of Insurance  
320 West Washington Street  
Springfield, Illinois 62767-0001

217-782-4572

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

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## TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF [FINANCIAL AND PROFESSIONAL  
REGULATION](#)~~INSURANCE~~

## SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIES

## PART 916

~~REQUIRED PROCEDURE FOR FILING AND SECURING APPROVAL OF POLICY FORMS  
FOR LIFE INSURANCE, ANNUITY AND ACCIDENT AND HEALTH INSURANCE,  
VOLUNTARY HEALTH SERVICES PLANS, DENTAL SERVICE PLANS, LIMITED  
HEALTH SERVICE ORGANIZATIONS AND HEALTH MAINTENANCE ORGANIZATIONS~~

## Section

916.10	Authority
916.20	Purpose and Scope
916.30	Definitions
916.40	Filing Procedures
916.50	Certification of Compliance <del>and Procedure for Order of Withdrawal</del>
916.60	Effective Date (Repealed)
916.EXHIBIT A	Certificate of Compliance
916.EXHIBIT B	Coding Guide <del>(Repealed)</del>
916.EXHIBIT C	Discontinued Acronyms From Exhibit B Coding Guide <del>(Repealed)</del>
916.EXHIBIT G	General Transmittal Instructions and Transmittal <del>(Repealed)</del>
916.EXHIBIT H	Replacement/Withdrawal Transmittal Instructions and Transmittal <del>(Repealed)</del>
916.EXHIBIT I	Certificate of Assumption Transmittal Instructions and Transmittal <del>(Repealed)</del>
916.EXHIBIT J	Informational Filing Transmittal Instructions and Transmittal <del>(Repealed)</del>

AUTHORITY: Implementing Section 143 of the Illinois Insurance Code [215 ILCS 5/143] and Section 10 of the Voluntary Health Services Plans Act [215 ILCS 165/10] and Section 10 of the Dental Service Plan Act [215 ILCS 110/10] and Section 109 of the Dental Care Patient Protection Act [215 ILCS 109] and Section 4003 of the Limited Health Service Organization Act [215 ILCS 130/4003] and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3] and the Electronic Commerce Security Act [5 ILCS 175] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Filed November 13, 1975, effective December 1, 1975; codified at 6 Ill. Reg. 14844; amended at 9 Ill. Reg. 18139, effective February 13, 1986; amended at 17 Ill. Reg. 15853, effective September 14, 1993; amended at 20 Ill. Reg. 6848, effective May 1, 1996; amended at

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24 Ill. Reg. 3547, effective February 18, 2000; amended at 29 Ill. Reg. 4922, effective March 22, 2005.

**Section 916.10 Authority**

This Part is promulgated by the Director of Insurance pursuant to authority contained in Section 401 of the Illinois Insurance Code [215 ILCS 5/401] which empowers the Director to make reasonable rules and regulations as may be necessary for making effective insurance laws of the State of Illinois. This Part implements Section 143 of the Illinois Insurance Code [215 ILCS 5/143] and Section 10 of the Voluntary Health Services Plans Act [215 ILCS 165/10] and [Section 109 of the Dental Care Patient Protection Act \[215 ILCS 109\]](#) and Section 25 of the Dental Service Plan Act [215 ILCS 110/25] and Section 4003 of the Limited Health Service Organization Act [215 ILCS 130/4003] and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3] [and the Electronic Commerce Security Act \[5 ILCS 175\]](#).

(Source: Amended at 29 Ill. Reg. 4922, effective March 22, 2005)

**Section 916.30 Definitions**

~~Category means the general classification of the policy form to be issued or delivered.~~

Certificate of Assumption Transmittal means a ~~transmittal document~~ ~~coding blank~~ to be completed when one company assumes a block of business from another company. Instructions for completing the ~~Certificate of Assumption Transmittal Instructions and Transmittal~~ are found ~~on the Department of Insurance website or through the System for Electronic Rate and Form Filing (SERFF) in Exhibit I of this Part.~~ [on the Department of Insurance website or through the System for Electronic Rate and Form Filing \(SERFF\)](#)

Certificate of Compliance [is described in Section 916.50 and](#) can be found in Exhibit A of this Part [for filings made prior to January 1, 2006. Certificate of Compliance for filings made on or after January 1, 2006 means the certification that must be completed on the transmittal document that certifies that the filing complies with Illinois applicable provisions. The Certification must include a readable authentic visible signature of an officer of the company.](#)

Code means a general description of the policy form to be issued or delivered. ~~(Exhibit B, Coding Guide)~~

Coding ~~Matrix~~ [Guide](#) represents, by abbreviation [of letters and numbers](#), types of

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coverage ~~as appears within the Uniform Life, Accident & Health, Annuity and Credit Coding Matrix as set forth on the Department of Insurance website or the System for Electronic Rate and Form Filing (SERFF) website. (Exhibit B, Coding Guide)~~

Combination Form means a policy form which will be used for both Life and Accident and Health.

Company means any entity which is defined as a "company" in Section 2 of the Illinois Insurance Code; [215 ILCS 5/2], in Section 2 of the Voluntary Health Services Plans Act [215 ILCS 165/2], in Section 3 of the Dental Service Plan Act [215 ILCS 110/3], and in Section 109 of the Dental Care Patient Protection Act [215 ILCS 109], and in Section 1002 of the Limited Health Service Organization Act [215 ILCS 130/1002], and in Section 1-2 of the Health Maintenance Organization Act [215 ILCS 125/1-2], and which issues or delivers in the State of Illinois policies, group contracts or certificates of life, annuity and accident and health insurance, which fall within the definition of Classes 1(a), 1(b) and 2(a) of Section 4 of the Illinois Insurance Code [215 ILCS 5/4].

Department means the Illinois Department of Financial and Professional Regulation~~Insurance~~.

Director means the Director of the Illinois Department of Financial and Professional Regulation-Division of Insurance.

Division means the Department of Financial and Professional Regulation-Division of Insurance.

Electronic Mail Identification Number means the e-mail address that Department ~~personnel~~policy analysts may use to communicate electronically with the named contact person who is filing the transmittal document. Filers who use IBM mail shall include their IBM mail identification number. Internet users shall contact the Department for more information. ~~Filing acknowledgement postcards from the Department will include the electronic mail address of the analyst first assigned to review this filing.~~

~~Filing Identification Number means the number assigned by the company, not to exceed 15 characters, and is used to distinguish one filing from any other filing submitted by that same company. All policy forms submitted in a filing shall be for the same line of business and same category.~~

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~~General Purpose Form means a policy form may be used with either a group or individual policy form.~~

~~Life/Accident & Health, Annuity, Credit~~ General Transmittal Document means a transmittal document ~~encoding blank~~ for identifying policy forms or informational material in a filing. Instructions for completing the General Transmittal Document are contained ~~in Exhibit G of this Part~~ on the Department website or the System for Electronic Rate and Form Filing (SERFF) website. All policy forms submitted on a general transmittal document shall be for the same line of business and the same type of insurance category.

~~Informational Type means a filing of a policy, rate or other informational material which does not require approval by the Director, but is filed for informational purposes only. Such filings would include, but not be limited to, information policy (INP), other state approvals (OSA), calculations (CAL) and variable material (VAM). Anything listed as an Informational Type from Exhibit B of this Part shall be submitted on an informational transmittal.~~

~~Informational Transmittal means a coding blank to be completed when submitting an informational filing. Instructions for completing the Informational Transmittal are contained in Exhibit J of this Part. For informational filings which require a relationship, if the filing and form numbers of the policies to which this information is related are not listed, the informational filing will not be processed.~~

~~Matrix Insert Page (MIP) means the type of policy forms submitted for review with consideration given to each provision or individual page. Each matrix insert page shall be identified with its own unique policy form number located in the lower left hand corner of the document. Each matrix insert page shall be associated to a policy or certificate. Optional endorsement riders (Type OER) and required endorsement riders (Type RER) shall not be made up of matrix insert pages.~~

~~Optional Endorsement/Rider (OER) means an endorsement which is not required by regulation or statute, and at the applicant's/insured's or insurer's option is attached to various policies. Optional endorsement riders (Type OER) shall not be made up of matrix insert pages or schedule pages. For purposes of completing the general transmittal an OER is a policy form type and does not require an association record.~~

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PDF means an Adobe Portable Document Format.

Policy Form means any form to be issued or delivered in the State of Illinois constituting in form and content a policy, group contract or certificate of insurance or evidence of coverage, endorsement, rider, schedule of benefits page, by-law or other matter incorporated by reference, or application blank or discretionary group forms requiring the Director's approval pursuant to Section 230.2 and 367.3 of the Illinois Insurance Code [215 ILCS 5/230.2 and 367.3]. ~~It does not include riders or endorsements issued or made at the request of the individual policyholder relating to the manner of distribution of benefits or to the reservation of rights and benefits under a life insurance policy. A policy form does not include any rider or endorsement made a part of a policy subsequent to the date the policy is issued and unilaterally reduces benefits; such riders or endorsements shall be reviewed and approved by the Director prior to their issuance or delivery pursuant to Section 143 of the Illinois Insurance Code [215 ILCS 5/143].~~ A General Transmittal Document is required to be submitted with all policy forms, including subsequently issued riders or endorsements.

~~Replacement/Withdrawal Transmittal means a coding blank to be completed when an approved policy form is being replaced, or when an approved policy form is no longer being issued. Instructions for completing the Replacement/Withdrawal Transmittal are contained in Exhibit H of this Part.~~

~~Required Endorsement/Rider (RER) means an endorsement that incorporates a mandatory contract provision which is required by regulation or statute. Such RER shall be attached to a policy form either as a condition of approval or to incorporate new contract provisions. Required endorsement/riders (Type RER) shall not be made up of matrix insert pages.~~

~~Required Informational Material (RIM) includes, but is not limited to, those identified in 50 Ill. Adm. Code 1407.50 and 2012.60(f)(1) through (f)(3).~~

~~Schedule Page(s) (SCP) means a policy form which incorporates or changes the benefits or services covered by the policy and/or certificate or changes the maximums, deductibles, coinsurance or copays of the policy or certificate to which it is attached. When a multiple of different schedule pages is submitted for use with a single policy or certificate, each schedule page shall be identified with a unique form number. A filing fee is required for each schedule page.~~

SERFF means the System for Electronic Rate and Form Filing used for electronic

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filings of participating company policy forms and rating information.

State Tracking/Company Tracking Numbers Filing Identification Number means the number assigned by the company, not to exceed 15 characters, ~~that and~~ is used to distinguish one filing from any other filing submitted by that same company. All policy forms submitted in a filing shall be for the same line of business and the same category. The first 14 characters (or less) of the tracking number must be unique from any other tracking number used by the company.

~~Subcode means a detailed description of the policy form, found in Exhibit B of this Part.~~

Subtype Type of insurance means the characteristic and detailed description of the policy form as set forth on the Department website or through the SERFF website found in Exhibit B of this Part.

Type of Insurance (TOI) means the general classification of the policy form to be issued or delivered as set forth on the Department website or the SERFF website.

(Source: Amended at 29 Ill. Reg. 4922, effective March 22, 2005)

**Section 916.40 Filing Procedures**

- a) Certificate of Compliance. ~~By December 31, 2005, Effective July 1, 1996 and each July 1 thereafter,~~ each company doing business in the State of Illinois shall submit a Certificate "Certification of Compliance", as described in Section 916.50 and Exhibit A, for all ~~previously approved~~ policy forms previously approved by the Division on file with the Department. On or after January 1, 2006, this Certificate of Compliance will no longer be required. and for all policy form filings to be made during the next fiscal year. ~~Every May a listing of approved policy forms on file with the State of Illinois will be provided to each company. Each company is responsible for withdrawing the policy forms included in this listing which the company is no longer issuing or marketing. However, policy forms which require related informational rate filings to be made should not be withdrawn. Each company will be responsible for certifying that the remaining policy forms either in use or being issued are in compliance by submitting the Certificate of Compliance found in Exhibit A of this Part.~~
- b) Forms Review. Each company shall file with the Director for approval and secure the approval of the Director for each new policy form before it is issued or

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delivered. Beginning January 1, 2006, each ~~Each policy form~~ filing shall be submitted~~include~~:

- 1) Directly through SERFF; or
- 2) By submitting the filing to the Division on compact disc (CD). These submissions shall be consistent with the format prescribed by SERFF, which is contained in the user's guide posted on the Division's website. The Division will upload these CD submissions to SERFF on behalf of the company. The CD filing shall include, as separate PDFs on the CD, each of the following:

A)1) A letter of submission giving a detailed description of:

i)A) the purpose for the policy form and the manner in which it will be marketed;

ii)B) a cross reference filing number for identical submissions made by affiliated companies;

B)2) The policy forms. The text of each policy form shall be made out in "John Doe" fashion, bracketing any appropriate variable material. The form number shall appear in the lower left-hand corner of the policy form to be approved, and shall not exceed 30 characters. ~~form(s) in duplicate;~~

C)3) A transmittal document that is consistent with the format prescribed by SERFF, which is contained in the user's guide posted on the Division's website. A typewritten General Transmittal, as set forth in Exhibit G of this Part, The transmittal document identifies identifying the company filing number and lists listing the policy form numbers. It includes the certification described in Section 916.50. No later than January 1, 2001 all companies must electronically submit the General Transmittal to the Director for all filings made pursuant to this Part. Computer generated General Transmittals will replace hard copy filings and must meet the prescribed specifications set forth by the Director. Prior to January 1, 2001 computer generated General Transmittal filings are optional. All forms in such filings shall be for the same line of business and the same category as found in Exhibit B. Also,

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~~identify the type, code, and subcode as set forth in Exhibit B of this Part. The transmittal required for policy form filings shall be substantially similar to those set forth in Exhibits G, H, I and J of this Part. Instructions for completing the General Transmittal and applying the category, type, code and subcode for each policy form are included in Exhibit G. A combination form shall be submitted as two separate filings. Each shall be identified by its own State tracking/company tracking filing identification number. Resubmission of pending policy forms within a filing shall be submitted under their original State tracking/company tracking number.~~

- ~~4) The text of each policy form shall be made out in "John Doe" fashion, bracketing any appropriate variable material. The form number shall appear in the lower left hand corner of the policy form to be approved, and shall not exceed 30 characters.~~
- ~~5) Resubmission of pending policy forms within a filing shall be submitted under their original "Filing Identification Number".~~
- c) Riders and Endorsements. Riders or endorsements ~~that~~which unilaterally reduce benefits, and are attached to a policy subsequent to the date the policy is issued, shall be reviewed and approved by the Director prior to their issuance or delivery ~~and shall be submitted on a separate typewritten general transmittal. A Certificate of Compliance is not applicable to these formally approved policy forms.~~
- d) Replacement Filings
  - 1) A new Substitution of any new policy form replacing for a form previously approved, when the where such new policy form bears the same form number as the previously approved form, shall be accompanied by:
    - A) a statement that the filing is a replacement; substitution and
    - B) the State tracking/company tracking number ~~or identification~~ of the previously approved form and the date of the previous approval; and together with
    - C) a statement advice that the previously approved policy form was

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never issued.

- 2) ~~Replacement~~Substitution filings shall be assigned their own State tracking/company tracking filing identification number, and the original substituted filing shall be withdrawn by completing the transmittal document ~~a typewritten replacement/withdrawal transmittal~~.
- e) Rates. Accident and health policy form filings written on an individual basis, individual and group Medicare supplement policy form filings and individual and group long-term care policy form filings shall be accompanied by rates providing an informational rate filing which provides a description of the classification of risks and the premium rates. Data demonstrating the calculation of the rates shall accompany each individual accident and health policy form ~~as a separate informational filing~~. Subsequent rates shall be submitted as information on the a typewritten informational transmittal ~~document pursuant to subsection (j) below~~.
- f) Credit Policies. Individual and group credit~~Credit~~ policy form filings shall be accompanied by the a separate informational rate filing ~~that which~~ provides a description of the classification of risks and the premium rates. Data demonstrating the calculation of the rates shall accompany each credit policy form ~~as a separate informational filing~~. Subsequent credit rates shall be submitted with a transmittal document ~~on a typewritten informational transmittal pursuant to subsection (j) below~~.
- g) Filing Fee. A quarterly ~~An~~ invoice will be mailed to the company by the Division Department for the ~~required~~ filing fee required by Section 408(jj) of the Insurance Code [215 ILCS 5/408(jj)] ~~on a quarterly basis~~.
- h) Policy Form Withdrawal
- 1) ~~Each Replacement~~/Withdrawal of a policy form shall include:
- A) ~~1)~~ A letter of explanation.
- B) ~~2)~~ A transmittal document~~typewritten Replacement/Withdrawal Transmittal, as set forth in Exhibit H of this Part~~ listing the State tracking/company tracking filing identification number and policy form number of the forms to be withdrawn. ~~No later than January 1, 2001 all companies must electronically submit the Replacement/Withdrawal Transmittal to the Director when policy forms are to be withdrawn. Computer generated~~

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~~Replacement/Withdrawal Transmittals will replace hard copy filings and must meet prescribed specifications set forth by the Director. Prior to January 1, 2001, computer generated Replacement/Withdrawal Transmittal filings are optional.~~

~~2)3) Each time a company's policy form is to be withdrawn will no longer be issued, it is the responsibility of the company to notify the Director of such action, on a transmittal document that is consistent with the format the Replacement/Withdrawal Transmittal prescribed by SERFF, which is contained in the user's guide posted on the Division's website. Instructions for completing the Replacement/withdrawal Transmittal are contained in Exhibit H of this Part.~~

~~4) Each May a listing of approved policy forms on file with the State will be provided to each company. The purpose of this listing is to require the company to determine which policy forms should be withdrawn and to notify the Department each year of the policy forms in use by the company. The company will be responsible for returning the list by July 1st of each year withdrawing the policy forms which are no longer being issued or marketed. Instructions will accompany this listing.~~

~~i) Each Certificate of Assumption submitted shall include:~~

~~1) A letter of submission;~~

~~2) The assumption certificate in duplicate;~~

~~3) A typewritten Certificate of Assumption Transmittal, as set forth in Exhibit I of this Part. No later than January 1, 2001 all companies must submit the Certificate of Assumption Transmittal electronically to the Director. Computer generated Certificate of Assumption Transmittals will replace hard copy filings and must meet prescribed specifications set forth by the Director. Prior to January 1, 2001, computer generated Certificate of Assumption Transmittal filings are optional. An assumption certificate will not be approved until the assumed policy forms are listed on the required transmittal. In instances where a company assumes a block of business from another, the filing identification number is prefixed with the FEIN of the ceded company followed by a dash. Instructions for completing the Certificate of Assumption Transmittal are contained in Exhibit I of this Part.~~

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- j) ~~Each Informational Filing shall include:~~
- 1) ~~A letter of submission;~~
  - 2) ~~The informational material to be filed in duplicate;~~
  - 3) ~~A typewritten Informational Transmittal, as set forth in Exhibit J of this Part. No later than January 1, 2001 all companies must electronically submit the Informational Transmittal to the Director. Computer generated Informational Transmittals will replace hard copy filings and must meet prescribed specifications set forth by the Director. Prior to January 1, 2001, computer generated Informational Transmittal filings are optional. Instructions for completing the Informational Transmittal are contained in Exhibit J of this Part.~~

(Source: Amended at 29 Ill. Reg. 4922, effective March 22, 2005)

**Section 916.50 Certification of Compliance ~~and Procedure for Order of Withdrawal~~**

- a) Effective January 1, 2006, each filing transmittal document shall contain a certification that the filing complies with all applicable Illinois statutes. The certification must carry a readable authentic visible signature of an officer of the company.
- b) Until January 1, 2006, each Each company shall, ~~as of July 1, 1996 and each July 1 thereafter,~~ submit a "Certificate~~Certification~~ of Compliance" for all previously approved policy forms on file with the Department ~~and for all filings to be made during the next fiscal year.~~ The certification shall be signed by an officer of the company, identified by title, who has the authority to obligate the company by such signature. In this manner, the company shall agree and consent to the discontinuance of future use of any approved policy form, 30 days from the date of mailing an order of withdrawal issued by the Director pursuant to Section 143(1) of the Illinois Insurance Code. The order shall set forth the reasons why such previously approved policy form is violative of or contrary to the provisions of the Illinois Insurance Code or 50 Ill. Adm. Code. Each company shall have the right to request a hearing within that 30 day period. Such request shall be made in writing to the Director. The order of withdrawal shall be stayed and the company shall be given a hearing under such provisions of Sections ~~Section~~ 143(1), 401(c), 401.1, 402(2), 426 and 429 of the Illinois Insurance Code [215 ILCS 5/143(1), 401(c), 401.1, 402(2), 426 and 429] and 50 Ill. Adm. Code 2402 as may be

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applicable to determine:

| 1a) whether such policy form shall be disapproved, and

| 2b) whether further orders of the Director may be appropriate.

(Source: Amended at 29 Ill. Reg. 4922, effective March 22, 2005)

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**Section 916.EXHIBIT A Certificate of Compliance**

Each company shall, ~~from as of~~ July 1, 1996 ~~through December 31, 2005, and each July 1 thereafter~~ submit a "Certificate of Compliance" in substantially this format.

CERTIFICATE~~CERTIFICATION~~ OF COMPLIANCE

---

(Company Name)

By: \_\_\_\_\_ Title: \_\_\_\_\_

does hereby certify that the policy form(s) as identified by either the Departmental listing attached hereto, or those filed by the company during this fiscal year, do comply:

- a) with all provisions of the Illinois Insurance Code applicable to the policy forms; and
- b) with 50 Ill. Adm. Code; and does further certify to the best of our knowledge and belief that:
  - 1) the form(s) do not contain any inconsistent, ambiguous or misleading clauses;
  - 2) the form(s) do not contain specifications or conditions that unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the policy form(s);
  - 3) the only variation from the usual provisions of the policy form(s) are clearly marked or otherwise indicated;
  - 4) the policy form language as submitted or approved shall be exactly as they have been or will be offered for issuance or delivery in the State of Illinois as approved by the Director, except for hypothetical data and other appropriate variable material; and
  - 5) the policy form(s) do not contain any provision or clause currently being disapproved by the Director.

In utilizing the procedure for policy form filing and approval set forth in 50 Ill. Adm. Code Part

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916 (company name) hereby expressly agrees and consents to a review, by the Director, to be made at any time, and further hereby expressly agrees and consents to the discontinuance by the company of future use of such approved policy form(s), 30 days from the date of mailing an order of withdrawal issued by the Director pursuant to Section 143(1) of the Illinois Insurance Code. The order shall set forth the reasons why such previously approved policy form(s) are violative of or contrary to the provisions of the Illinois Insurance Code or 50 Ill. Adm. Code. Each company shall have the right to request a hearing within that 30 day period. Such request shall be made in writing to the Director. The order of withdrawal shall be stayed and the company shall be given a hearing under the provisions of Section 143(1), 401(c), 401.1, 402(2), 426 and 429 of the Illinois Insurance Code [215 ILCS 5/143(1), 401(c), 401.1, 402(2), 426 and 429] and 50 Ill. Adm. Code 2402 as may be applicable to determine:

- a) whether such policy form shall be disapproved, and
- b) whether further orders of the Director may be appropriate.

\_\_\_\_\_  
(Company Name)

By: \_\_\_\_\_  
(Signature)

Title: \_\_\_\_\_ Date: \_\_\_\_\_

(Source: Amended at 29 Ill. Reg. 4922, effective March 22, 2005)

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**Section 916.EXHIBIT B Coding Guide (Repealed)****LIFE  
Category**

~~Determine if the policy is a general, individual or group life policy form. With this information, determine the category.~~

~~GPL GENERAL PURPOSE LIFE  
GRL GROUP LIFE  
INL INDIVIDUAL LIFE~~

**Type**

~~The type of policy form determines how the policy form is to be used. Choose the type that best fits the policy form.~~

**Policy Form Type**

~~Is the policy form an application, a policy or certificate?~~

~~APP APPLICATION  
CER CERTIFICATE  
COP COMBINATION POLICY  
CPC COMBINATION POLICY CERTIFICATE  
OER OPTIONAL ENDORSEMENT/RIDER  
POC POLICY/CERTIFICATE  
POL POLICY~~

**Attachment Type**

~~Is the policy form an attachment type? Determine with which policy filing(s) and form(s) this attachment type will be associated.~~

~~ASC ASSUMPTION CERTIFICATE  
MIP MATRIX/INSERT PAGE  
RER REQUIRED ENDORSEMENT RIDER  
SCP SCHEDULE PAGE~~

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~~Informational Type/No Related Policy Forms Required~~~~What is the information to be submitted?~~

~~DSF DOMESTIC STATE FILING  
 INP INFORMATIONAL POLICY  
 OSA OTHER STATE APPROVAL  
 POJ POLICY JACKET  
 RIM REQUIRED INFORMATIONAL MATERIAL~~

~~Informational Type/Related Forms Required~~~~What is the type of information to be submitted? If the informational type requires related forms, the filing and form number of the related policy form must be listed on the informational transmittal.~~

~~CAL CALCULATIONS  
 CLI CERTIFICATION OF LIFE ILLUSTRATIONS  
 (50 ILL. ADM. CODE 1406)  
 DGI DISCRETIONARY GROUP INFORMATION  
 OOC OUTLINE OF COVERAGE  
 POJ POLICY JACKET  
 RAT RATE  
 RIM REQUIRED INFORMATIONAL MATERIAL  
 ULI UNIVERSAL LIFE INFORMATION  
 VAA VARIABLE ACCOUNT ADVERTISING  
 VAM VARIABLE MATERIAL~~

~~Code~~~~Choose the code that best identifies the policy form. Two codes may be used per policy form. Therefore, choose either one code or two codes which summarize the general terms of the policy form.~~

~~ACD ACCIDENTAL DEATH  
 ADD ACCIDENTAL DEATH AND  
 DISMEMBERMENT  
 CIB CHILDRENS INSURANCE BENEFIT  
 CON CONVERSION  
 DH DISABILITY INCOME  
 END ENDOWMENT~~

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~~EXC EXCLUSION~~  
~~FIB FAMILY INSURANCE BENEFIT~~  
~~GUI GUARANTEED INSURABILITY~~  
~~INL INDUSTRIAL LIFE~~  
~~JTL JOINT TERM LIFE~~  
~~JWL JOINT WHOLE LIFE~~  
~~LAS LAST SURVIVOR~~  
~~LEE LEGAL EXPENSE~~  
~~LTP LONG TERM (PARTNERSHIP)~~  
~~LTT LONG TERM (TRADITIONAL)~~  
~~MFA MARKET FUNDING AGREEMENT~~  
~~MOI MORTGAGE INSURANCE~~  
~~PAW PAYOR WAIVER~~  
~~SIB SPOUSE INSURANCE BENEFIT~~  
~~SPD SPECIFIED DISEASE~~  
~~SUB SUPPLEMENTAL BENEFIT~~  
~~TEI TERMINAL ILLNESS~~  
~~TEL TERM LIFE~~  
~~UNI UNISEX~~  
~~UNL UNIVERSAL LIFE~~  
~~VAL VARIABLE LIFE~~  
~~VUL VARIABLE UNIVERSAL LIFE~~  
~~WHL WHOLE LIFE~~  
~~WOP WAIVER OF PREMIUM~~

**Subcode**

The purpose of the subcode is to describe the code in more detail, and/or the type of policy being issued, i.e., Discretionary Group, Association, M.E.T., etc. Three subcodes are allowed for each policy form. If a subcode does not apply, it is not required.

~~ADB ACCELERATED DEATH BENEFIT~~  
~~ASS ASSOCIATION~~  
~~DEB DECREASING BENEFIT~~  
~~DEP DECREASING PREMIUM~~  
~~DIG DISCRETIONARY GROUP~~  
~~DUB DUAL BENEFIT~~  
~~EH EXTERNAL INTEREST INDEX~~  
~~FIP FIXED PREMIUM~~  
~~FLP FLEXIBLE PREMIUM~~

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~~FRA FRANCHISE~~  
~~HPG HEALTHCARE PURCHASING GROUP~~  
~~IDP INDETERMINATE PREMIUM~~  
~~INB INCREASING BENEFIT~~  
~~INP INCREASING PREMIUM~~  
~~LEB LEVEL BENEFIT~~  
~~MET M.E.T.~~  
~~MOP MODIFIED PREMIUM~~  
~~NOR NONRENEWABLE~~  
~~OPB OPTIONAL BENEFIT~~  
~~PFB PREARRANGED FUNERAL BENEFIT~~  
~~REN RENEWABLE~~  
~~SCB SINGLE CASE BASIS~~  
~~SIP SINGLE PREMIUM~~  
~~TAQ TAX QUALIFIED~~  
~~TME TRUST/M.E.W.A.~~

**ANNUITIES****Category**

~~Determine if the policy form is an individual or group policy form. With this information, determine the category.~~

~~GRA GROUP ANNUITY~~  
~~INA INDIVIDUAL ANNUITY~~  
~~GPN GENERAL PURPOSE ANNUITY~~

**Type**

~~The type of policy form determines how the policy form is to be used. Choose the type that best fits the policy form.~~

**Policy Form Type**

~~Is the policy form an application, a policy or certificate?~~

~~APP APPLICATION~~  
~~CER CERTIFICATE~~  
~~OER OPTIONAL ENDORSEMENT/RIDER~~

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~~POC POLICY/CERTIFICATE  
POL POLICY~~

~~Attachment Type~~

~~Is the policy form an attachment type? Determine with which policy filing(s) and form(s) this attachment type will be associated.~~

~~ASC ASSUMPTION CERTIFICATE  
MIP MATRIX/INSERT PAGE  
RER REQUIRED ENDORSEMENT RIDER  
SCP SCHEDULE PAGE~~

~~Informational Type/No Related Policy Forms Required~~

~~What is the type of information to be submitted?~~

~~DSF DOMESTIC STATE FILING  
INP INFORMATIONAL POLICY  
OSA OTHER STATE APPROVAL  
POJ POLICY JACKET  
VAA VARIABLE ACCOUNT ADVERTISING~~

~~Informational Type/Related Policy Forms Required~~

~~What is the type of information to be submitted? If the informational type requires related forms, the filing and form number of the related policy form must be listed on the informational transmittal.~~

~~VAM VARIABLE MATERIAL~~~~Code~~

~~Choose the code that best identifies the policy form filing. Two codes may be used per policy form. Therefore, choose either one code or two codes which summarize the general terms of the policy form.~~

~~FIP FIXED PREMIUM  
FLP FLEXIBLE PREMIUM  
MFA MARKET FUNDING AGREEMENT~~

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~~SIP SINGLE PREMIUM  
SUB SUPPLEMENTAL BENEFIT~~

**Subcode**

~~The purpose of the subcode is to describe the code in more detail. Three subcodes are allowed for each policy form filing. If a subcode does not apply, it is not required.~~

~~DEF DEFERRED  
DII DUAL INTEREST INDEXED  
EH EXTERNAL INTEREST INDEXED  
IMM IMMEDIATE  
INS INTEREST SENSITIVE  
SCB SINGLE CASE BASIS  
VAR VARIABLE~~

**CREDIT****Category**

~~First, determine if the policy form is an individual or group policy form. Second, determine if the policy form is a credit accident and health or credit life policy form. With this information, determine the category.~~

~~GCA GROUP CREDIT ACCIDENT AND HEALTH  
GCL GROUP CREDIT LIFE  
ICL INDIVIDUAL CREDIT LIFE  
ICA INDIVIDUAL CREDIT ACCIDENT AND  
HEALTH~~

**Type**

~~The type of policy form determines how the policy form is to be used. Choose the type that best fits the policy form.~~

**Policy Form Type**

~~Is the policy form an application, a policy or certificate?~~

~~APP APPLICATION  
CER CERTIFICATE~~

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~~COP COMBINATION POLICY  
CPC COMBINATION POLICY CERTIFICATE  
OER OPTIONAL ENDORSEMENT/RIDER  
POC POLICY/CERTIFICATE  
POL POLICY~~

~~Attachment Type~~

~~Is the policy form an attachment type? Determine with which policy filing(s) and form(s) this attachment type will be associated.~~

~~ASC ASSUMPTION CERTIFICATE  
MIP MATRIX/INSERT PAGE  
RER REQUIRED ENDORSEMENT/RIDER  
SCP SCHEDULE PAGE~~

~~Informational Type/No Related Policy Forms Required~~

~~What is the type of information to be submitted?~~

~~DSE DOMESTIC STATE FILING  
INP INFORMATIONAL POLICY  
OSA OTHER STATE APPROVAL  
POJ POLICY JACKET  
RIM REQUIRED INFORMATIONAL APPROVAL~~

~~Informational Type/Related Policy Forms Required~~

~~What is the type of information to be submitted? If the informational type requires related forms, the filing and form number of the related policy form must be listed on the informational transmittal.~~

~~CAL CALCULATIONS  
RAT RATE  
RIM REQUIRED INFORMATIONAL MATERIAL  
VAM VARIABLE MATERIAL~~

~~Code~~

~~Choose the code that best identifies the policy form. Two codes may be used per policy form.~~

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~~Therefore, choose either one code or two codes which summarize the general terms of the policy form.~~

~~DEB DECREASING BENEFIT  
LEB LEVEL BENEFIT  
MOB MONTHLY OUTSTANDING BENEFIT  
SUB SUPPLEMENTAL BENEFIT~~

**Subcode**

~~The purpose of the subcode is to describe the code in more detail. Three subcodes are allowed for each policy form. If a subcode does not apply, it is not required.~~

~~CPB CRITICAL PERIOD BENEFIT  
LEP LEVEL PREMIUM  
MOP MONTHLY OUTSTANDING PREMIUM  
NOB NONSTANDARD BENEFIT  
SIP SINGLE PREMIUM  
TRB TRUNCATED BENEFIT~~

**ACCIDENT AND HEALTH****Category**

~~Determine if the policy form is general purpose, individual or group. With this information, determine the category.~~

~~GAH GROUP A&H  
GPA GENERAL PURPOSE A&H  
IAH INDIVIDUAL A&H~~

**Type**

~~The type of policy form determines how the policy form is to be used. Choose the type that best fits the policy form.~~

**Policy Form Type**

~~Is the policy form an application, a policy or certificate?~~

~~APP APPLICATION  
CER CERTIFICATE~~

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~~COP COMBINATION POLICY  
 CPC COMBINATION POLICY CERTIFICATE  
 OER OPTIONAL ENDORSEMENT/RIDER  
 POC POLICY/CERTIFICATE  
 POL POLICY~~

~~Attachment Type~~

~~Is the policy form an attachment type? Determine with which policy filing(s) and form(s) this attachment type will be associated.~~

~~ASC ASSUMPTION CERTIFICATE  
 MIP MATRIX/INSERT PAGE  
 RER REQUIRED ENDORSEMENT/RIDER  
 SCP SCHEDULE PAGE~~

~~Informational Type/No Related Policy Forms Required~~

~~What is the type of information to be submitted?~~

~~ADV ADVERTISING  
 DSF DOMESTIC STATE FILING  
 IEP INFORMATIONAL EXCESS POLICY  
 INP INFORMATIONAL POLICY  
 NET NETWORK  
 OSA OTHER STATE APPROVAL  
 POJ POLICY JACKET  
 RIM REQUIRED INFORMATIONAL MATERIAL~~

~~Informational Type/Related Policy Forms Required~~

~~What is the type of information to be submitted? If the informational type requires related forms, the filing and form number of the related policy form must be listed on the informational transmittal.~~

~~ADV ADVERTISING  
 CAL CALCULATIONS  
 DGI DISCRETIONARY GROUP INFORMATION  
 NET NETWORK  
 OOC OUTLINE OF COVERAGE~~

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~~RAT RATE  
VAM VARIABLE MATERIAL  
RIM REQUIRED INFORMATIONAL MATERIAL~~

**Code**

~~Choose the code that best identifies the policy form. Two codes may be used per policy form. Therefore, choose either one code or two codes which summarize the general terms of the policy form.~~

~~ACO ACCIDENT ONLY  
ADD ACCIDENTAL DEATH AND  
DISMEMBERMENT  
AMC AMBULANCE COVERAGE  
BLA BLANKET  
CAN CANCER  
COM COMPREHENSIVE MEDICAL  
CON CONVERSION  
CUS CUSTODIAL  
DEN DENTAL  
DIH DISABILITY INCOME  
EXC EXCLUSION  
EXE EXCESS  
HDF HIGH DEDUCTIBLE MED. SUPP. PLAN F  
HDJ HIGH DEDUCTIBLE MED. SUPP. PLAN J  
HHC HOME HEALTH CARE  
HOI HOSPITAL INDEMNITY  
HSM HOSPITAL/SURGICAL MEDICAL  
LEE LEGAL EXPENSE  
LTP LONG TERM (PARTNERSHIP)  
LTT LONG TERM (TRADITIONAL)  
MAM MAJOR MEDICAL  
MAT MATERNITY  
MES MEDICARE SUPPLEMENT  
MSA MEDICARE SUPPLEMENT PLAN A  
MSB MEDICARE SUPPLEMENT PLAN B  
MSC MEDICARE SUPPLEMENT PLAN C  
MSD MEDICARE SUPPLEMENT PLAN D  
MSE MEDICARE SUPPLEMENT PLAN E  
MSF MEDICARE SUPPLEMENT PLAN F~~

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~~MSG MEDICARE SUPPLEMENT—PLAN G~~  
~~MSH MEDICARE SUPPLEMENT—PLAN H~~  
~~MSI MEDICARE SUPPLEMENT—PLAN I~~  
~~MSJ MEDICARE SUPPLEMENT—PLAN J~~  
~~MOI MORTGAGE INSURANCE~~  
~~NHC NURSING HOME CARE~~  
~~PHC PHARMACEUTICAL COVERAGE~~  
~~SCS SCHOOL COVERAGE/STUDENTS~~  
~~SNF SKILLED NURSING FACILITY~~  
~~SPD SPECIFIED DISEASE~~  
~~STL STOP LOSS~~  
~~SUB SUPPLEMENTAL BENEFIT~~  
~~TRA TRAVEL ACCIDENT~~  
~~VIC VISION COVERAGE~~  
~~WOP WAIVER OF PREMIUM~~

**Subcode**

~~The purpose of the subcode is to describe the code in more detail, and/or the type of policy being issued, i.e., Discretionary Group, Association, M.E.T., etc. Three subcodes are allowed for each policy form. If a subcode does not apply, it is not required.~~

~~ASS ASSOCIATION~~  
~~COP COMPOSITE PREMIUM~~  
~~DIG DISCRETIONARY GROUP~~  
~~DUO DUAL OPTION~~  
~~FRA FRANCHISES~~  
~~GUR GUARANTEED RENEWABLE~~  
~~HGR HIPAA GUARANTEED RENEWABLE  
(INDIVIDUAL)~~  
~~HLP HIPAA LARGE PORTABLE~~  
~~HSP HIPAA SMALL PORTABLE~~  
~~HTQ HIPAA TAX QUALIFIED (TRADITIONAL  
LONG TERM CARE)~~  
~~LIB LIMITED BENEFIT~~  
~~MED MEDICAL SAVINGS ACCOUNT~~  
~~MET M.E.T.~~  
~~MOP MONTHLY PREMIUM~~  
~~NON NONCANCELLABLE~~  
~~NTQ NONTAX QUALIFIED (TRADITIONAL~~

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~~LONG TERM CARE)~~  
~~OPR~~ ~~OPTIONALLY RENEWABLE~~  
~~POS~~ ~~POINT OF SERVICE~~  
~~PPA~~ ~~PREFERRED PROVIDER ARRANGEMENT~~  
~~SM~~  
~~SCB~~ ~~SINGLE CASE BASIS~~  
~~TEP~~ ~~TERM PREMIUM~~  
~~TME~~ ~~TRUST/M.E.W.A.~~

**SERVICE ORGANIZATIONS****Category**

~~First, determine if the policy form is an individual or group policy form. Second, determine whether the submission is being made by a service organization, a health maintenance organization, or a limited health service organization. With this information, determine the category.~~

~~GHM~~ ~~GROUP HEALTH MAINTENANCE~~  
~~ORGANIZATION~~  
~~GLH~~ ~~GROUP LIMITED HEALTH SERVICE~~  
~~ORGANIZATION~~  
~~GPH~~ ~~GENERAL PURPOSE HEALTH~~  
~~MAINTENANCE ORGANIZATION~~  
~~GPI~~ ~~GENERAL PURPOSE LIMITED HEALTH~~  
~~SERVICE ORGANIZATION~~  
~~GPS~~ ~~GENERAL PURPOSE SERVICE~~  
~~ORGANIZATION~~  
~~GSO~~ ~~GROUP SERVICE ORGANIZATION~~  
~~IHM~~ ~~INDIVIDUAL HEALTH MAINTENANCE~~  
~~ORGANIZATION~~  
~~ILH~~ ~~INDIVIDUAL LIMITED HEALTH SERVICE~~  
~~ORGANIZATION~~  
~~ISO~~ ~~INDIVIDUAL SERVICE ORGANIZATION~~

**Type**

~~The type of policy form determines how the policy form is to be used. Choose the type that best fits the policy form.~~

Policy Form Type

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~~Is the policy form an application, a policy or certificate?~~

~~APP APPLICATION  
 CER CERTIFICATE  
 IDC IDENTIFICATION CARD  
 MEH MEMBER HANDBOOK  
 OER OPTIONAL ENDORSEMENT/RIDER  
 POC POLICY/CERTIFICATE  
 POL POLICY~~

~~Attachment Type~~

~~Is the policy form an attachment type? Determine with which policy filing(s) and form(s) this attachment type will be associated.~~

~~ASC ASSUMPTION CERTIFICATE  
 MIP MATRIX/INSERT PAGE  
 RER REQUIRED ENDORSEMENT/RIDER  
 SCP SCHEDULE PAGE~~

~~Informational Type/No Related Policy Forms Required~~

~~What is the type of information to be submitted?~~

~~ADV ADVERTISING  
 ASO ADMINISTRATIVE SERVICE ONLY  
 FBB FEDERAL BENEFIT BROCHURE  
 GRP GRIEVANCE PROCEDURES  
 MIM MEDICARE INFORMATIONAL MATERIAL  
 NET NETWORK  
 POJ POLICY JACKET  
 RIM REQUIRED INFORMATIONAL MATERIAL~~

~~Informational Type/Related Policy Forms Required~~

~~What is the type of information to be submitted? If the informational type requires related forms, the filing and form number of the related policy form must be listed on the informational transmittal.~~

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~~NET NETWORK  
 RAT RATE  
 RIM REQUIRED INFORMATIONAL MATERIAL  
 VAM VARIABLE MATERIAL~~

**Code**

~~Choose the code that best identifies the policy form. Two codes may be used per policy form. Therefore, choose either one code or two codes which summarize the general terms of the policy form filing.~~

~~AMC AMBULANCE COVERAGE  
 BHC BASIC HEALTH COVERAGE  
 BOP BASIC OUTPATIENT PREVENTIVE  
 (CHILDREN)  
 CLL CLINICAL LABORATORY  
 CON ONVERSION  
 DEN DENTAL  
 EXC EXCLUSION  
 HDF HIGH DEDUCTIBLE MED. SUPP PLAN F  
 HDJ HIGH DEDUCTIBLE MED. SUPP PLAN J  
 MES MEDICARE SUPPLEMENT  
 MSA MEDICARE SUPPLEMENT PLAN A  
 MSB MEDICARE SUPPLEMENT PLAN B  
 MSC MEDICARE SUPPLEMENT PLAN C  
 MSD MEDICARE SUPPLEMENT PLAN D  
 MSE MEDICARE SUPPLEMENT PLAN E  
 MSF MEDICARE SUPPLEMENT PLAN F  
 MSG MEDICARE SUPPLEMENT PLAN G  
 MSH MEDICARE SUPPLEMENT PLAN H  
 MSI MEDICARE SUPPLEMENT PLAN I  
 MSJ MEDICARE SUPPLEMENT PLAN J  
 PHC PHARMACEUTICAL COVERAGE  
 POC PODIATRIC COVERAGE  
 SUB SUPPLEMENTAL BENEFIT  
 VIC VISION COVERAGE~~

**Subcode**

~~The purpose of the subcode is to describe the code in more detail, and/or the type of policy being~~

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~~issued, i.e., Discretionary Group, Association, M.E.T., etc. Three subcodes are allowed for each policy form. If a subcode does not apply, it is not required.~~

~~ASS ASSOCIATION  
CMP COMPETITIVE MARKETING PLAN  
COC COST CONTRACT  
DIG DISCRETIONARY GROUP  
DUO DUAL OPTION  
HCP HEALTH CARE PREPAYMENT PLAN  
HGR HIPAA GUARANTEED RENEWABLE  
(INDIVIDUAL)  
HLP HIPAA LARGE PORTABLE  
HSP HIPAA SMALL PORTABLE  
KID KIDCARE  
MET M.E.T.  
PAB PUBLIC AID BENEFITS  
POS POINT OF SERVICE  
PPA PREFERRED PROVIDER ARRANGEMENT  
RIC RISK CONTRACT  
SCB SINGLE CASE BASIS  
SOI STATE OF ILLINOIS  
TME TRUST/M.E.W.A.~~

(Source: Repealed at 29 Ill. Reg. 4922, effective March 22, 2005)

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**Section 916.EXHIBIT C Discontinued Acronyms From Exhibit B Coding Guide****(Repealed)**

The following acronyms have been deleted from the Coding Guide found in Exhibit B of this Part. These abbreviations can no longer be used for new policy form filings. However, they may still appear on your annual listing of previously approved policy forms as noted in Section 916.40(h)(4) of this Part.

**Category**

~~SEO SERVICE ORGANIZATION  
LHS LIMITED HEALTH SERVICE ORGANIZATION~~

**Code**

~~MED MEDICARE~~

**Subcode**

~~SEG SMALL EMPLOYER GROUP  
[215 ILCS 5/351B-1 ET SEQ.]  
SEP SMALL EMPLOYER PORTABLE  
[215 ILCS 95/1]~~

(Source: Repealed at 29 Ill. Reg. 4922, effective March 22, 2005)

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**Section 916.EXHIBIT G General Transmittal Instructions and Transmittal (Repealed)**

~~The information provided on the general transmittal must be typewritten:~~

- ~~1) Company Name.~~
- ~~2) Company Contact Person Mailing Address.  
c/o Name of outside firm responsible for filing.~~
- ~~3) Company FEIN—Federal Employer Identification Number.~~
- ~~4)~~
  - ~~A) Company Filing Number—Number used to distinguish this policy form filing from any other policy form filing submitted to the Department for approval or withdrawal. This number is limited to 15 characters. Do not use blank spaces in filing numbers. When withdrawing a pending filing from further consideration, the company filing number for the withdrawal filing shall be the same as the company filing number assigned when the filing was originally submitted. Blank spaces will be ignored.~~
  - ~~B) Filing Category—The classification of the policy form filing taken from the Coding Guide (Exhibit B of this Part). Note that every form in the filing must be for the same category. Category GPL, GPN, GPA, GPH, GPI and GPS apply only to applications and endorsements.~~
- ~~5) Company Contact Person—The individual's name who is most familiar with this form filing.~~
- ~~6) Contact Person Phone Number—Telephone number of Contact Person.~~
- ~~7) Electronic Mail Identification Number where available.~~
- ~~8) Submittal Date—Date filing is sent to Department.~~
- ~~9) New Policy Forms~~

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- A) ~~SEQ #—Sequence number is used to facilitate future retrieval of microfilmed forms at the Department. This number identifies the physical placement of a form within a filing. The sequence number shall follow the physical order of forms within a filing.~~
- B) ~~New Policy Form #—Identification in the lower left hand corner of policy form being submitted. This number is limited to 30 characters. Do not use blank spaces when identifying a policy form. Blank spaces will be ignored.~~
- C) ~~Type—The characteristic abbreviation of the policy form taken from the Coding Guide (Exhibit B of this Part). Note: For purposes of completing this transmittal, an optional endorsement/rider (Type OER) is considered a policy form.~~
- D) ~~Code—The descriptive abbreviation of the policy form taken from the Coding Guide (Exhibit B of this Part). Choose one or two codes which best fit the general terms of your policy form filing. If a code does not apply, leave the space blank.~~
- E) ~~Subcode—A more detailed descriptive abbreviation of the policy form taken from the Coding Guide (Exhibit B of this Part) (if only one subcode applies, then leave the other spaces blank; if a subcode does not apply, leave the space blank).~~
- F) ~~P/N—Indicate if the policy form is Participating or Non-Participating by placing a P or an N in the blank. If the term is not applicable, leave the space blank.~~

~~Note: Prior to January 1, 2001, when submitting more policy forms than the transmittal will allow, continue completing the same section on an additional form, including the information in items one through eight and the appropriate page number. As of January 1, 2001, the electronic process will allow any number of policy forms to be reported per Section.~~

- 10) ~~New Attachments ((Type RER) Required Endorsement/Rider, (Type MIP) Matrix/Insert Page, (Type SCP) Schedule Page) to be added to every Policy Form listed in Section 9 and/or Section 11. A Required Endorsement/Rider is one which is required by statute or Administrative~~

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~~Code and shall be attached to the policy as a condition for approval or to incorporate new contract provisions. If the attachments do not associate to all policy forms listed in Section 9 and/or 11, those attachments shall be submitted on a separate transmittal.~~

- ~~A) SEQ #—Sequence number is used to facilitate future retrieval of forms by this Department. This number identifies the physical placement of a form within a filing. The sequence number shall follow the physical order of forms within a filing.~~
- ~~B) New Attachment Form #—Identification in the lower left hand corner of policy form being submitted. This number is limited to 30 characters. Do not use blank spaces when identifying a policy form.~~
- ~~C) Type—The characteristic abbreviation of the policy form taken from the Coding Guide (Exhibit B of this Part).~~
- ~~D) Code—The descriptive abbreviation of the policy form taken from the Coding Guide (Exhibit B of this Part). Choose one or two codes which best fit the general terms of your policy form filing. If a code does not apply, leave the space blank.~~
- ~~E) Subcode—A more detailed descriptive abbreviation of the policy form taken from the Coding Guide (Exhibit B of this Part) (if only one subcode applies, then leave the other spaces blank; if a subcode does not apply, leave the space blank).  
Note: Prior to January 1, 2001, when submitting more policy forms than the transmittal will allow, continue completing the same section on an additional form, including the information in items one through eight and the appropriate page number. As of January 1, 2001, the electronic process will allow any number of policy forms to be reported per Section.~~

~~11) Attachments added to previously approved Policy Form.~~

- ~~A) Previously Approved Filing #—If the attachment in Section 10 (Type MIP), (Type RER) or (Type SCP) is to be added to a previously approved policy form, list the original filing number of that policy form filing here.~~

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~~Note: If forms are acquired through a merger or assumption certificate, use the original filing number prefixed with the FEIN of the original company followed by a dash.~~

- ~~B) Previously Approved Policy Form #—Identification of the previously approved policy form shall be listed here.  
Note: When submitting more policy forms than the transmittal will allow, continue completing the same section on an additional form, including the information in items one through eight and the appropriate page number.~~

- ~~12) Previously Approved Attachments—If these attachments will be issued with the new policy form listed in Section 9, list here. These attachments include required endorsements (Type RER) or matrix/insert pages (Type MIP) or schedule pages (Type SCP).~~

- ~~A) Previously Approved Attachment Filing #—The original filing number of the policy form to be maintained as an attachment.~~
- ~~B) Previously Approved Attachment Form #—Identification for the policy form to be maintained as an attachment to the policy listed in Section 9.  
Note: Prior to January 1, 2001, when submitting more policy forms than the transmittal will allow, continue completing the same section on an additional form, including the information in items one through eight and the appropriate page number. As of January 1, 2001, the electronic process will allow any number of policy forms to be reported per Section.~~

- ~~13) Previously Accepted Informational Filing—If a previously accepted informational filing is to be related to the new policy forms in Section 9 and/or Section 10, list that Informational filing number here.~~





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13) ~~PREVIOUSLY ACCEPTED INFORMATIONAL FILING. If a previously accepted informational filing is to be related to the new Policy Forms in Sections 9 or 10, list filing number here.~~

FILING #


(Source: Repealed at 29 Ill. Reg. 4922, effective March 22, 2005)

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**Section 916. EXHIBIT H Replacement/Withdrawal Transmittal Instructions and Transmittal (Repealed)**

~~The information provided on the replacement/withdrawal transmittal must be typewritten.~~

- ~~1) Company Name.~~
- ~~2) Company Contact Person Mailing Address.  
e/o—Name of outside firm responsible for filing.~~
- ~~3) Company FEIN—Federal Employer Identification Number.~~
- ~~4) Company Filing Number—Number used to distinguish this policy form withdrawal filing from any other policy form withdrawal filing submitted to Illinois. This number is limited to 15 characters. Do not use blank spaces in filing numbers. Blank spaces will be ignored.~~
- ~~5) Company Contact Person—The individual's name who is most familiar with this filing.~~
- ~~6) Contact Person Phone Number—Telephone number of Contact Person.~~
- ~~7) Electronic Mail Identification Number where available.~~
- ~~8) Submittal Date—Date Replacement/Withdrawal is sent to Department.~~
- ~~9) A withdrawn form is considered to be a previously approved form which will no longer be issued in the State of Illinois, or a policy form which has been substituted.
  - ~~A) Company Filing #—The number identifying the filing to be withdrawn when originally submitted. Do not use blank spaces in filing numbers.~~
  - ~~B) Policy Form #—The Identification of the policy form you wish withdrawn. Do not use blank spaces when identifying policy numbers.  
Note: The effective date of withdrawal is the date this request is processed at the Department.~~~~

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Note: Prior to January 1, 2001, when submitting more policy forms than the transmittal will allow, continue completing the same section on an additional form, including the information in items one through eight and the appropriate page number. As of January 1, 2001, the electronic process will allow any number of policy forms to be reported per Section.

Note: For withdrawals without replacement, your company will be required to notify the Department of which policy forms are still in use. Such notification must be made at the end of the fiscal year. Each May listing of approved policy forms on file with the State of Illinois will be provided to your company. Your company will be responsible for withdrawing the policy forms included on this annual listing which you are no longer issuing and for certifying that the remaining policy forms either in use or being issued are in compliance by submitting a certificate of compliance found in Exhibit A of this Part.

REPLACEMENT/WITHDRAWAL TRANSMITTAL

Page \_\_\_ of \_\_\_

1) COMPANY NAME \_\_\_\_\_

2) COMPANY CONTACT PERSON MAILING ADDRESS

C/O \_\_\_\_\_

STREET \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

3) COMPANY FEIN [ ]

4) COMPANY FILING NUMBER [ ]

5) COMPANY CONTACT PERSON \_\_\_\_\_

6) CONTACT PERSON PHONE NUMBER \_\_\_\_\_

7) ELECTRONIC MAIL ID # [ ]

8) SUBMITTAL DATE \_\_\_\_\_

9) If you are withdrawing an approved policy form, list below.

(A)  
COMPANY FILING ID #

(B)  
POLICY FORM #

[ ]

[ ]

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(Source: Repealed at 29 Ill. Reg. 4922, effective March 22, 2005)

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**Section 916. EXHIBIT I Certificate of Assumption Transmittal Instructions and Transmittal (Repealed)**

~~The information provided on the assumption transmittal must be typewritten.~~

- ~~1) Assuming Company Name.~~
- ~~2) Assuming Company Contact Person Mailing Address.  
e/o—Name of outside firm responsible for filing.~~
- ~~3) Assuming Company FEIN—Federal Employer Identification Number.~~
- ~~4) Assuming Company Filing Number—Number used to distinguish this policy form filing from any other policy form filing submitted to Illinois for approval. Do not use blank spaces in filing numbers.~~
- ~~5) Assuming Company Contact Person—The individual's name who is most familiar with this filing.~~
- ~~6) Contact Person Phone Number—Telephone number of Contact Person.~~
- ~~7) Electronic Mail Identification Number where available.~~
- ~~8) Ceding Company Name.~~
- ~~9) Ceding Company FEIN—Federal Employer Identification Number.~~
- ~~10) Submittal Date—Date Assumption Transmittal is sent to the Department.~~
- ~~11) Assumption Certificate~~
  - ~~A) Policy Form #—Identification in the lower left-hand corner of policy form being submitted. Only one Assumption Certificate is allowed per transmittal. Do not use blank spaces when identifying a policy form.~~
  - ~~B) Category—The classification of the policy form taken from the coding guide (Exhibit B of this Part).~~
  - ~~C) Type—The characteristic abbreviation "ASC" taken from the coding guide~~

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~~(Exhibit B of this Part).~~

~~12) Previously approved ceding company filing number and policy form # affected by the Assumption Certificate. Do not use blank spaces in filing numbers or when identifying policy forms.~~

~~Note: Assumption certificates will not be approved until the list of assumed policy forms is listed on the required transmittal sheet.~~

~~Note: Prior to January 1, 2001, when submitting more policy forms than the transmittal will allow, continue completing the same section on an additional form, including the information in items one through ten and the appropriate page number. As of January 1, 2001, the electronic process will allow any number of policy forms to be reported per Section.~~

CERTIFICATE OF ASSUMPTION TRANSMITTAL

Page \_\_\_\_ of \_\_\_\_

1) ASSUMING COMPANY NAME \_\_\_\_\_

2) ASSUMING COMPANY CONTACT PERSON MAILING ADDRESS

C/O \_\_\_\_\_

STREET \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

3) ASSUMING COMPANY FEIN [\_\_\_\_\_]

4) ASSUMING COMPANY FILING NUMBER [\_\_\_\_\_]

5) ASSUMING COMPANY CONTACT PERSON \_\_\_\_\_

6) CONTACT PERSON PHONE NUMBER \_\_\_\_\_

7) ELECTRONIC MAIL ID # [\_\_\_\_\_]

8) CEDING COMPANY NAME \_\_\_\_\_

9) CEDING COMPANY FEIN [\_\_\_\_\_]

10) SUBMITTAL DATE \_\_\_\_\_

11) ASSUMPTION CERTIFICATE

A) POLICY FORM \_\_\_\_\_

B) CAT \_\_\_\_\_

C) ASC

12) ~~Previously Approved Policy Forms Affected by Assumption Certificate~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~CEDING COMPANY FILING #~~

~~CEDING POLICY FORM #~~

| \_\_\_\_\_ |

| \_\_\_\_\_ |

| \_\_\_\_\_ |

| \_\_\_\_\_ |

| \_\_\_\_\_ |

| \_\_\_\_\_ |

(Source: Repealed at 29 Ill. Reg. 4922, effective March 22, 2005)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

**Section 916. EXHIBIT J Informational Filing Transmittal Instructions and Transmittal (Repealed)**

~~The information provided on the informational transmittal must be typewritten.~~

- ~~1) Company Name.~~
- ~~2) Company Contact Person Mailing Address.  
c/o Name of outside firm responsible for filing.~~
- ~~3) Company FEIN—Federal Employer Identification Number.~~
- ~~4) Informational Filings:
  - ~~A) Company Filing #—Number used to distinguish this informational filing from any other filing submitted to Illinois for filing. This number is limited to 15 characters. Do not use blank spaces in filing numbers. Blank spaces will be ignored.~~
  - ~~B) Category—The classification of the policy form taken from the coding guide (Exhibit B of this Part).~~
  - ~~C) Information Type—The characteristic abbreviation of the Informational Type taken from the Coding Guide (Exhibit B of this Part).~~~~
- ~~5) Company Contact Person—The individual's name who is most familiar with this informational filing.~~
- ~~6) Contact Person Phone Number—Telephone number of Contact Person.~~
- ~~7) Electronic Mail Identification Number where available.~~
- ~~8) Submittal Date—Date Informational Transmittal is sent to the Department.~~
- ~~9) If no related forms are required, as disclosed in Exhibit B of this Part, the transmittal is complete. If related forms are required, the following items must be completed.~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

A) ~~Related Previously Approved Filing #—Number used for previously approved/ filed form for which this informational filing relates.~~

B) ~~Related Previously Approved Form #—Identification of the previously approved policy form to which this information relates must be listed here.~~

~~Note: If the related previously approved filing # and form # are not listed on this transmittal, the informational filing will not be processed.~~

~~Note: Only one informational filing can be made per transmittal.~~

~~Note: Prior to January 1, 2001, when submitting more policy forms than the transmittal will allow, continue completing the same section on an additional form, including the information in items one through eight and the appropriate page number. As of January 1, 2001, the electronic process will allow any number of policy forms to be reported per Section.~~

~~INFORMATIONAL TRANSMITTAL~~

Page      of     

1) ~~COMPANY NAME~~ \_\_\_\_\_

2) ~~COMPANY CONTACT PERSON MAILING ADDRESS:~~

~~C/O~~ \_\_\_\_\_

~~STREET~~ \_\_\_\_\_

~~CITY~~ \_\_\_\_\_ ~~STATE~~ \_\_\_\_\_ ~~ZIP~~ \_\_\_\_\_

3) ~~COMPANY FEIN~~

4) A) ~~COMPANY FILING NUMBER~~ \_\_\_\_\_

B) ~~FILING CATEGORY~~ \_\_\_\_\_

C) ~~INFORMATIONAL TYPE~~ \_\_\_\_\_

5) ~~COMPANY CONTACT PERSON~~ \_\_\_\_\_

6) ~~CONTACT PERSON PHONE NUMBER~~ \_\_\_\_\_

7) ~~ELECTRONIC MAIL ID #~~

8) ~~SUBMITTAL DATE~~ \_\_\_\_\_

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

9A)

~~RELATED PREVIOUSLY  
APPROVED FILING #~~

9B)

~~RELATED PREVIOUSLY  
APPROVED FORM #~~



(Source: Repealed at 29 Ill. Reg. 4922, effective March 22, 2005)

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: High Technology School-to-Work Program
- 2) Code Citation: 14 Ill. Adm. Code 110
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
110.110	New Section
110.120	New Section
110.130	New Section
110.140	New Section
110.150	New Section
110.160	New Section
110.170	New Section
110180	New Section
110190	New Section
- 4) Statutory Authority: Implementing and authorized by the High Technology School-to-Work Act [20 ILCS 701].
- 5) Effective date of rulemaking: March 22, 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 rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: 28 Ill. Reg. 11634; August 13, 2004.
- 10) Has JCAR issued a Statement of Objection to these rules? 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 this rulemaking replace any emergency rules currently in effect? No
- 14) Are there any amendments pending on this Part? No.

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DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED RULES

- 15) Summary and purpose of rules: The proposed rulemaking establishes the rules governing the Department's administration of the High Technology School-to-Work Program.
- 16) Information and questions regarding these rules shall be directed to:

Ms. Jolene Clarke  
Rules Administrator  
Department of Commerce and Economic Opportunity  
620 East Adams Street  
Springfield, IL 62701  
217/557-1820

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

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF ADOPTED RULES

## TITLE 14: COMMERCE

## CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## PART 110

## HIGH TECHNOLOGY SCHOOL-TO-WORK PROGRAM

## SUBPART A: ADMINISTRATIVE REQUIREMENTS

## Section

110.10	General Purpose
110.20	Definitions
110.30	Legal Requirements

## SUBPART B: HIGH TECHNOLOGY SCHOOL-TO-WORK GRANT PROGRAM

110. 110	Purpose
110. 120	Coordination With Economic Development Activities
110. 130	Eligible Applicants
110. 140	Authorized Activities
110. 150	Allowable Costs
110. 160	Proposal Content
110. 170	Review Criteria and Negotiation Procedures
110. 180	Limitations
110. 190	Reporting

AUTHORITY: Implementing and authorized by the High Technology School-to-Work Act [20 ILCS 701].

Source: Adopted at 29 Ill. Reg. 4976, effective March 22, 2005.

## SUBPART A: ADMINISTRATIVE REQUIREMENTS

**Section 110.10 General Purpose**

*There is a need to increase the number of secondary and post secondary students that prepare for and enter high technology occupations in Illinois. The purpose of the High Technology School-to-Work Program is to increase the number of students exiting secondary and postsecondary schools that enter occupations and advanced educational programs that require advanced skills in the areas of science, mathematics, and advanced technology. (Sections 5(5) and 15 of the Act)*

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF ADOPTED RULES

**Section 110.20 Definitions**

"Act" means the High Technology School-to-Work Act [20 ILCS 701].

"Department" means the Department of Commerce and Economic Opportunity.

"Director" means the Director of the Department of Commerce and Economic Opportunity

*"High technology occupations" means scientific, technical, and engineering occupations including, but not limited to, the following occupational groups and detailed occupations: engineers; life and physical scientists; mathematical specialists; engineering and science technicians; computer specialists; and engineering, scientific, and computer managers. (Section 10 of the Act)*

*"Local partnership" means a cooperative agreement between one or more employers, including employer associations, and one or more secondary or postsecondary schools established to operate a High Technology School-to-Work project. The partnerships must be employer-led and designed to respond to the high technology skill requirements of participating employers. (Section 10 of the Act)*

"Student Participants" means secondary and post secondary students in 9<sup>th</sup> grade or higher.

**Section 110.30 Legal Requirements**

- a) Any entity awarded a High Technology School-to-Work Grant shall be required to execute a grant agreement that sets forth the rights and responsibilities of the grantee and the Department. The Grant Agreement shall reflect all applicable State and federal statutory and administrative requirements, including but not limited to provisions covering the expenditure of grant funds and utilization of property purchased with grant funds.
- b) When a grant has been awarded, the grantee and the Department shall execute an Agreement. The Agreement shall be executed by the grantee and the Director of the Department or the Director's designee on behalf of the Department. The Agreement shall contain substantive provisions including, but not limited to, the following:

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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- 1) A recitation of legal authority under 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 by, 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 on the notice of grant award 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 Grant 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 program.

## SUBPART B: HIGH TECHNOLOGY SCHOOL-TO-WORK GRANT PROGRAM

**Section 110.110 Purpose**

Subject to appropriation, the Department shall make grants to *local partnerships that provide students with work experience in high technology occupations combined with related classroom instruction. Employers and educators must cooperatively adopt or develop, or both, skills standards, curricula, and assessment tools. Skills standards must be current with high performance workplaces and technology requirements.* (Section 25 of the Act)

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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**Section 110.120 Coordination With Economic Development Activities**

*The Department must coordinate the administration of the High Technology School-to-Work Program, including the targeting of projects, with the Department's technology related planning and economic development initiatives administered by the Department's Bureau of Technology and Industrial Competitiveness. (Section 20 of the Act)*

**Section 110.130 Eligible Applicants**

Local partnerships are eligible applicants for grants under the High Technology School-to-Work Grant Program. The program must include a partnership between employers or employer-based intermediary organizations and one or more schools. Business involvement in the High Technology School-to-Work Program ensures that the training activities are responsive to industry needs and that the skill standards are current with high-performance workplace and technology requirements.

**Section 110.140 Authorized Activities**

In general, authorized activities shall include, but not be limited to, establishing, coordinating and administering High Technology School-to-Work projects. Grant recipients typically engage in a variety of activities such as:

- a) *designing in-school and related work-based curricula;*
- b) *training teachers;*
- c) *training work site supervisors and mentors;*
- d) *developing instructional materials;*
- e) *coordinating activities among the partners;*
- f) *outreach and recruitment of students;*
- g) *developing assessment tools;*
- h) *providing vocational counseling to student participants;*
- i) *completing project related administrative activities; and*

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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- j) *evaluating the project.* (Section 25 of the Act)

**Section 110.150 Allowable Costs**

*Subject to the limitations in Section 35 of the Act, grant funds shall be used for any reasonable and necessary expenses associated with the planning and operation of a high technology school-to-work project, as agreed to by the Department and as specified in the Grant Agreement.*

*(Section 30 of the Act) To be an allowable grant cost, expenses must be for an extraordinary cost incurred due to the High Technology School-to-Work project. (Section 35 of the Act) Such costs may include reimbursement for expenses for:*

- a) personal services;
- b) fringe benefits;
- c) travel;
- d) equipment;
- e) supplies;
- f) rent/facilities costs;
- g) contractual services; and
- h) other costs, as agreed upon by the Department and as specified in the Grant Agreement.

**Section 110.160 Proposal Content**

Subject to appropriations, the Department shall issue instructions and formats to eligible applicants for the submittal of grant proposals in advance of each funding cycle. The proposal shall contain sufficient information to clearly explain the nature and potential benefits of the proposed project. The proposal will generally include the following sections:

- a) an executive summary;
- b) a description of the targeted industries, occupations and skills that demonstrate that they are high technology in nature as required by Section 110.20 of this Part;

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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- c) a description of the local partnership, including the roles of the employers or employer-associations and the schools in establishing, coordinating, and administering the High Technology School-to-Work project;
- d) a detailed description of the secondary and postsecondary students who will be recruited to participate in the High Technology School-to-Work project, including:
  - 1) a description of who will be responsible for recruiting students to participate in the High Technology School-to-Work project;
  - 2) a description of how the students will be chosen to participate in the High Technology School-to-Work project;
  - 3) a description of the applicant's plan to recruit women and minority students to participate in the High Technology School-to-Work project;
- e) a description of the school-based and work-based activities proposed by the applicant to be undertaken during the period of performance of the grant;
- f) a schedule for the implementation of proposed activities;
- g) a description of the measurable outcomes and objectives to be achieved during the period of performance for the grant;
- h) a budget requesting grant funds for allowable costs and a justification for all costs requested; and
- i) a description of the qualifications and related experience of key project staff.

**Section 110.170 Review Criteria and Negotiation Procedures**

Grant proposals shall be reviewed on a competitive basis. Based on the competitive review, applicants shall be selected to enter into negotiations with the Department for a grant. The purpose of negotiations shall be to arrive at mutually acceptable grant provisions, which will be reflected in the Grant Agreement, including general, budgetary, and scope-of-work provisions. *The final decision to make a grant award will be made by the Director of the Department. The Department shall use the following criteria when reviewing grant proposals and making awards:*

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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- a) *the appropriateness of the targeted industries and occupations;*
- b) *the appropriateness of the targeted student population;*
- c) *the efforts to recruit female and minority students into the project;*
- d) *the strength of the local partnership and private sector involvement;*
- e) *the related experience and qualifications of the project staff;*
- f) *the quality of the project work plan;*
- g) *the proposed project costs in relationship to planned outcomes;*
- h) *the relationship of the project to the Department's economic development plans and initiatives;*
- i) *the geographic distribution of grant awards throughout the State; and*
- j) *the quality of presentations made to the Department, if the Department requests information. (Section 45 of the Act)*

**Section 110.180 Limitations**

Grants are subject to the following limitations:

- a) *Grant funds may not be used for stipends or wages paid to students during the work-based project activities.*
- b) *Grant funds may not be used to pay the wages of teachers working in short-term, part-time, internship, or similar work experience arrangements with private employers designed to provide teachers with experience in an industry. (Section 35 of the Act)*

**Section 110.190 Reporting**

An entity receiving a grant shall report financial and programmatic data to the Department on a regular basis using the format provided by the Department. The Department shall require quarterly reporting of expenditures and program achievements at a level of detail sufficient to provide for program accountability.

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF ADOPTED RULES

- a) Expenditures: Unless otherwise specified in the Grant Agreement, an entity receiving a grant shall report actual expenditures using the expenditure report format supplied by the Department. Expenditure summaries are to be submitted to the Department by the 15<sup>th</sup> day following the end of each fiscal quarter in which any expenditure of grant funds is made.
- b) Program Report: Unless otherwise specified in the Grant Agreement, an entity receiving a grant shall submit a program report in a format provided by the Department. The program report shall include a narrative describing the entity's progress towards achieving objectives and activities as specified in the Grant Agreement. Program reports shall be submitted to the Department by the 15<sup>th</sup> day following the end of each fiscal quarter.

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Local Tourism and Convention Bureau Program
- 2) Code Citation: 14 Ill. Adm. Code 550
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
550.10	Repeal
550.20	Repeal
550.30	Repeal
550.40	Repeal
550.50	Repeal
550.60	Repeal
550.70	Repeal
550.80	Repeal
- 4) Statutory Authority: Implementing Section 605-705 of the Civil Administrative Code of Illinois [20 ILCS 605/605-705] and Section 8.25 of the State Finance Act [30 ILCS 105/8.25] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].
- 5) Effective date of rulemaking: March 22, 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 repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: 28 Ill. Reg. 16050; December 17, 2004
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? N/A
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF ADOPTED REPEALER

- 16) Summary and purpose of repealer: These rules govern our Local Tourism and Convention Bureau grant program, which provides grants to local tourism organizations to promote tourism in their assigned areas. The agency has found in the 20 years since the program came into effect that many changes need to be made to the rules to reflect modern business practices, travel trends, etc. This repealer was accompanied by a companion rulemaking, which contains the new version of the rules
- 16) Information and questions regarding this adopted repealer shall be directed to:

Ms. Jolene Clarke  
Rules Administrator  
Department of Commerce and Economic Opportunity  
620 East Adams Street  
Springfield IL 62701  
217/557-1820

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Local Tourism and Convention Bureau Program
- 2) Code Citation: 14 Ill. Adm. Code 550
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
550.10	New Section
550.20	New Section
550.30	New Section
550.40	New Section
550.50	New Section
550.60	New Section
550.70	New Section
550.80	New Section
- 4) Statutory Authority: Implementing Section 605-705 of the Civil Administrative Code of Illinois [20 ILCS 605/605-705] and Section 8.25 of the State Finance Act [30 ILCS 105/8.25] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].
- 5) Effective date of rulemaking: March 22, 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 rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: 28 Ill. Reg.16026; December 17, 2004
- 10) Has JCAR issued a Statement of Objection to these rules? 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 this rulemaking replace any emergency amendments currently in effect? No

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF ADOPTED RULES

- 14) Are there any amendments pending on this Part? No
- 17) Summary and purpose of rules: These rules govern our Local Tourism and Convention Bureau grant program, which provides grants to local tourism organizations to promote tourism in their assigned areas. The agency has found in the 20 years since the program came into effect that many changes need to be made to the rules to reflect modern business practices, travel trends, etc. This rulemaking is accompanied by a companion repealer. Following is a summary of the substantive changes contained in this rulemaking:
- Added a Definition of “Sponsorship” to ensure that grantees do not use pass-through funds to generate false grant match. Sponsorship funds can now only be used as match if the LTCB materially participates in the event for which the sponsorship is given.
  - Updated the base year for calculating maximum grants to FY05. The current base year is 1998. The formula for determining the maximum grant remains the same.
  - Divided the certification and application process into separate sections to eliminate confusion between the two steps necessary to gain LTCB funding.
  - Allows organizations that have been in the business of promoting tourism for at least two years to seek entry into the LTCB program. The current rules prohibit entry unless the organization was in existence in 1985, effectively barring all new entrants.
  - Allows advertising to be placed within 50 miles of the event or attraction being promoted. The current rule is 100 miles. This change is based on research that shows overnights stays are often generated from travelers who come from much less than 100 miles away.
  - Updates all bidding requirements applicable to LTCBs to reflect the latest CMS procurement guidelines. For example, if grant payments to a single vendor exceed \$10,000 for commodities or \$20,000 for services, at least two bids are required. The current rules require two bids anytime payments exceed \$5,000.
  - Placed limits on grant funding of printed materials for promotion of local festivals and events. If the print project is paid for from grant funds, grantees are required to attract at least 25 percent of their visitors from outside 50 miles and 75 percent of their advertising must be distributed outside 50 miles. The change is necessary to ensure that grantees do not market local festivals that have no tourism component.
  - In a related change, we are also allowing grantees who can demonstrate that at least 25 percent of their overnight stays are being generated from visitors who live less than 50 miles away from an event or attraction (e.g., Woodfield Mall) to spend a corresponding percentage of their marketing funds targeting those travelers. Again, we are simply trying to ensure that grant funds are being used in a manner that maximizes hotel stays.
  - We have updated the audit requirements to meet agency guidelines. Audits are now required of all grantees receiving more than \$500,000 (previously \$300,000).

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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- We currently require two signatures on all checks written from grant funds. This is often unworkable for the CVBs. The new rules require two signatures on all checks over \$500. Language regarding filing dates of quarterly and other reports has been removed from the rules. We now reference the grant agreement for filing dates. This allows us to change filing dates without a rules change if Accounting or the Comptroller's Office changes their end-of-fiscal-year deadlines.

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

Ms. Jolene Clarke  
Rules Administrator  
Department of Commerce and Economic Opportunity  
620 East Adams Street  
Springfield IL 62701  
217/557-1820

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

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF ADOPTED RULES

## TITLE 14: COMMERCE

## SUBTITLE C: ECONOMIC DEVELOPMENT

## CHAPTER 1: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## PART 550

## LOCAL TOURISM AND CONVENTION BUREAU PROGRAM

## Section

550.10	Purpose
550.20	Definitions
550.30	Allocation of Appropriations to Grantees
550.40	Certification Process
550.50	Grant Application Process
550.60	Program Requirements
550.70	Administrative Match Requirements
550.80	Contractual Requirements

**AUTHORITY:** Implementing Section 605-705 of the Civil Administrative Code of Illinois [20 ILCS 605/605-705] and Section 8.25 of the State Finance Act [30 ILCS 105/8.25] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].

**SOURCE:** Adopted at 9 Ill. Reg. 4775, effective April 4, 1985; amended at 12 Ill. Reg. 2226, effective January 19, 1988; amended at 14 Ill. Reg. 5091, effective March 20, 1990; emergency amendment at 14 Ill. Reg. 5565, effective March 28, 1990, for a maximum of 150 days; emergency expired August 25, 1990; amended at 14 Ill. Reg. 18746, effective November 9, 1990; amended at 15 Ill. Reg. 1798, effective January 29, 1991; emergency amendment at 15 Ill. Reg. 10498, effective June 26, 1991, for a maximum of 150 days; emergency expired November 23, 1991; amended at 16 Ill. Reg. 3464, effective February 20, 1992; amended at 16 Ill. Reg. 14628, effective September 14, 1992; amended at 19 Ill. Reg. 1808, effective February 7, 1995; amended at 21 Ill. Reg. 9732, effective July 11, 1997; amended at 22 Ill. Reg. 10425, effective June 6, 1998; emergency amendment at 25 Ill. Reg. 9629, effective July 9, 2001, for a maximum of 150 days; emergency expired November 27, 2001; old Part repealed and new Part adopted at 29 Ill. Reg. 4988, effective March 22, 2005.

**Section 550.10 Purpose**

Section 605-705(a) of the Civil Administrative Code of Illinois [20 ILCS 605/605-705(a)] authorizes a program for the establishment of grants with local tourism and convention bureaus from the Convention and Local Tourism Account in the Tourism Fund. The intent of the program is to generate increased hotel/motel occupancy and travel into and throughout the State

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF ADOPTED RULES

of Illinois impacting the economic growth of the tourism industry. This Part establishes rules for the implementation and administration of the Local Tourism and Convention Bureau Program.

**Section 550.20 Definitions**

"Act" – means Section 605-705(a) of the Civil Administrative Code of Illinois [20 ILCS 605/605-705(a)] that establishes a grant program to be referred to as the Local Tourism and Convention Bureau Program.

"Applicant" – means a not-for-profit organization or unit of local government that meets the eligibility requirements.

"Application" – means the written request submitted by an applicant requesting to be a certified local tourism and convention bureau and requesting grant funds authorized by the Act.

"Bureau" – means a certified local tourism and convention bureau.

"Chief Executive Officer" – means a full-time (at least 35 hours per week), paid professional of a bureau authorized and qualified to manage and implement a bureau's marketing plan and fulfill all requirements under an LTCB grant whose sole function shall be to promote tourism development within the bureau's designated service area.

"Commodities" – means supplies and materials, including premiums, office products, equipment and printing.

"Department" – means the Department of Commerce and Economic Opportunity.

"Department Logo" – means a form of recognition as stipulated and supplied by the Department to identify a promotional project/product as being produced in whole or in part through grant funds from the Department.

"Director" – means the Director of the Department of Commerce and Economic Opportunity.

"Feasibility Study" – means a study to determine if a tourism promotional project will result in an increase in overnight stays and visitor travel and if the promotional project is capable of being successfully completed.

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"Fiscal Year" – means each period of July 1 through June 30, the fiscal year of the State of Illinois.

"Fiscal Year Marketing Plan" – means the planned program of tourism promotional activities for the fiscal year, including goals, objectives, strategies, anticipated results, and performance measures.

"Grant Agreement" – means the executed agreement between the grantee and the Department defining their respective rights and obligations with regard to the awarding of grant funds.

"Grantee" – means a bureau receiving LTCB Program funds from the Department for purposes of promoting tourism in a designated geographic area of the State.

"Illinois Bureau of Tourism (IBOT)" – means the division of the Department that has statutory authority to establish, develop, and implement a grant program for local tourism and convention bureaus.

"In-Kind Contributions" – means donated services, donated space, donated equipment, services of volunteers, services in lieu of cash or any non-monetary item.

"Market Research" – means to research potential economic impact on the grantee's service area, including but not limited to researching recruitment of present and future target markets, such as leisure and business travelers and visitor distribution.

"Matching Funds" – means that portion of the Project Budget Plan that is required to be provided by the grantee.

"Municipality" – means "municipality" as defined in Section 1-1-2(1) of the Illinois Municipal Code [65 ILCS 5/1-1-2(1)].

"Pass-Through Funds" – means funds received by a bureau from a local entity within its designated geographic service area that are designated for payment of any expenses incurred without proportionate value, either programmatically or financially, being added by the bureau.

"Population Served" – means the population of the bureau's designated service area according to the latest certified census figures.

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"Premium Items" – means tourism promotional items purchased with grant funds and distributed or disseminated at no cost for tourism promotional purposes, including but not limited to tee-shirts, pins, hats, travel packages, and award plaques.

"Program" – means the Local Tourism and Convention Bureau (LTCB) Program.

"Project Budget Plan" – means an itemized budget category breakdown of planned grant and match expenditures associated with the activities described in the Fiscal Year Marketing Plan.

"Promotional Projects" – means Department approved tourism promotional activities that are designed to encourage tourism as described in the Fiscal Year Marketing Plan.

"Service Area" – means a designated geographic area for which the bureau is certified to provide tourism promotional services.

"Services" – means the furnishing of labor by a vendor not involving the delivery of a tangible product other than accompanying reports, designs, logos, or similar artistic services.

"Sponsorship" – means a financial contribution made by a bureau to another entity for the purpose of attracting or retaining an event that will generate tourism in the designated service area.

"Tourism" – means travel by either State residents or out-of-state visitors traveling away from home overnight in paid accommodations or on day trips to places 50 miles or more from the visitor's home.

"Travel/Trade Show" – means an exhibit/marketplace of travel-related products and/or services.

"Unit of Local Government" – means a county, municipality, or township having authority to enact laws and ordinances, administer laws and ordinances, and raise taxes or spend public funds.

**Section 550.30 Allocation of Appropriations to Grantees**

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In accordance with the Act, annual appropriations made by the General Assembly to the Department for the purpose of this program are allocated as follows:

- a)  $\frac{1}{3}$  of the annual appropriation shall be used for grants to bureaus located within Chicago; and
- b)  $\frac{2}{3}$  of the annual appropriation shall be used for grants to bureaus located throughout the remainder of the State. Subject to the cap set forth below, these funds will be distributed based on a formula containing the following weighted factors: 5% population of the bureau service area; 30% food/beverage tax collected in the bureau service area; and 65% of the State's hotel/motel tax collected in the bureau service area during the prior calendar year.
- c) With the exception of bureaus located in Chicago, no bureau shall receive a grant in excess of \$720,000 in State fiscal year 2005. Each fiscal year thereafter, the cap shall be raised or lowered by the same percentage change that is made to the Department's appropriation to the Program, using State fiscal year 2005 as the base year.

**Section 550.40 Certification Process**

- a) Notification. Each year on or about January 1, the Department shall publish three times within a 10-day period, in the official State newspaper, a notification that includes the following:
  - 1) Availability of funds under the LTCB program as of July 1;
  - 2) That applicants must contact the Department to obtain certification criteria and forms; and
  - 3) That applicants must submit their request for certification by March 31. The Director shall not waive this submittal deadline unless the Director finds that to do so would:
    - A) Allow the Department to further the purposes of the Program;
    - B) Allow the Department to consider funding of an applicant that is otherwise eligible under the Program; and

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- C) Prevent loss of representation and promotional services to a designated geographic area of the State. The Director's waiver must be in writing to be effective.
- b) Eligibility Criteria for Previously Certified Applicants. Previously certified applicants must meet all of the following criteria to be re-certified as eligible to receive LTCB funds:
- 1) Be either a unit of local government or incorporated as a not-for-profit organization in good standing with applicable State authorities, including, but not limited to, the Illinois Secretary of State, Illinois Department of Revenue, Illinois Department of Labor, and the Office of the Illinois Attorney General;
  - 2) Employ a full-time (minimum of 35 hours per week) paid professional Chief Executive Officer; and
  - 3) Have been in legal existence for a minimum of two years, representing one county or contiguous counties or one or more municipalities, and receive hotel-motel tax receipts from one or more municipalities or counties in the applicant's proposed service area.
- c) Eligibility Criteria for New Applicants. Applicants requesting certification for the first time must satisfy the criteria described in subsections (b)(1) and (b)(2), as well as the following criteria:
- 1) Have been in legal existence for a minimum of two years with paid full-time tourism staff whose sole purpose is to promote tourism in the designated service area;
  - 2) Receive local hotel/motel tax receipts from multiple municipalities in the applicant's proposed service area; and
  - 3) Represent more than one municipality or contiguous counties in the applicant's proposed service area.
- d) Service Area for New Applicants. A new applicant will be certified to represent an area that is encompassed in an existing grantee's designated service area if:

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- 1) Documentation has been provided showing that the proposed area has provided substantial financial support to the existing grantee and received unsatisfactory representation; or
  - 2) The new applicant and the existing grantee provide a copy of a written mutual agreement supporting the new applicant's proposed service area and demonstrate support from the governing bodies of municipalities or counties in the proposed service area that it is in the best interest of the Program to create a new local tourism and convention bureau.
- e) Required Documentation
- 1) Previously Certified Applicants. Previously certified applicants must submit the following materials to be re-certified:
    - A) A request for certification;
    - B) Documentation verifying the applicant is an Illinois not-for-profit entity in good standing on the date of application with applicable State authorities, including, but not limited to, the Illinois Secretary of State, Illinois Department of Revenue, Illinois Department of Labor, the Office of the Illinois Attorney General, or, if a unit of local government, a statement/resolution signed by the head of the unit of local government that the bureau represents;
    - C) A copy of current by-laws and a listing of names of the members of the board of directors or other governing board;
    - D) A summary of tourism related experience and duties of the chief executive officer;
    - E) A statement listing the municipalities or counties included in the applicant's proposed service area, including a current letter from the governing bodies of each of these entities indicating that the applicant is recognized as their tourism promotion organization;
    - F) A complete listing of hotels/motels collecting the State's hotel/motel tax (including addresses and telephone numbers) within the applicant's proposed service area, as well as the number of rooms/units in each; and

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- G) A statement by the applicant's fiscal officer, accountant, or treasurer of local funds specifying the local hotel/motel tax revenues and/or other funding received/projected by the bureau that can be used for matching funds.
- 2) New Applicants. Applicants that have not been previously certified must submit the following to be considered for certification:
- A) A request for certification;
  - B) Documentation verifying the applicant is an Illinois not-for-profit entity and has been in good standing on the date of application with either the Illinois Secretary of State or the Office of the Illinois Attorney General for a minimum of two years, under the applicable incorporation laws, or if a unit of local government, a statement/resolution signed by the head of the unit of local government the applicant represents;
  - C) A copy of current by-laws and a list of board members or governing board representative of the applicant's proposed service area;
  - D) A description of efforts to further the growth of the State's travel industry as evidenced by previous promotional and marketing activities (e.g., copies of published advertisements, brochures or pamphlets used to promote tourism) used by the convention and visitors bureau during the two years prior to the request for certification;
  - E) A statement that it has demonstrated its commitment to tourism by operating a convention and visitors bureau with paid full-time staff dedicated solely to promoting tourism within the designated service area for a minimum of two years prior to requesting certification;
  - F) A statement that it employs a full-time professional paid chief executive officer;

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- G) A statement listing the municipalities or counties in its service area;
  - H) A complete listing of hotels/motels collecting the State's hotel/motel tax (including addresses and telephone numbers) within its service area and the number of rooms/units in each;
  - I) A statement certified by the applicant's fiscal officer, accountant, or treasurer specifying the local hotel/motel tax revenues and/or other government funding received/projected and/or expended by the bureau in the fiscal year prior to certification that can be used for match for the State grant; and
  - J) If the proposed area is currently served all or in part by a grantee, documentation must be provided demonstrating that the area has provided financial support to the grantee but received unsatisfactory representation, or the new applicant and grantee must provide a copy of a written agreement stating that it is in the best interest of tourism to create a new convention and visitors bureau.
- f) Certification Determinations/Denials. Prior to May 31, the Department shall send notice to each applicant informing the applicant of its certification status.
- 1) When a single applicant seeks certification for a designated service area and has submitted all required documentation, and the documentation meets the approval of the Department, the applicant shall be certified by the Department. The Department shall send notification of certification that includes the amount of funds available and a request for application (RFA) for grant funds.
  - 2) When more than one applicant seeks certification for an identical service area, with the exception of the City of Chicago, the Department shall send each applicant a request for proposal (RFP), which must be returned to the Department within 30 days and shall provide the following information:
    - A) Applicant's background, organization, experience and staff qualifications;

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- B) A detailed marketing plan that includes a description of activities contemplated by the applicant, objectives (long and short-term), methodology used to measure program effectiveness, intended audience, distribution targets for promotional materials, and a projected economic impact and benefit to tourism; and
  - C) Any marketing or feasibility studies in support of the plan.
- 3) Within 15 days after receipt of the RFPs, the Department shall notify in writing each applicant as follows:
- A) The Department shall send written notification of certification, amount of funds available, and an RFA for grant funds to the certified bureau, and notify all other applicants that their applications have been denied.
  - B) Denied applicants shall have the right to appeal the Department's certification decision to the Director within 10 calendar days after the date of the denial notice. The request for review shall be submitted in writing to the Department and shall set forth the reasons for appeal and any additional tourism-related information the applicant chooses to submit in support of its appeal. The Director shall render a decision within 15 days after receipt.
- 4) A previously certified applicant found to be in substantial noncompliance with the terms and conditions of the grant agreements issued in the prior two years may be considered for certification only if the applicant has submitted a plan for corrective action, satisfactory to the Department, by the earlier of 45 days from notification by the Department of material noncompliance or March 31 (certification request deadline).
- g) Denial of New Applicants. The Department shall reserve the right to deny certification to a new applicant if the Department determines that certification is not in the best interest of the Program. In making this determination, the Department shall consider: the size of the proposed service area and whether any portion of the proposed service area is currently serviced by another tourism entity.
  - h) Denial of Previously Certified Applicants. The Department may deny certification to a previously certified applicant with a new service area if the

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Department determines that to certify the new service area is not in the best interest of the Program. In making this determination, the Department shall consider such factors as: the size of the proposed service area; the historic tourism promotional relationship between the applicant's previous service area and the new service area; and whether any portion of the new service area is currently serviced by another bureau. The Department may recertify an applicant's previous service area if the Department determines that the tourism objectives of the new service area are not consistent with the tourism objectives of the applicant's previous service area.

**Section 550.50 Grant Application Process**

- a) Application by Bureaus for Funds Under the Act:
  - 1) All bureaus shall complete an application for funding. The bureau shall retain one copy and submit one original and three copies of the application to the Department's Springfield address. Failure to provide any information requested in the application will result in the application not being processed. A bureau's application for funding under the Local Tourism and Convention Bureau Program shall include the following information:
    - A) Name and signature of the bureau's chief executive officer, salary, and length of employment with the bureau;
    - B) A Marketing Plan detailing all activities to be initiated through the LTCB grant during the fiscal year;
    - C) Area to be served, such as municipalities, counties, etc.;
    - D) Project Budget Plan itemizing budget expenditure activities proposed for LTCB grant and eligible match monies;
    - E) Line-item breakout of source of local match funds;
    - F) A certified statement, from the authorized official of the municipalities or counties that support the bureau with local hotel/motel taxes, specifying the amount of local hotel/motel tax that will be provided to the bureau during the fiscal year for the

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bureau's use and expenditure on eligible program activities and for match for the State grant;

- G) Name of the financial institution that will serve as the depository for LTCB grant and match funds;
  - H) Fund account number for LTCB grant and match funds; and
  - I) Names, titles, and sample signatures for those persons who will be required to authorize all account transactions, with a minimum of two signatures required.
- 2) Upon receipt of applications from bureaus, the Department shall review the applications and:
- A) Grant the full amount requested; or
  - B) Ask for additional information to clarify or document the information contained in the application; and/or
  - C) Reduce the amount of grant funds requested if there are insufficient match funds, or the projects presented in the Marketing Plan do not focus on important tourism promotional activities and have little substance, i.e., no media promotions planned, no promotional materials being developed, the projects are not reasonable and are not consistent and workable, and the bureau cannot effectively carry out the projects. In the event that funding of a grant request is reduced, the bureau may appeal to the Director of the Department within 10 days after notification. The request for review shall be submitted in writing to the Director and shall contain the reasons for appeal and any additional tourism related information the bureau chooses to submit in support of its appeal. The Department shall notify the bureau in writing of the Director's decision within 15 days after receipt of the appeal.

**Section 550.60 Program Requirements**

- a) Fiscal Year Marketing Plan and Project Budget Plan Approval

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- 1) A Fiscal Year Marketing Plan and detailed Project Budget Plan identifying proposed tourism promotional activities and associated administrative expenditures utilizing LTCB grant and match funds shall be submitted by the applicant as a part of the application.
  - 2) Salaries and related payroll expenses for the program year paid with LTCB grant funds shall not exceed 50% of the total grant funds awarded.
    - A) 100% of tourism sales/promotion staff persons salary may be applied toward the 50% cap.
    - B) 50% of the Chief Executive Officer's salary may be applied toward the 50% cap.
  - 3) Grantees are prohibited from hiring any immediate family member of staff or of a board member who is involved in the hiring decision of staff if grant or match funds are utilized to pay the family member's salary. Immediate family members include the spouse, mother, father, daughter, son, or siblings and their children.
- b) Promotional Projects Paid from LTCB Grant Funds
- 1) Promotional Costs. Promotional costs shall total at least 90% of the grant funds awarded.
  - 2) Bids/Proposals. When the amount paid to any one vendor for a project totals \$10,000 or more for commodities, or \$20,000 or more for services, a minimum of two bids using identical specifications shall be obtained and the grantee shall select the lowest qualified bidder for commodities and the most qualified proposer for services. Evidence of compliance with this subsection (i.e., copies of at least two bid proposals) shall be retained by the grantee for review by the Department.
  - 3) All promotional products produced with grant funds shall incorporate the current Department logo, which identifies the Department's participation in the tourism promotional activity. A grantee that fails to include the Department logo shall reimburse the Department for grant funds used in support of the project unless the Department finds that the omission of the logo was beyond the grantee's control.

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- 4) The print date and quantity printed shall appear on all brochures.
- 5) The grantee shall be responsible for the accuracy of information contained within material produced with grant funds.
- 6) All printed promotional materials and premium items that are produced with grant funds shall be available free of charge.
- 7) Within 30 days after completion of a printing project, but only upon the Department's request, up to 10% of the materials printed must be sent to the Department's tourist information centers.
- 8) Costs identified under this Program shall not be claimed for any other project funded by the Department.
- 9) Examples of eligible promotional activities include, but are not limited to:
  - A) Production of printed materials, e.g., brochures, visitor guides, rack cards, and/or maps that promote:
    - i) the entire destination;
    - ii) multiple attractions within a destination; or
    - iii) a festival or event that will attract a minimum of 25% of its visitors from outside a 50-mile radius and that has been advertised, with at least 75% of promotion outside a 50-mile radius. This third provision may be waived at the Department's discretion if documentation is submitted to show that the destination or event attracts more than 50 percent of its overnight stays from within a 50-mile radius;
  - B) Travel/trade show booth space rental, purchase of booth, registration fees, and/or associated travel expenses (transportation, lodging, per diem at State rate) for a maximum of two bureau staff. Justification is required for additional people to attend;
  - C) Hosting of familiarization tours;

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- D) Placement and production costs of Internet, newspaper, magazine, radio, or television advertising to promote travel to the area. Advertising shall be distributed outside a 50-mile radius of the promoted destination or event. Bureaus that provide documentation to the Department that at least 25% of their overnight visitors are from within a 50-mile radius may place that documented percentage of their advertising dollars for distribution within the 50-mile radius of the destination or event. Advertising placed in the cities of Chicago or St. Louis that is circulated to the entire distribution area does not require the above documentation;
- E) Membership dues for travel/tourism related associations or organizations;
- F) Billboards utilized for tourism promotion, including design/installation of advertising and rental of space;
- G) Premiums for tourism promotional purposes bearing the Department logo;
- H) Production of tourism promotional videos;
- I) Salaries;
- J) Postage used in fulfillment and direct mail promotions;
- K) Marketing research studies;
- L) Telephone charges related to provision of tourism products/services information;
- M) Internet sites that are linked to IBOT's web site and;
- N) Sponsorships that are evidenced by a prior written agreement between IBOT and the recipient entity describing the activities to be undertaken with the sponsorship. Sponsorship funds may be used for reasonably necessary event expenses, provided, however, that:

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- i) No more than 50% of the sponsorship amount comes from grant funds, the balance being paid from matching funds; and
- ii) Sponsorship funds are expended on eligible promotional activities.

A sponsorship may be disallowed in whole or in part as an eligible grant promotional or match expenditure if it is determined by the Department that the purpose of entering into the sponsorship was to circumvent the prohibition against "pass-through funds".

- 10) Bureaus must retain documentation regarding all revenue sources and expenditures from grant or match funds claimed in conjunction with the Program. This documentation shall include, but is not limited to, original invoices, original cancelled checks, proof of performance, bids, schedules of travel expenses, and any other information needed to clarify Program reports. With regard to proof of performance, examples include brochures, the full tear sheet for advertisements (the name and date of the publication appearing on the advertisement or a copy of the publication), samples of promotional items, and photos of billboards and street banners. The Department logo on each proof of performance must be easily readable.
- 11) Examples of activities ineligible for payment from grant promotional funds include, but are not limited to:
  - A) Any administrative/operational expenses (copying, insurance, audits, accounting services, rent, office supplies, equipment, normal office postage, and non-promotional telephone expenses);
  - B) Purchase of any alcoholic beverage;
  - C) Feasibility studies; and
  - D) Salaries of administrative or clerical support staff.
- 12) Grant funds cannot be used by a bureau to complete a promotional project if those funds will allow the bureau to realize a profit on that promotional project (e.g., revenues from all sources exceed the cost of the promotional

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project). Bureaus must keep records documenting all costs incurred and revenue generated from any promotional project containing paid advertising.

- c) Administrative Activities/Expenditures
  - 1) Administrative costs shall be limited to 10% of the grant funds awarded. Examples of projects eligible for payment from grant administrative funding include, but are not limited to:
    - A) Administrative expenses (copying, normal office postage, insurance, audits, accounting services, phone, rent, office supplies, or equipment lease/rental) associated with tourism promotional activities of the bureau; and
    - B) Salaries of bureau administrative or clerical support staff.
  - 2) Examples of activities/expenditures ineligible for payment from the grant administrative funds include, but are not limited to:
    - A) Lease/purchase agreements for any items;
    - B) Purchase of equipment;
    - C) Purchase of any alcoholic beverage;
    - D) Feasibility studies; and
    - E) Penalties, fines, fees or interest charges assessed as a result of late payment.
- d) All project activities shall be subject to prior approval as stated under subsection (a) of this Section.

**Section 550.70 Administrative Match Requirements**

Matching Funds. Each grantee must provide match for grant funds received under the Program. Match expenditures must equal or exceed grant funds expended, as well as any interest earned on grant funds that is also expended. If a grantee fails to match any portion of the grant award in a given fiscal year, that portion of the grant shall be refunded to the Department in accordance

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with the terms of the Grant Agreement. In-kind contributions shall not be used to satisfy match requirements.

- a) Eligible matching funds must satisfy all of the following criteria:
  - 1) Be provided to the grantee for general tourism promotional purposes in the designated service area;
  - 2) Be identified in the grantee's Project Budget Plan for the applicable fiscal year;
  - 3) Be available for expenditure during the applicable grant term;
  - 4) Be supported by grantee's records of deposit;
  - 5) Be expended by the grantee solely for eligible tourism promotional activities and associated administrative costs; and
  - 6) Not be refunded to the provider of the match.
- b) Eligible Sources of Matching Funds. The following sources may be used as match for grant funds:
  - 1) Local hotel/motel tax receipts;
  - 2) Membership dues;
  - 3) Interest on local monies available for expenditure on tourism promotional activities;
  - 4) Cash contributions meeting all requirements of subsection (a); and
  - 5) Federal funds provided directly to the grantee for tourism promotional purposes that do not require match.
- c) Ineligible Sources and/or Expenditures of Matching Funds. These include, but are not limited to:
  - 1) In-kind contributions;

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- 2) State or federal funds other than those allowed in subsection (b)(5);
- 3) Monies used as match for other State or federal grants;
- 4) Penalties, fines, fees, or interest charges assessed as a result of late payment;
- 5) Pass-through funds; and
- 6) Any purchase of alcoholic beverages.

**Section 550.80 Contractual Requirements**

- a) Method of Compensation. Payments pursuant to a grant shall be subject to the availability of funds appropriated by the General Assembly.
  - 1) The grantee shall receive grant funds, as stipulated in the Grant Agreement, upon approval of its application by the Department and execution of the Grant Agreement by the Chief Executive Officer (CEO) and by the Department.
  - 2) Prior to funds being awarded, a grantee shall employ a full-time, paid, professional CEO. In the event of the resignation of a bureau's CEO, an interim CEO must be named within 30 days. When a new CEO is hired, the bureau must provide the Department with the individual's tourism related experience and qualifications for the position. The interim CEO shall fulfill all duties of the position.
- b) Reporting Requirements: The grantee shall submit, within the timeframes specified in the Grant Agreement, reports on the financial status of its Fiscal Year Marketing Plan/Project Budget Plan and reports on the outcomes and results of its grant-related activity. Failure to comply with the timely submission of financial and programmatic reports may result in withholding of subsequent monthly grant checks. The Department reserves the right to request additional information to clarify or document information contained in the reports.
- c) Financial Management Standards. A grantee's financial management systems shall be structured under generally accepted accounting standards, which include maintaining effective control and accountability over all funds, property, and other assets acquired with grant and match funds.

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- d) **Travel Expenses.** Travel expenses that are paid with grant funds must be in compliance with the latest State of Illinois Department of Central Management Services Travel Regulations (80 Ill. Adm. Code 2800) and shall be allowable for expenses of transportation, lodging, per diem, and related items incurred by bureau employees who are on travel status for allowable tourism promotional purposes outside the grantee's service area. The grantee shall retain receipts to document travel expenses.
- e) **Monitoring.** The Department shall periodically conduct on-site monitoring of each grantee funded under this Program. The Department will use its best efforts to notify the grantee at least two working days in advance of monitoring visits unless the Department has reason to believe that a monitoring visit must be conducted immediately. The grantee's internal procedures, financial reporting, and performance shall be evaluated for compliance with terms and conditions of the Grant Agreement. The Department reserves the right to request additional information prior to, during, or subsequent to monitoring visits.
- f) **Interest on Grant Funds.** All interest earned on grant funds shall be accounted for by the grantee and shall be expended on eligible tourism promotional activities or returned to the Department.
- g) **Obligation of Grant and Match Funds.** All grant and match funds shall be legally obligated for expenditure no later than June 30 of the fiscal year and must be paid out no later than the date stated in the Grant Agreement. Any unexpended grant funds, including accrued interest, shall be returned to the Department. In addition, the grantee shall return any funds that are determined by the Department to have been spent in violation of this Part or the Grant Agreement.
- h) **Audits.** The grantee shall be responsible for securing a compliance audit if the grant award exceeds \$500,000 or a determination is made that an audit is in the best interest of the State. Audits shall be performed by an independent certified public accountant, licensed by authority of the State of Illinois. In addition to having to return grant funds spent in violation of this Part or the Grant Agreement, the grantee may be deemed ineligible to apply for and receive funds under this Program for a maximum of two years. The Department shall reserve the right to perform special audits of these funds during normal working hours.
- i) **Nondiscrimination.** Grantees shall refrain from unlawful discrimination in employment and will undertake affirmative action to assure equality of

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employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act [775 ILCS 5]; Section 504 and the equal opportunity clause promulgated thereto of the Rehabilitation Act of 1973, as amended (29 USC 794 (1994)); the Age Discrimination Act of 1975 (42 USC 6101 et seq. (1994)); and Title VI of the Civil Rights Act of 1964, as amended (42 USC 1981 et seq. (1994)).

- j) Complaint Process. In the case of a grantee complaint, the Department shall follow the procedures outlined in 56 Ill. Adm. Code 2605 (Administrative Hearing Rules).
- k) When expending LTCB grant and match funds, two authorizing signatures shall be required on all checks over the amount of \$500.
- l) Suspension and Termination:
  - 1) If a grantee fails to comply with this Part or the Grant Agreement, the Department may suspend the grant until the grantee has cured the deficiency. Failure to cure the deficiency within the time frame established by the Department may result in termination of the Grant Agreement and recovery of grant funds in accordance with the Illinois Grant Funds Recovery Act [30 ILCS 705]. The Department will find that a grantee has failed to comply with the Grant Agreement if the grantee has been notified in writing of a deficiency and fails to submit a corrective plan for Department approval within 30 days after the deficiency notice.
  - 2) A Grant Agreement may be terminated for cause notwithstanding availability of appropriated funds and sufficient revenues for the grant.
- m) Reallocation of Funds. On or before May 1 of the fiscal year, the grantee shall be required to identify grant funds that will not be fully expended or legally obligated by June 30, including any grant funds for which there will be insufficient match. The Grant Agreement shall be modified to decrease the grant award accordingly and the funds may be reallocated by the Department.
- n) Conflict of Interest. The grantee shall comply with all provisions of the Grant Agreement with respect to hiring or awarding contracts to family members of bureau officers, principals and board members.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procurement by the State Board of Education
- 2) Code Citation: 44 Ill. Adm. Code 1100
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1100.4545	Amendment
1100.5520	Amendment
- 4) Statutory Authority: 30 ILCS 500/1-30(a)
- 5) Effective Date of Amendments: March 28, 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: November 5, 2004; 28 Ill. Reg. 14330
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This set of amendments responds to recent legislation that amended the Illinois Procurement Code. Through three separate public acts, the maximum amount of time for which a contractor may be suspended has been increased from five to ten years and the dollar figures that are used to define "small business" have been raised.
- 16) Information and questions regarding these adopted amendments shall be directed to:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Linda R. Mitchell  
Chief Financial Officer  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001

Telephone: (217) 785-8777

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS  
AND PROPERTY MANAGEMENT  
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES  
CHAPTER XIII: STATE BOARD OF EDUCATION

PART 1100  
PROCUREMENT BY THE STATE BOARD OF EDUCATION

SUBPART A: GENERAL

Section	
1100.5	Policy
1100.10	Application
1100.15	Definitions of Terms Used in this Part
1100.25	Property Rights

SUBPART B: PROCUREMENT RULES

Section	
1100.525	Applicability of Rules

SUBPART C: PROCUREMENT AUTHORITY

Section	
1100.1005	Exercise of Procurement Authority

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section	
1100.1510	Illinois Procurement Bulletin
1100.1560	Supplemental Notice
1100.1570	Error in Notice
1100.1580	Direct Solicitation

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section	
1100.2005	General Provisions
1100.2010	Competitive Sealed Bidding

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- 1100.2012 Multi-Step Sealed Bidding
- 1100.2015 Competitive Sealed Proposals
- 1100.2020 Small Purchases
- 1100.2025 Sole Economically Feasible Source Procurement
- 1100.2030 Emergency Procurements
- 1100.2035 Competitive Selection Procedures for Professional and Artistic Services
- 1100.2036 Other Methods of Source Selection
- 1100.2037 Tie Bids and Proposals
- 1100.2038 Mistakes
- 1100.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section

- 1100.2043 Suppliers
- 1100.2044 Vendor Lists
- 1100.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section

- 1100.2047 Security Requirements

SUBPART H: SPECIFICATIONS

Section

- 1100.2050 Specifications

SUBPART I: CONTRACT TYPE

Section

- 1100.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section

- 1100.2060 Duration of Contracts – General

SUBPART K: CONTRACT MATTERS

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Section

- 1100.2560 Prevailing Wage
- 1100.2570 Equal Employment Opportunity; Affirmative Action

SUBPART L: CONTRACT PRICING

Section

- 1100.2800 All Costs Included

SUBPART M: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section

- 1100.4005 Real Property Leases and Capital Improvement Leases

SUBPART N: PREFERENCES

Section

- 1100.4505 Procurement Preferences
- 1100.4510 Resident Bidder Preference
- 1100.4530 Correctional Industries
- 1100.4535 Sheltered Workshops for Persons with Disabilities
- 1100.4540 Gas Mileage
- 1100.4545 Small Business
- 1100.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

SUBPART O: ETHICS

Section

- 1100.5013 Conflicts of Interest
- 1100.5015 Negotiations for Future Employment
- 1100.5020 Exemptions
- 1100.5030 Revolving Door
- 1100.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART P: COMPLAINTS, PROTESTS AND REMEDIES

Section

- 1100.5510 Complaints Against Vendors
- 1100.5520 Suspension

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- 1100.5530 Resolution of Contract Controversies
- 1100.5540 Violation of Statute or Rule
- 1100.5550 Protests

## SUBPART Q: SUPPLY MANAGEMENT AND DISPOSITIONS

- Section
- 1100.6010 Supply Management and Dispositions

## SUBPART R: GOVERNMENTAL JOINT PURCHASING

- Section
- 1100.6500 General
  - 1100.6510 No Agency Relationship
  - 1100.6520 Obligations of Participating Governmental Units
  - 1100.6530 Use of Other Contracts

## SUBPART S: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

- Section
- 1100.7000 Severability
  - 1100.7010 Government Furnished Property
  - 1100.7015 Inspections
  - 1100.7020 Records and Audits
  - 1100.7025 Written Determinations
  - 1100.7030 No Waiver of Sovereign Immunity

AUTHORITY: Implementing the Illinois Procurement Code [30 ILCS 500] and authorized by Section 1-30(a) of that Code.

SOURCE: Emergency rules adopted at 22 Ill. Reg. 17351, effective September 21, 1998, for a maximum of 150 days; emergency expired February 17, 1999; new Part adopted at 23 Ill. Reg. 3308, effective March 3, 1999; amended at 29 Ill. Reg. 5012, effective March 28, 2005.

## SUBPART N: PREFERENCES

**Section 1100.4545 Small Business**

- a) The Procurement Officer may determine categories of supplies or service procurements that will be set aside for small businesses located in Illinois. The

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set-aside designation may be made for current and future procurements of a specific supply, service or construction, or for a class of like supplies, services or construction. A set-aside designation may last indefinitely or for a stated period of time.

- b) The Procurement Officer may contact DCMS to determine whether a particular procurement has been set aside for small businesses and, if so, the SBE may honor the set-aside to the extent practicable.
- c) The Procurement Officer may use the list, maintained by DCMS or other appropriate State agency, of responsible vendors that meet the criteria of small business. A business that fits the definition of small on the day of bid or proposal opening shall be considered small for the duration of the contract.
- d) If the Procurement Officer wishes to make a procurement covered by a set-aside designation, the solicitation shall note responses are limited to those from responsible small businesses. Bids or proposals received from large businesses shall be rejected as not responsive.
- e) If the Procurement Officer determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the Procurement Officer shall reject all bids or proposals and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification shall be published in the Bulletin with an explanation. After withdrawal of the small business set-aside, the procurement shall be conducted in accordance with the limitations of the Code and this Part.
- f) Unless the Procurement Officer provides a definition for a particular procurement that reflects industrial characteristics, a small business is one:
  - 1) that is independently owned and operated.
  - 2) that is not dominant in its field of operations. This means the business does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining dominance, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

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- 3) has annual sales for the most recently ended fiscal year no greater than:
- A) ~~\$10,000,000~~\$7,500,000 for wholesale business;
  - B) ~~\$10,000,000~~\$3,000,000 for construction business; or
  - C) ~~\$6,000,000~~\$1,500,000 for retail business.
- 4) has no more than 250 employees if it is a manufacturing business.
- A) A manufacturing business shall calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on a full-time, part-time, temporary or other basis, for its most recently ended fiscal year.
  - B) If a manufacturing business has been in existence for less than a full fiscal year, its average employment should be calculated for the period through one month prior to the bid or proposal due date.
- 5) If the business is any combination of retailer, wholesaler, and construction business, then the annual sales for each component may not exceed the amounts shown in subsection (f)(3) of this Section. For example, a business that is both a retailer and a wholesaler may not have total sales exceeding ~~\$16,000,000~~\$9,000,000; the retail component may not exceed ~~\$6,000,000~~\$1,500,000 and the wholesale component may not exceed ~~\$10,000,000~~\$7,500,000. If the business is also a manufacturer, in addition to meeting the annual sales requirement, the number of manufacturing employees may not exceed the number shown in subsection (f)(4) of this Section.
- 6) When computing the size status of a vendor, the number of employees and annual sales and receipts, as applicable, of the vendor and all affiliates shall be included. Concerns are affiliates when either one directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both. In determining whether concerns are independently owned and operated and whether affiliation exists, consideration shall be given to all appropriate factors, including use of common facilities, common ownership and management

## STATE BOARD OF EDUCATION

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and contractual arrangements. However, a franchise relationship shall not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure.

- g) Vendors desiring to submit bids or proposals or to otherwise contract for items set aside for small businesses shall submit information verifying that the vendor qualifies as a small business as defined in subsection (f) of this Section. The CPO may establish procedures for verifying such information.

(Source: Amended at 29 Ill. Reg. 5012, effective March 28, 2005)

## SUBPART P: COMPLAINTS, PROTESTS AND REMEDIES

**Section 1100.5520 Suspension**

This Section applies to all debarments or suspensions of vendors from consideration for award of contract.

- a) The CPO may suspend a vendor from doing business with the SBE, or for specific types of supplies or services. A suspension may be issued upon a showing that the vendor violated the Code or this Part, or failed to conform to specifications or terms of delivery.
- b) When the CPO finds cause exists for suspension, a notice of suspension, including a copy of such determination, shall be sent to the suspended vendor. Bids or proposals shall not be solicited from the suspended vendor, and, if they are received, they shall not be considered during the period of suspension.
- c) A contractor may be suspended for a period of time commensurate with the seriousness of the offense, but for no more than tenfive years. The suspension shall be effective within seven days after receipt of the notice unless an objection is filed. If an objection is filed, the suspension shall not become effective until the evaluation of the objection is completed.
- d) The CPO may debar a vendor. Debarment is the permanent suspension of a vendor from doing business with the SBE. A debarment may only take place in those instances involving bribery or attempted bribery of a State of Illinois officer or employee, or as otherwise allowed or required by law. Bids or proposals shall not be solicited from the debarred vendor, and if they are received, they shall not be considered.

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- e) The SBE shall maintain a master list of all suspensions and debarments. The master list shall retain information concerning suspensions and debarments as public records. Such records shall be maintained for a period of at least three years following the end of the suspension or debarment. Such public information may be considered in determining responsibility.

(Source: Amended at 29 Ill. Reg. 5012, effective March 28, 2005)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Freedom of Information
- 2) Code Citation: 2 Ill. Adm. Code 826
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
826.10	Amendment
826.110	Amendment
826.420	Amendment
- 4) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140/1 et seq.].
- 5) Effective Date of Amendments: March 24, 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: This rulemaking is being adopted under Section 5-15 of the Illinois Administrative Procedure Act and is not subject to First Notice.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No-this rulemaking is not subject to Second Notice.
- 11) Differences between proposal and final version: None-this rulemaking is not subject to First or Second Notice.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? This rulemaking is not subject to First or Second Notice..
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This Part is being amended to remove an

DEPARTMENT OF NATURAL RESOURCES

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outdated statutory reference, update information on where requests for documents should be submitted, and to amend fees charged for information to more accurately reflect actual costs.

- 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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TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE D: CODE DEPARTMENTS  
CHAPTER VI: DEPARTMENT OF NATURAL RESOURCES

PART 826  
FREEDOM OF INFORMATION

SUBPART A: INTRODUCTION

Section	
826.10	Summary and Purpose
826.20	Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section	
826.110	Submission of Requests
826.120	Form and Content of Requests

SUBPART C: PROCEDURES FOR DEPARTMENT RESPONSE TO  
REQUESTS FOR PUBLIC RECORDS

Section	
826.210	Timeline for Department Responses
826.220	Types of Department Responses

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section	
826.310	Appeal of a Denial
826.320	Director's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS  
TO REQUESTORS

Section	
826.410	Inspection of Records at Department Offices
826.420	Copies of Public Records

826.EXHIBIT A	Request for Public Records
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## DEPARTMENT OF NATURAL RESOURCES

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826.EXHIBIT B	Deferral of Response to Request for Public Records
826.EXHIBIT C	Approval of Request for Public Records
826.EXHIBIT D	Partial Approval of Request for Public Records
826.EXHIBIT E	Denial of Request for Public Records
826.EXHIBIT F	FOIA Appeal: Executive Director's Response

AUTHORITY: Implementing and authorized by the Freedom of Information Act [5 ILCS 140/1 et seq.].

SOURCE: Adopted at 11 Ill. Reg. 18641, effective November 2, 1987; amended at 18 Ill. Reg. 8616, effective May 31, 1994; amended at 26 Ill. Reg. 10504, effective July 1, 2002; amended at 29 Ill. Reg. 5022, effective March 24, 2005.

## SUBPART A: INTRODUCTION

**Section 826.10 Summary and Purpose**

These rules are established to implement the provisions of the Freedom of Information Act (~~Ill. Rev. Stat. 1991, ch. 116, par 201 et seq.~~) [5 ILCS 140/1 et seq.]. The purpose of these rules is to support the policy of providing public access to the public records in the possession of this Department while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.

(Source: Amended at 29 Ill. Reg. 5022, effective March 24, 2005)

## SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

**Section 826.110 Submission of Requests**

- a) Requests for Public Records shall be submitted to the following address:

Freedom of Information Officer  
Department of Natural Resources  
One Natural Resources Way  
Springfield, IL 62702-1271

- b) Requests for the Department's brochures, books, or other informational material prepared for general distribution pertaining to Department programs, activities, facilities and natural resource topics may be made by contacting ~~the Office of Public Services at (217) 782-7454 or by writing to this Division at:~~

## DEPARTMENT OF NATURAL RESOURCES

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~~Clearinghouse~~Office of Public Services

Department of Natural Resources

One Natural Resources Way

Springfield, IL 62702-1271

(217) 782-7498[dnr.state.il.us/publications](http://dnr.state.il.us/publications)

- c) Requests for copies of reports prepared by Conservation Police Officers shall be submitted to the following address:

~~Freedom of Information Officer~~Office of Law Enforcement

Department of Natural Resources

One Natural Resources Way

Springfield IL 62702-1271

(Source: Amended at 29 Ill. Reg. 5022, effective March 24, 2005)

## SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

**Section 826.420 Copies of Public Records**

- a) Copies of public records shall be provided to the requestor only upon payment of any charges which are due.
- b) Charges shall be waived if the requestor is a State Agency, a constitutional officer, or a member of the General Assembly. Charges may be waived in any other case where the Freedom of Information Officer determines that the waiver serves the public interest.
- c) Charges for copies of public records shall be assessed in accordance with the following fee schedule:
- 1) Requests totaling 15 pages or more – ~~\$.15~~\$.35 per page. No charge for requests totaling 14 pages or less.
  - 2) Audio and video tapes – \$5.00 each.
  - 3) Photographs – digital photographs \$.35 each; reproduction from negatives – assessed at the actual cost to the Department.

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- 4) Copies of over-sized maps duplicated in-house – \$5.00 each.
- 5) Commercial copying of blueprints, maps and special materials shall be assessed at the actual cost to the Department.
- 6) Print-outs of databases – \$.70 per page.
- 7) CD Rom, 3490 data cartridge, transfer by Department personnel to file transfer protocol site and e-mail – ~~\$250~~~~\$200~~ – ~~\$1,500 per database~~. Minimum fee for up to 2,000 records is ~~\$250~~~~\$200~~, fee for each additional 1,000 records is ~~\$25~~~~\$100~~, with a maximum fee of \$1,500 ~~per database~~.

(Source: Amended at 29 Ill. Reg. 5022, effective March 24, 2005)

## POLLUTION CONTROL BOARD

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- 1) Heading of the Part: Solid Waste Disposal: General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 810
- 3) 

<u>Section number:</u>	<u>Adopted action:</u>
810.103	Amend
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.40, and 27
- 5) Effective date of amendment: March 22, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) The adopted amendment, a copy of the Board's opinion and order adopted March 17, 2005, and all materials incorporated by reference, are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register: 29 Ill. Reg. 1116; January 21, 2005
- 10) Has JCAR issued a Statement of Objection to this amendment? No. Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] 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).
- 11) Differences between proposal and final version: A table that appears in the Board's opinion and order of March 17, 2005 in docket R05-1 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated January 6, 2005, in docket R05-1. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.  
  
The differences are limited to minor corrections. The changes are intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.40(a) of the Environmental Protection Act [415

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ILCS 5/22.40(a)] 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 JCAR.

Since the Notices of Proposed Amendments appeared in the January 21, 2005 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of March 17, 2005 in docket R05-1, as indicated in item 11 above. See the March 17, 2005 opinion and order in docket R05-1 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendment: 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 March 17, 2005, adopting the amendments in docket R05-1, which opinion and order is available from the address below.

This proceeding updated 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)

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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.

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 March 17, 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 March 17, 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).

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

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

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago IL 60601  
312/814-6924

Request copies of the Board’s opinion and order of March 17, 2005 at 312-814-3620. Alternatively, you may obtain a copy of the Board’s opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the Adopted Amendment 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 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. 5028, effective March 22, 2005.

### 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. ~~[415 ILCS 5/(Section 3.105) of the Act]~~

"Applicant" means the person submitting an application to the Agency for a

## POLLUTION CONTROL BOARD

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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. [\[415 ILCS 5/\(Section 3.130\)-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).

"Design Period" means that length of time determined by the sum of the operating

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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.*

*[415 ILCS 5/(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. [415 ILCS 5/(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*). [\[415 ILCS 5/\(Section-3.230\)-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.* [\[415 ILCS 5/\(Section-3.275\)-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.* [\[415 ILCS 5/\(Section-3.115\)-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.* [\[415 ILCS 5/\(Section-3.285\)-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 [\[415 ILCS 5/12\(f\)\]](#), 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 [\[415 ILCS 5/21\(d\)\]](#) 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 [\[415 ILCS 5/21\(d\)\]](#) 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. [\[415 ILCS 5/\(Section-3.285\)-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.* ~~[415 ILCS 5/(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 35 Ill. Adm. Code 813.112.](#)

"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. ~~[415 ILCS 5/(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 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

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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 [\[415 ILCS 5/39\]](#) 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;

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

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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 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.

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"Special waste" means any industrial process waste, pollution control waste, or hazardous waste, except as determined pursuant to Section 22.9 of the Act [\[415 ILCS 5/22.9\]](#) and 35 Ill. Adm. Code 808. ~~[\[415 ILCS 5/\(Section-3.475\)\]-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 disposal elsewhere.

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"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. 5028, effective March 22, 2005)

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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>Adopted action:</u>
811.103	Amend
811.106	Amend
811.107	Amend
811.310	Amend
811.314	Amend
APPENDIX B	Amend
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.40, and 27
- 5) Effective date of amendments: March 22, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) The adopted amendments, a copy of the Board's opinion and order adopted March 17, 2005, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register: 29 Ill. Reg. 1133; January 21, 2005
- 10) Has JCAR issued a Statement of Objection to these amendments? No. Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] 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).
- 11) Differences between proposal and final version: A table that appears in the Board's opinion and order of March 17, 2005 in docket R05-1 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated January 6, 2005, in docket R05-1. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The substantive differences were made in response to public comments. The Board

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deleted all references to the need for an owner or operator to obtain an adjusted standard from the Board before obtaining a research, development, and demonstration permit. The Illinois Environmental Protection Agency will instead handle bioreactor landfill issues specified in the rules through the permit process. Other changes are minor corrections intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] 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 JCAR.

Since the Notices of Proposed Amendments appeared in the January 21, 2005 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of March 17, 2005 in docket R05-1, as indicated in item 11 above. See the March 17, 2005 opinion and order in docket R05-1 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments: 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 15 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 810. A comprehensive description is contained in the Board's opinion and order of March 17, 2005, adopting the amendments in docket R05-1, which opinion and order is available from the address below.

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

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which relief is available.

Tables appear in the Board's opinion and order of March 17, 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 March 17, 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).

- 16) Information and questions regarding these adopted amendments shall be directed to:  
Please reference consolidated Docket R05-1 and direct inquiries to the following person:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago IL 60601

312/814-6924

Request copies of the Board's opinion and order of March 17, 2005 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the Adopted 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 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

Section	
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. 5044, effective March 22, 2005.

## 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~~~~deconstructed~~ 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 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 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. 5044, effective March 22, 2005)

**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~~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~~ (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. 5044, effective March 22, 2005)

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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 [mustshall](#) 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 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~~ 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. 5044, effective March 22, 2005)

## 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.
  - 7) The gas monitoring system ~~must~~shall not interfere with the operation of

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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](#).
- 5) The Agency may reduce the gas monitoring period at an MSWLF unit

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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 utilizing continuous detection devices located at likely points where

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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. 5044, effective March 22, 2005)

**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.
  - 3) The low permeability layer must~~shall~~ consist of any one of the following:

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- A) A compacted earth layer constructed in accordance with the following standards:
- i) The minimum allowable thickness mustshall be 0.91 meter (3 feet); and
  - ii) The layer mustshall be compacted to achieve a permeability of  $1 \times 10^{-7}$  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) of this Section.
  - 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  $1 \times 10^{-7}$  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 system.

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- 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 [415 ILCS 5/28.1] 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. 5044, effective March 22, 2005)

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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 <sup>1</sup> : Section 811.101, 811.301, 811.401, 811.501, and 811.700. EL <sup>2</sup> : Section 814.101.  |
| 2)                                   | Definitions (40 CFR 258.2)  | 2) | Section 810.103.   |
| 3)                                   | <a href="#">Research, Development, and Demonstration Permits (40 CFR 258.4)</a> | 3) | <a href="#">Sections 811.103(b)(1) and (b)(2), 811.107(m)(1)(C), 811.314(a), and 813.112.</a>                  |
| II. SUBPART B: Location Restrictions |   |    |  |
| 1)                                   | Airport safety (40 CFR 258.10)  | 1) | NL <sup>1</sup> : Section 811.302(e). EL <sup>2</sup> : Section 814.302(c) and 814.402(c)                      |
| 2)                                   | Floodplains. (40 CFR 258.11)  | 2) | NL <sup>1</sup> : Section 811.102(b). EL <sup>2</sup> : Section 814.302 and 814.402.                           |
| 3)                                   | Wetlands. (40 CFR 258.12)   | 3) | NL <sup>1</sup> : Sections 811.102(d), 811.102(e), and 811.103. EL <sup>2</sup> : Section 814.302 and 814.402. |
| 4)                                   | Fault areas. (40 CFR 258.13)  | 4) | NL <sup>1</sup> : Sections 811.304 and 811.305. EL <sup>2</sup> : 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 <sup>1</sup> : Sections 811.304 and 811.305. EL <sup>2</sup> : Sections 811.302(c) and 811.402(c).          |
| 7)                                   | Closure of existing MSWL units. (40 CFR 258.16)                                 | 7) | EL <sup>2</sup> : 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 <sup>1</sup> : Section 811.323. EL <sup>2</sup> : Sections 814.302 and 814.402.  |
| 2)  | Cover material requirements. (40 CFR 258.21)                             | 2)  | NL <sup>1</sup> : Section 811.106. EL <sup>2</sup> : Sections 814.302 and 814.402.  |
| 3)  | Disease vector control. (40 CFR 258.22)                                  | 3)  | NL <sup>1</sup> : Section 811.107(i). EL <sup>2</sup> : Sections 814.302 and 814.402.   |
| 4)  | Explosive gas control. (40 CFR 258.23)                                   | 4)  | NL <sup>1</sup> : Sections 811.310, 811.311, and 811.312. EL <sup>2</sup> : Sections 814.302 and 814.402.   |
| 5)  | Air criteria. (40 CFR 258.24)  | 5)  | NL <sup>1</sup> : Sections 811.107(b), 811.310, and 811.311. EL <sup>2</sup> : Sections 814.302 and 814.402.  |
| 6)  | Access requirements. (40 CFR 258.25)                                     | 6)  | NL <sup>1</sup> : Section 811.109. EL <sup>2</sup> : Sections 814.302 and 814.402.  |
| 7)  | Run-on/run-off control system. (40 CFR 258.26)                           | 7)  | NL <sup>1</sup> : Section 811.103. EL <sup>2</sup> : 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 <sup>1</sup> : Section 811.107(m). EL <sup>2</sup> : Sections 814.302 and 814.402.   |
| 10) | Recordkeeping requirements. (40 CFR 258.29)                              | 10) | NL <sup>1</sup> : Sections 811.112, and Parts 812 and 813. EL <sup>2</sup> : Sections 814.302 and 814.402.  |
| IV. | SUBPART D: Design criteria (40 CFR 258.40)                               | IV) | NL <sup>1</sup> : 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 <sup>2</sup> : Sections 814.302 |

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and 814.402.

## V. SUBPART E: Groundwater Monitoring and Corrective Action

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

## VI. SUBPART F: Closure and Post-Closure Care

- |    |   |    |  |
|----|---|----|--|
| 1) | Closure criteria. (40 CFR 258.60)               | 1) | NL <sup>1</sup> : Sections 811.110, 811.315 and 811.322. EL <sup>2</sup> : Sections 814.302 and 814.402. |
| 2) | Post-closure care requirements. (40 CFR 258.61) | 2) | NL <sup>1</sup> : Section 811.111. EL <sup>2</sup> : 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 <sup>1</sup> : Section 811.700. EL <sup>2</sup> : Sections 814.302 and 814.402.                  |
| 2) Financial assurance for closure. (40 CFR 258.71)           | 2) | NL <sup>1</sup> : Sections 811.701 through 811.705. EL <sup>2</sup> : 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 <sup>1</sup> : Section 811.706 through 811.720. EL <sup>2</sup> : Sections 814.302 and 814.402.  |

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

(Source: Amended at 29 Ill. Reg. 5044, effective March 22, 2005)

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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>Adopted action:</u>
813.101	Amend
813.110	Amend
813.112	New
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.40, and 27
- 5) Effective date of amendment: March 22, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) The adopted amendment, a copy of the Board's opinion and order adopted March 17, 2005, and all materials incorporated by reference, are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register: 29 Ill. Reg. 1155; January 21, 2005
- 10) Has JCAR issued a Statement of Objectios to these amendments? No. Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] 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).
- 11) Differences between proposal and final version: A table that appears in the Board's opinion and order of March 17, 2005 in docket R05-1 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated January 6, 2005, in docket R05-1. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The substantive differences were made in response to public comments. The Board deleted all references to the need for an owner of operator to obtain an adjusted standard from the Board before obtaining an research, development, and demonstration permit. The Illinois Environmental Protection Agency will instead handle bioreactor landfill

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issues specified in the rules through the permit process. Other changes are minor corrections intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] 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 JCAR.

Since the Notices of Proposed Amendments appeared in the January 21, 2005 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of March 17, 2005 in docket R05-1, as indicated in item 11 above. See the March 17, 2005 opinion and order in docket R05-1 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will this rulemaking replace any emergency amendments currently in effect? No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and purpose of amendment: 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 in this *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 810. A comprehensive description is contained in the Board's opinion and order of March 17, 2005, adopting the amendments in docket R05-1, which opinion and order is available from the address below.

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 March 17, 2005 in docket R05-1 that list numerous corrections and amendments that are not based on current federal

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

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 March 17, 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).

- 16) Information and questions regarding this adopted amendment shall be directed to: Please reference consolidated Docket R05-1 and direct inquiries to the following person:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago IL 60601

312/814-6924

Request copies of the Board's opinion and order of March 17, 2005 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULINGPART 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
<a href="#">813.112</a>	<a href="#">Research, Development, and Demonstration Permits for MSWLFs</a>

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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## NOTICE OF ADOPTED AMENDMENTS

- 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. 5066, effective March 22, 2005.

## 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.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

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

(Source: Amended at 29 Ill. Reg. 5066, effective March 22, 2005)

**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

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

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,

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

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 [\[415 ILCS 5\]](#) 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. 5066, effective March 22, 2005)

[Section 813.112 Research, Development, and Demonstration Permits for MSWLFs](#)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 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 Agency has determined 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 Agency has determined 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.
- 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;

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 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 [415 ILCS 5].
- 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.
- 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).

POLLUTION CONTROL BOARD

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

(Source: Added at 29 Ill. Reg. 5066, effective March 22, 2005)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 22, 2005 through March 28, 2005 and have been scheduled for review by the Committee at its April 12, 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>
5/5/05	<u>Department of Revenue</u> , Retailers' Occupation Tax (86 Ill. Adm. Code 130)	2/4/05 29 Ill. Reg. 1874	4/12/05
5/6/05	<u>Department of Natural Resources</u> , Commercial Fishing and Musseling in Certain Waters of the State (17 Ill. Adm. Code 830)	1/28/05 29 Ill. Reg. 1510	4/12/05
5/8/05	<u>Department of Commerce and Economic Opportunity</u> , Industrial Training Program (56 Ill. Adm. Code 2650)	11/5/04 28 Ill. Reg. 14309	4/12/05

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## APRIL AGENDA

## SCHEDULED MEETING:

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
9:00 A.M.  
APRIL 12, 2005

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

*If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706  
Email: [jcar@legis.state.il.us](mailto:jcar@legis.state.il.us)  
Phone: 217/785-2254*

**RULEMAKINGS CURRENTLY BEFORE JCAR****PROPOSED RULEMAKINGS**Children and Family Services

1. Rate Setting (89 Ill. Adm. Code 356)
  - First Notice Published: 28 Ill. Reg. 7734 – 6/11/04
  - Second Notice Expire: 4/22/05
2. Purchase of Service (89 Ill. Adm. Code 357)
  - First Notice Published: 28 Ill. Reg. 7744 – 6/11/04
  - Expiration of Second Notice: 4/22/05
3. Grant-In-Aid (89 Ill. Adm. Code 360)
  - First Notice Published: 28 Ill. Reg. 7763 – 6/11/04

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## APRIL AGENDA

-Expiration of Second Notice: 4/22/05

4. Licensing Standards for Child Care Institutions and Maternity Centers (89 Ill. Adm. Code 404)

-First Notice Published: 28 Ill. Reg. 8947 – 7/2/04

-Expiration of Second Notice: 4/22/05

5. Audits, Reviews, and Investigations (89 Ill. Adm. Code 434)

-First Notice Published: 28 Ill. Reg. 7784 – 6/11/04

-Expiration of Second Notice: 4/23/05

Commerce and Economic Opportunity

6. Industrial Training Program (56 Ill. Adm. Code 2650)

-First Notice Published: 28 Ill. Reg. 14309 – 11/5/04

-Expiration of Second Notice: 5/8/05

Criminal Justice Information Authority

7. Fees for Processing Requests for Conviction Information (20 Ill. Adm. Code 1570)

-First Notice Published: 28 Ill. Reg. 16073 – 12/17/04

-Expiration of Second Notice: 4/16/05

Financial and Professional Regulation

Division of Insurance

8. Group Health Policy Mandate Applicability to Nonresident Certificateholders Not Employed in Illinois (50 Ill. Adm. Code 2021)

-First Notice Published: 28 Ill. Reg. 7228 – 5/21/04

-Expiration of Second Notice: 4/21/05

Natural Resources

9. Commercial Fishing and Musseling in Certain Waters of the State (17 Ill. Adm. Code 830)

-First Notice Published: 29 Ill. Reg. 1510 – 1/28/05

-Expiration of Second Notice: 5/6/05

Public Aid

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## APRIL AGENDA

10. Medical Payment (89 Ill. Adm. Code 140)
  - First Notice Published: 29 Ill. Reg. 617 – 1/3/05
  - Expiration of Second Notice: 4/14/05
11. Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)
  - First Notice Published: 29 Ill. Reg. 1005 – 1/14/05
  - Expiration of Second Notice: 4/27/05

Public Health

12. Hospital Licensing Requirements (77 Ill. Adm. Code 250)
  - First Notice Published: 28 Ill. Reg. 11964 – 8/20/04
  - Expiration of Second Notice: 4/24/05

Revenue

13. Retailers' Occupation Tax (86 Ill. Adm. Code 130)
  - First Notice Published: 28 Ill. Reg. 15146 – 11/19/04
  - Expiration of Second Notice: 4/20/05
14. Retailers' Occupation Tax (86 Ill. Adm. Code 130)
  - First Notice Published: 29 Ill. Reg. 1874 – 2/4/05
  - Expiration of Second Notice: 5/5/05
15. Service Occupation Tax (86 Ill. Adm. Code 140)
  - First Notice Published: 28 Ill. Reg. 15148 – 11/19/04
  - Expiration of Second Notice: 4/20/05
16. Use Tax (86 Ill. Adm. Code 150)
  - First Notice Published: 28 Ill. Reg. 15150 – 11/19/04
  - Expiration of Second Notice: 4/20/05
17. Service Use Tax (86 Ill. Adm. Code 160)
  - First Notice Published: 28 Ill. Reg. 15152 – 11/19/04
  - Expiration of Second Notice: 4/20/05

Secretary of State

18. Illinois State Library Talking Book and Braille Service (23 Ill. Adm. Code 3025)
  - First Notice Published: 28 Ill. Reg. 16451 – 12/27/04

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## APRIL AGENDA

-Expiration of Second Notice: 4/30/05

**EMERGENCY RULEMAKINGS**Commerce and Economic Opportunity

19. State Administration of the Federal Community Development Block Grant Program for Small Cities (47 Ill. Adm. Code 110)  
-Notice Published: 29 Ill. Reg. 4088 – 3/11/05

Public Aid

20. Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)  
-Notice Published: 29 Ill. Reg. 4740 – 4/1/05

Racing Board

21. Medication (11 Ill. Adm. Code 603)  
-Notice Published: 29 Ill. Reg. 4116 – 3/11/05

**PEREMPTORY RULEMAKING**Central Management Services

22. Pay Plan (80 Ill. Adm. Code 310)  
-Notice Published: 29 Ill. Reg. 4125 – 3/11/05

**AGENCY RESPONSES**Human Services

23. Food Stamps (89 Ill. Adm. Code 121; 28 Ill. Reg. 15323)

Public Aid

24. Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146; 29 Ill. Reg. 2014)  
(Emergency)

Public Health

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## APRIL AGENDA

25. Manufactured Home Community Code (77 Ill. Adm. Code 860; 28 Ill. Reg. 1652)
26. Illinois Manufactured Home Tiedown Code (77 Ill. Adm. Code 870; 28 Ill. Reg. 1674)
27. Illinois Manufactured Home Tiedown Code (77 Ill. Adm. Code 870; 28 Ill. Reg. 2613)
28. Illinois Modular Dwellings and Mobile Structures Code (77 Ill. Adm. Code 880; 28 Ill. Reg. 1684)
29. Manufactured Home Installer Course Accreditation Code (77 Ill. Adm. Code 885; 28 Ill. Reg. 1717)

Revenue

30. Use Tax (86 Ill. Adm. Code 150; 28 Ill. Reg. 15266) (Emergency)

State Board of Education

31. Procurement by the State Board of Education (44 Ill. Adm. Code 1100; 28 Ill. Reg. 14330)

## DEPARTMENT OF REVENUE

SUPPLEMENTAL AGENCY RESPONSE TO JOINT COMMITTEE OBJECTION TO  
EMERGENCY RULEMAKING

Heading of the Part: Use Tax

Code Citation: 86 Ill. Adm. Code 150

Section Number:  
150.311

Action:  
Agency will let the rulemaking expire at the end of 150 days.

Notice of Emergency Amendment published in the Illinois Register: November 19, 2004; 28 Ill. Reg. 15266

JCAR Statement of Objection to Emergency Rules published in the Illinois Register: January 3, 2005; 29 Ill. Reg. 758

Supplemental Agency Response to Specific Joint Committee Objections: The Department's prior response to the Joint Committee's objection stated that the Department is repealing its emergency rule and going forward with its proposed rulemaking for that section which sets out the proper language. After consultation with the Joint Committee's staff, the Department has decided not to withdraw (repeal) its emergency rule. The Department will, instead, allow that emergency rule to expire on or about April 2, 2005. The Department will continue to go forward with its proposed rulemaking for that section which sets out the proper language.

## DEPARTMENT OF LABOR

## NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD  
OF A CONTRACT OR SUBCONTRACT  
FOR PUBLIC WORKS PROJECTS

Pursuant to the findings in Re: Chiattellos Construction and Roofing, IDOL File No. 2004-PW-DC06-1695, the Director of the Department of Labor gives notice that [Chiattellos Construction and Roofing], its member(s), officer(s), manager(s), agent(s), and all persons acting in Chiattellos Construction and Roofing's interest and/or on Chiattellos Construction and Roofing's behalf, and any business entity, including, but not limited to, any firm, corporation, partnership or association in which Chiattellos Construction and Roofing, its member(s), officer(s), manager(s), agent(s), and all other persons acting in Chiattellos Construction and Roofing's interest and/or on Chiattellos Construction and Roofing's behalf have an interest, pecuniary or otherwise, is(are) prohibited from bidding, accepting or working on any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2001), commencing March 21, 2005 and continuing through March 21, 2007.

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor

Conciliation and Mediation Division  
One West Old State Capital Plaza, Room 300  
Springfield, Illinois 62701-1217

## PROCLAMATIONS

**2005-84****CHILDHOOD STROKE AWARENESS DAY**

WHEREAS, a stroke is a serious condition that occurs when the blood supply to part of the brain is suddenly interrupted or when a blood vessel in the brain bursts, resulting in cell death and loss of brain function; and

WHEREAS, while strokes are generally thought of as affecting an older population, the unfortunate truth is that children can also suffer strokes; and

WHEREAS, childhood strokes occur more frequently in children less than 2 years of age. Strokes occur at a rate of one in every 4,000 births, and affect six out of every 100,000 children, with 12 percent dying due to the stroke; and

WHEREAS, signs of stroke in children can include headaches, speech difficulties, seizures, eye movement problems, and numbness; and

WHEREAS, more than half of the children who have a stroke will have serious, long-term neurological disabilities, including hemiplegia (paralysis of one side of the body), seizures, speech and vision problems, and learning difficulties; and

WHEREAS, little is known about the cause, treatment, and prevention of childhood stroke. Only through medical research can effective treatment and prevention strategies for pediatric stroke be identified and developed; and

WHEREAS, early diagnosis and treatment of pediatric stroke greatly improves chances for recovery and reduces the likelihood of recurrence; and

WHEREAS, organizations like the Children's Hemiplegia and Stroke Association and Parents' Association for Children with Hemiplegia and/or Stroke look to create a greater public awareness of the presence of these disorders in children:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 7, 2005 as **CHILDHOOD STROKE AWARENESS DAY** in Illinois and urge all citizens to support the efforts, programs, services, and advocacy of those who strive to enhance awareness and treatment of childhood stroke.

Issued by the Governor March 25, 2005.

Filed by the Secretary of State. March 25, 2005

**2005-85****THE 18<sup>th</sup> ANNUAL RITA HAYWORTH GALA BENEFITING THE ALZHEIMER'S ASSOCIATION DAY**

WHEREAS, Alzheimer's disease is a complex, progressive disease where the affected individual begins to lose control of the part of their brain that regulates thought, memory, and language. The disease 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 222,000 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

## PROCLAMATIONS

WHEREAS, established in 1980, the Alzheimer's Association is the leading national health organization dedicated to advancing Alzheimer's research and aid; and

WHEREAS, since its inception, the Alzheimer's Association has been the largest private sponsor of Alzheimer research, providing more than \$165 million in funding for hundreds of research studies; and

WHEREAS, the Alzheimer's Association is a proven authority on the issues that affect citizens with Alzheimer's disease and their families, serving as a voice for them in the capitals of every state, hundreds of U.S. congressional offices, and even the White House; and

WHEREAS, the Rita Hayworth Galas, held annually in New York and Chicago, are crucial fund-raising events that the Alzheimer's Association relies heavily on for financial support; and

WHEREAS, since 1985, the Rita Hayworth Galas have raised more than \$40 million in funds, with one hundred percent going directly to the Alzheimer's Association; and

WHEREAS, Princess Yasmin Aga Khan, the general chair of the Rita Hayworth Gala and the daughter of the late Rita Hayworth, has worked tirelessly over the years in supporting the advancement of critical Alzheimer's research. Her efforts have touched the lives of countless people throughout the country; and

WHEREAS, the Chicago Rita Hayworth Gala celebrates and honors medical research into the causes, treatment, prevention, and eventual cure of Alzheimer's disease:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 7, 2005 as **THE 18<sup>th</sup> ANNUAL RITA HAYWORTH GALA BENEFITING THE ALZHEIMER'S ASSOCIATION DAY** in Illinois and encourage all citizens to recognize the importance of continued research on this devastating disease.

Issued by the Governor March 25, 2005.

Filed by the Secretary of State. March 25, 2005

**2005-86****UNIVERSAL NEWBORN HEARING SCREENING DAY**

WHEREAS, each day in the United States, it is estimated that sixty babies are born with moderate to severe hearing loss; and

WHEREAS, early detection is the single most important factor in successful treatment of hearing loss. Recent studies suggest that intervention within the first six months of a hard of hearing infant's life is crucial to them reaching their speech, language, and learning potential; and

WHEREAS, in Illinois, nearly five-hundred children are born with congenital hearing loss each year; and

WHEREAS, to better deal with congenital hearing loss, the Illinois Hearing Screening for Newborns Act, passed in July of 1999, required all birthing hospitals in the State to implement universal newborn hearing screening and reporting. The Universal Newborn Hearing Screening program was established to implement and administer the provisions of the act; and

WHEREAS, the Universal Newborn Hearing Screening program is a joint effort of three State agencies: the Department of Human Services, the Department of Public Health, and the University of Illinois at Chicago's Division of Specialized Care for Children. These agencies, along with hospital personnel, healthcare professionals, and community-based organizations, strive to ensure that parents of babies who have a hearing loss receive follow-up diagnostic testing and information regarding communication options and other services for their children; and

## PROCLAMATIONS

WHEREAS, the State of Illinois realizes the importance of universal newborn hearing screening and its impact on not only the lives of our children but their families and communities as well:

THEREFORE, I, Rob Blagojevich, Governor of the State of Illinois, do hereby proclaim April 5, 2005 as **UNIVERSAL NEWBORN HEARING SCREENING DAY** in Illinois, and urge all citizens to become cognizant of the role that early detection plays in the successful treatment of hearing loss.

Issued by the Governor March 25, 2005.

Filed by the Secretary of State. March 25, 2005

**2005-87****BATAAN DAY AND NATIONAL FORMER PRISONER OF WAR  
RECOGNITION DAY**

WHEREAS, since the birth of this great nation, America has been blessed with a population of brave men and women who have courageously answered the call to defend their country's ideals of freedom and democracy. Many of the brave Americans who have answered their country's call to service were captured by hostile forces or listed as missing while performing their duties; and

WHEREAS, the harsh conditions of enemy captivity are an unfortunate reality that many of our brave soldiers and their allies have experienced first hand. During World War II, American and Filipino prisoners of war who fought in the Philippines experienced some of the cruelest treatment. They were forced by Japanese captors to participate in what has come to be known as the Bataan Death March and the survivors were put into forced labor camps; and

WHEREAS, American and Filipino former prisoners of war are national heroes whose service to our country will never be forgotten. These brave men and women fought for America and endured cruelties and deprivation as prisoners of war that no man or woman should ever have to experience; and

WHEREAS, during World War II, the Korean War, Vietnam, the 1991 Gulf War, Operation Iraqi Freedom, and other conflicts, our service men and women have sacrificed much to secure freedom, defend the ideals of our nation, and free the oppressed. Each of these individuals should be honored for their strength of character and for the difficulties they and their families endured. By answering the call of duty and risking their lives to protect others, these proud patriots continue to inspire us today as we work with our allies to extend peace, liberty, and opportunity to people around the world; and

WHEREAS, as we honor our former POWs, we must also recognize and honor all soldiers who remain unaccounted for, as well as those currently enlisted in the United States military who, like so many before them, proudly serve their country in an effort to advance peace throughout the world:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 9, 2005 as **BATAAN DAY AND NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY** in Illinois, and encourage all citizens to take a moment to honor and remember the men and women who suffered the hardships of enemy captivity while courageously serving their country.

Issued by the Governor March 28, 2005.

Filed by the Secretary of State March 28, 2005.

**2005-88****FAITH IN ACTION DAY**

WHEREAS, throughout the history of our nation, the spirit of volunteerism has been

## PROCLAMATIONS

reflected in neighbors helping neighbors to overcome obstacles; and

WHEREAS, in 1993, Faith in Action was established, with support from the Robert Wood Johnson Foundation, as a program to provide volunteer care for people with long-term health needs such as arthritis, diabetes, cancer, Alzheimer's, and HIV/AIDS; and

WHEREAS, Faith in Action programs are coalitions of local religious congregations, health care providers, community organizations and service providers who work together to provide those in need with non-medical assistance; and

WHEREAS, through Faith in Action, Americans of every faith including Catholics, Hindus, Jews, Muslims, and Protestants, work together to help members of their community, with long-term health needs, maintain their independence for as long as possible; and

WHEREAS, there are thirty-seven active Faith in Action programs in Illinois where volunteers assist those in need by performing duties such as shopping for groceries, providing rides to medical appointments, cooking meals, doing light housework, running errands, and providing companionship:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 17, 2005 as **FAITH IN ACTION DAY** in Illinois, and urge all citizens to promote the spirit of volunteerism in our families and communities by expressing their gratitude to the noble volunteers across our state.

Issued by the Governor March 28, 2005.

Filed by the Secretary of State March 28, 2005.

**2005-89****FEDERAL EMPLOYEE OF THE YEAR DAY**

WHEREAS, the hard work and dedication of men and women across the United States have been instrumental in making our nation strong and prosperous; and

WHEREAS, a special day is set aside each year to recognize the outstanding service of dedicated federal employees; and

WHEREAS, this year, the 48<sup>th</sup> Annual Federal Employee of the Year Awards Luncheon will be held on May 4<sup>th</sup> at Chicago's Navy Pier. The theme for this year's ceremony is "Federal Employees – Stamp of Approval"; and

WHEREAS, at this prestigious ceremony, federal employees who have dedicated themselves to giving superior service to the American public will be honored; and

WHEREAS, twenty-six federal agencies have submitted a total of 386 nominations for consideration in such categories as: Outstanding Community Service Employee, Outstanding Law Enforcement Employee, and Outstanding Secretarial/Clerical Employee.

WHEREAS, in conjunction with the ceremony, college scholarships will be awarded to two graduate students attending the University of Illinois at Chicago's College of Urban Planning and Public Affairs:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 4, 2005 as **FEDERAL EMPLOYEE OF THE YEAR DAY** in Illinois, and encourage all

## PROCLAMATIONS

citizens to join in honoring these hard working individuals, and to recognize the exceptional services they provide for our society.

Issued by the Governor March 28, 2005.

Filed by the Secretary of State March 28, 2005.

**2005-90****SIGMA GAMMA RHO SORORITY RECOGNITION DAY**

WHEREAS, Sigma Gamma Rho Sorority, Incorporated was organized on November 12, 1922, in Indianapolis, Indiana, by seven young students who had chosen teaching as their profession: Mary Lou Allison Little, Dorothy Hanley Whiteside, Vivian White Marbury, Nannie Mae Gahn Johnson, Hattie Mae Dulin Redford, Bessie M. Downey Martin, and Cubena McClure; and

WHEREAS, on December 30, 1929, Sigma Gamma Rho Sorority became an incorporated national collegiate sorority and has since become an international service organization; and

WHEREAS, Sigma Gamma Rho Sorority, Incorporated is a non-profit, collegiate organization dedicated to the encouragement and promotion of high scholastic attainment, community service, and the improvement of our society as a whole; and

WHEREAS, local chapters of Sigma Gamma Rho, Incorporated award annual scholarships to deserving students, regardless of race, gender, or nationality. In addition, Sigma Gamma Rho's National Education Fund was established in 1984 to provide funds for students pursuing their academic goals. In addition to the scholarship program, the fund encourages and supports research in education, health and other related fields; and

WHEREAS, Sigma Gamma Rho Sorority, Incorporated has over 400 chapters in the United States, Bermuda, the Virgin Islands, Bahamas, and Germany, with its international headquarters located in Chicago. These chapters carry on the tradition of organization's founders by striving to improve the quality of life for all mankind:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2, 2005 as **SIGMA GAMMA RHO SORORITY RECOGNITION DAY** in Illinois, and encourage all citizens to recognize the positive contributions made by past and present members of the organization to our communities.

Issued by the Governor March 28, 2005.

Filed by the Secretary of State March 28, 2005.

# ILLINOIS ADMINISTRATIVE CODE

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