

# 2005

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 29 Issue 43  
October 21, 2005  
Pages 15678-16077

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

Printed on recycled paper

**TABLE OF CONTENTS**

**October 21, 2005 Volume 29, Issue 43**

**PROPOSED RULES**

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF  
Standard Procurement  
44 Ill. Adm. Code 1 .....15678  
Financial Incentive Opt Out of the State Employees Group Health  
Plan For Non-Medicare State Employees Retirement System  
Annuitants  
80 Ill. Adm. Code 2106 .....15753  
EMPLOYMENT SECURITY, DEPARTMENT OF  
Determination of Unemployment Contributions  
56 Ill. Adm. Code 2770 .....15755  
Disqualifying Income and Reduced Benefits  
56 Ill. Adm. Code 2920 .....15764  
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF  
Predatory Lending Database  
38 Ill. Adm. Code 346 .....15772  
HUMAN SERVICES, DEPARTMENT OF  
Temporary Assistance for Needy Families  
89 Ill. Adm. Code 112 .....15776  
Food Stamps  
89 Ill. Adm. Code 121 .....15779  
STATE UNIVERSITIES RETIREMENT SYSTEM  
Universities Retirement  
80 Ill. Adm. Code 1600 .....15781

**ADOPTED RULES**

EDUCATION, ILLINOIS STATE BOARD OF  
Public Schools Evaluation, Recognition and Supervision  
23 Ill. Adm. Code 1 .....15789  
Certification  
23 Ill. Adm. Code 25 .....15831  
Evaluation of Certified School District Employees in Contractual  
Continued Service (Repealer)  
23 Ill. Adm. Code 50 .....15902  
Health/Life Safety Code for Public Schools  
23 Ill. Adm. Code 180 .....15904  
Driver Education  
23 Ill. Adm. Code 252 .....15936  
Comprehensive Health Education (Repealer)  
23 Ill. Adm. Code 253 .....15955  
Health Examinations and Immunizations (Repealer)  
23 Ill. Adm. Code 625 .....15957  
HUMAN SERVICES, DEPARTMENT OF

Individualized Plan for Employment (IPE)	
89 Ill. Adm. Code 572 .....	15959
Closure of a Rehabilitation Case	
89 Ill. Adm. Code 595 .....	15964
SECRETARY OF STATE, OFFICE OF THE	
Cancellation, Revocation or Suspension of Licenses or Permits	
92 Ill. Adm. Code 1040 .....	15968
<b>EMERGENCY RULES</b>	
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Financial Incentive Opt Out of the State Employees Group Health	
Plan For Non-Medicare State Employees Retirement System	
Annuitants	
80 Ill. Adm. Code 2106 .....	15976
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Medical Payment (Repealer)	
89 Ill. Adm. Code 140 .....	15985
HUMAN SERVICES, DEPARTMENT OF	
Temporary Assistance for Needy Families	
89 Ill. Adm. Code 112 .....	16008
Food Stamps	
89 Ill. Adm. Code 121 .....	16042
<b>SECOND NOTICES RECEIVED</b>	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	16059
<b>NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS</b>	
AGRICULTURE, DEPARTMENT OF	
Insect Pest and Plant Disease Act	
8 Ill. Adm. Code 240 .....	16061
PROPERTY TAX APPEAL BOARD	
Practice and Procedure for Appeals Before the Property Tax	
Appeal Board	
86 Ill. Adm. Code 1910 .....	16062
<b>NOTICES REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS</b>	
<b>REGISTER</b>	
REVENUE, ILLINOIS DEPARTMENT OF	
2005 Third Quarter Sales Tax Sunshine Index.....	16064
<b>EXECUTIVE ORDERS AND PROCLAMATIONS</b>	
PROCLAMATIONS	
Week of the Classroom Teacher (Revised)	
2005-330.....	16072
German American Day	
2005-333.....	16072
Energy Star Change a Light, Change the World Day	
2005-334.....	16073
Abraham Lincoln Centre Day	
2005-335.....	16074

Prematurity Awareness Month & Day	
2005-336.....	16075
Put the Brakes on Fatalities Day	
2005-337.....	16076
GFWC Illinois Junior Women's Club Week	
2005-338.....	16077

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1.08	Amendment
1.15	Amendment
1.25	Amendment
1.1040	Amendment
1.1050	Amendment
1.1525	Amendment
1.2005	Amendment
1.2010	Amendment
1.2012	Amendment
1.2015	Amendment
1.2020	Amendment
1.2025	Amendment
1.2030	Amendment
1.2037	Amendment
1.2038	Amendment
1.2040	Amendment
1.2045	Amendment
1.2046	Amendment
1.2050	Amendment
1.2060	Amendment
1.2560	Amendment
1.2575	New Section
1.2800	Amendment
1.4535	Amendment
1.4575	New Section
1.5520	Amendment
1.5550	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500].
- 5) A Complete Description of the Subjects and Issues Involved: These amendments make non-substantive and minor substantive language changes. The substantive changes primarily reflect new laws (e.g., the Domestic Products Act and amendments to the Procurement Code) and address issues raised by the Auditor General (e.g., better

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

documentation of decisions, identifying components of the total price that will be evaluated, being more precise in stating what factors a best & final request covers, requiring approval if a vendor must begin work before the contract is signed, requiring all vendors to identify subcontractors and the prices that will be paid to each, and clarifying the restrictions on the use of vendors who provide pre-solicitation assistance), make the procurement process more open and accessible (e.g., stating that bid prices shall be read aloud rather than simply recorded and requiring review and approval of sole source requests) and make adjustments to reflect better practices (e.g., managing tie bids and processing of protests).

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part?

<u>Section Number</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
1.4545	Amendment	29 Ill. Reg. 1487; 1/28/05

- 10) Statement of Statewide Policy Objective: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Gina Wilson  
 Illinois Department of Central Management Services  
 720 Stratton Office Building  
 Springfield, Illinois 62706

217/785-1793

OR

Ben Bagby  
 Illinois Department of Central Management Services

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

720 Stratton Office Building  
Springfield, Illinois 62706

217/557-3761

- 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: The proposed changes will have no effect on existing practices.
  - C) Types of professional skills necessary for compliance: Not applicable
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT  
AND PROPERTY MANAGEMENT

SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 1

STANDARD PROCUREMENT

SUBPART A: GENERAL

Section

- 1.01 Title
- 1.05 Policy
- 1.08 Purpose and Implementation of This Part
- 1.10 Application
- 1.15 Definition of Terms Used in This Part
- 1.25 Property Rights
- 1.30 Constitutional Officers, and Legislative and Judicial Branches

SUBPART B: PROCUREMENT RULES

Section

- 1.525 Rules

SUBPART C: PROCUREMENT AUTHORITY

Section

- 1.1005 Exercise of Procurement Authority
- 1.1010 Appointment of State Purchasing Officer
- 1.1030 Associate Procurement Officers
- 1.1040 Central Procurement Authority of the CPO
- 1.1050 Procurement Authority of the SPO; Limitations
- 1.1060 Delegation
- 1.1070 Toll Highway Authority
- 1.1075 Department of Natural Resources
- 1.1080 Illinois Mathematics and Science Academy

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1.1510 Illinois Procurement Bulletin
- 1.1525 Bulletin Content
- 1.1550 Official State Newspaper
- 1.1560 Supplemental Notice
- 1.1570 Error in Notice
- 1.1580 Direct Solicitation
- 1.1590 Retention of Bulletin Information

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

- Section
- 1.2005 General Provisions
- 1.2010 Competitive Sealed Bidding
- 1.2012 Multi-Step Sealed Bidding
- 1.2015 Competitive Sealed Proposals
- 1.2020 Small Purchases
- 1.2025 Sole Economically Feasible Source Procurement
- 1.2030 Emergency Procurements
- 1.2035 Competitive Selection Procedures for Professional and Artistic Services
- 1.2036 Other Methods of Source Selection
- 1.2037 Tie Bids and Proposals
- 1.2038 Mistakes
- 1.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

- Section
- 1.2043 Suppliers
- 1.2044 Vendor List/Required Use
- 1.2045 Prequalification
- 1.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

- Section
- 1.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1.2050 Specifications and Samples

SUBPART I: CONTRACT TYPE

Section  
1.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section  
1.2060 Duration of Contracts – General

SUBPART K: CONTRACT MATTERS

Section  
1.2560 Prevailing Wage  
1.2570 Equal Employment Opportunity; Affirmative Action  
[1.2575 Subcontractors](#)

SUBPART L: CONTRACT PRICING

Section  
1.2800 All Costs Included

SUBPART M: CONSTRUCTION AND  
CONSTRUCTION RELATED PROFESSIONAL SERVICES

Section  
1.3005 Construction and Construction Related Professional Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section  
1.4005 Real Property Leases and Capital Improvement Leases

SUBPART O: PREFERENCES

Section  
1.4505 Procurement Preferences  
1.4510 Resident Bidder Preference

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1.4530 Correctional Industries
- 1.4535 Sheltered Workshops for the Disabled
- 1.4540 Gas Mileage
- 1.4545 Small Business
- 1.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities
- | [1.4575 Domestic Products](#)

SUBPART P: ETHICS

- Section
- 1.5013 Conflicts of Interest
- 1.5015 Negotiations for Future Employment
- 1.5020 Exemptions
- 1.5030 Revolving Door
- 1.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART Q: CONCESSIONS

- Section
- 1.5310 Concessions

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

- Section
- 1.5510 Complaints Against Vendors
- 1.5520 Suspension
- 1.5530 Resolution of Contract Controversies
- 1.5540 Violation of Law or Rule
- 1.5550 Protests

SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

- Section
- 1.6010 Supply Management and Dispositions

SUBPART T: GOVERNMENTAL JOINT PURCHASING

- Section
- 1.6500 General

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1.6510 No Agency Relationship
- 1.6520 Obligations of Participating Governmental Units
- 1.6530 Centralized Contracts – Estimated Quantities
- 1.6535 Centralized Contracts – Definite Quantities

## SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

## Section

- 1.7000 Severability
- 1.7010 Government Furnished Property
- 1.7015 Inspections
- 1.7020 Records and Audits
- 1.7025 Written Determinations
- 1.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 7 Ill. Reg. 100, effective December 17, 1982; amended at 7 Ill. Reg. 13481, effective October 4, 1983; amended at 7 Ill. Reg. 13844, effective October 12, 1983; codified at 8 Ill. Reg. 14941; Sections 1.2210, 1.2220, 1.2230, 1.2240 recodified to Section 1.2210 at 9 Ill. Reg. 6118; amended at 10 Ill. Reg. 923, effective January 2, 1986; amended at 10 Ill. Reg. 18707, effective October 22, 1986; amended at 11 Ill. Reg. 7225, effective April 6, 1987; amended at 11 Ill. Reg. 7595, effective April 14, 1987; amended at 13 Ill. Reg. 17804, effective November 7, 1989; emergency amendment at 16 Ill. Reg. 13118, effective August 7, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 600, effective January 5, 1993; amended at 17 Ill. Reg. 14576, effective August 27, 1993; amended at 20 Ill. Reg. 9015, effective July 1, 1996; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12632, effective July 1, 1998, for a maximum of 150 days, and new Part adopted by emergency rulemaking at 22 Ill. Reg. 12726, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20875, effective November 25, 1998; emergency amendment at 23 Ill. Reg. 2812, effective February 16, 1999, for a maximum of 150 days; emergency expired on July 15, 1999; emergency amendment at 23 Ill. Reg. 5869, effective April 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7075, effective June 7, 1999; amended at 24 Ill. Reg. 1900, effective January 21, 2000; amended at 26 Ill. Reg. 13189, effective August 23, 2002; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL

**Section 1.08 Purpose and Implementation of This Part**

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- a) This Part establishes rules necessary and appropriate to implement the authorities granted by the Illinois Procurement Code (Code) [30 ILCS 500] relating to the procurement, management, and control of supplies, services, real estate leases and related capital improvement, concessions and, as applicable, construction, and necessary rulemaking under the authority of the Code.
- b) This Part applies to all procurements and procurement rulemaking under the jurisdiction of the Chief Procurement Officer (CPO) and any State Purchasing Officer (SPO) appointed by the CPO. For the purposes of this Part, any reference to CPO means the Director of the Department of Central Management Services unless the context indicates otherwise.
- c) This Part is intended to make policies, procedures and guidelines for procurement [activities](#) of ~~necessary supplies and services by~~ State agencies uniform and consistent among and within State agencies in order to facilitate participation in State procurements, encourage competition, and ensure that procurements are conducted in a fair and open manner. Implementation by and within State agencies shall be consistent with this Part. Operational interpretations are to be made in a flexible manner designed to secure the State's needs and protect the State's interests.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.15 Definition of Terms Used in This Part**

As used throughout this Part, terms defined in the Illinois Procurement Code shall have the same meaning as in the Code and as further defined below, and each term listed in this Section shall have the meaning set forth below unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Bid" – The response to an Invitation for Bids.

"Bidder" – Any person who submits a bid.

"Brand Name or Equal Specification" – A specification that uses one or more manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet State requirements, and that allows the submission of equivalent products.

"Brand Name Specification" – A specification limited to one or more items by

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

manufacturers' names or catalogue numbers.

["Chief Procurement Officer" or "CPO" – The Director of the Department of Central Management Services or a designee.](#)

"Code" – The Illinois Procurement Code [30 ILCS 500].

"Concession" – The right or a lease to engage in a certain activity for profit on the lessor's premises (e.g., a refreshment or parking concession).

"Consulting Services" – Services provided by a business or person as an independent contractor to advise and assist an agency in solving specific management or programmatic problems involving the organization, planning, direction, control or operations of a State agency. The services may or may not rise to the level of professional and artistic as defined in the Code and this Part.

"Contract" – A contract may be in written or oral form. The term contract as used in the Code and this Part does not include: supplies or services the terms governing which are established by tariff of the Illinois Commerce Commission or the Federal Communications Commission, bonds, or contracts relating to bonds issued by or on behalf of a State Agency when the contractor or vendor is neither selected nor paid by the State Agency. The term "contract" includes, but is not limited to purchase, installment purchase, lease and rental contracts.

"Contractor" or "Vendor" – The terms contractor and vendor are used interchangeably for purposes of the Code and this Part.

"Day" – Calendar day. In computing any period of time, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a State holiday, in which event the period shall run to the end of the next business day.

"Items" – Anything that may be procured under this Code.

"Invitation for Bids" or "IFB" – *The process by which a purchasing agency requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids.* [30 ILCS 500/1-15.45]

["Offeror" – A person who responds to an Invitation for Bids, Request for](#)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

[Proposals or other form of solicitation.](#)

"Procurement Officer" – The Chief Procurement Officer (CPO) or appropriate State Purchasing Officer (SPO) who conducts the particular procurement, or a designee of either.

"Proposal" – The response to a Request for Proposals.

"Purchase of Care" – *A contract with a person for the furnishing of medical, educational, psychiatric, vocational, rehabilitation, social, or human services directly to a recipient of a State aid program.* [30 ILCS 500/1-15.68] Purchase of care includes services provided or arranged to be provided by the vendor in conjunction with the purchase of care. Such services may include administrative and management services, enrollment, health education, grievance procedures, case management, utilization review, quality assurance, peer review, or marketing. Recipient of a State aid program includes applicants for a State aid program.

"Qualified Products List" – An approved list of supplies described by model or catalog numbers that, prior to competitive solicitation, the State has determined will meet the applicable specification requirements.

"Request for Proposals" or "RFP" – *The process by which a purchasing agency requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals.* [30 ILCS 500/1-15.75]

"Requesting Agency" – The agency that requests that the CPO conduct a procurement for its use. All procurements reserved to the CPO that have not been delegated must be initiated by a purchase request.

"Responsive Bidder" – *A person who has submitted a bid that conforms in all material respects to the invitation for bids.* [30 ILCS 500/1-85]

"Responsible Offeror" – A person who has submitted an offer that conforms in all material respects to the Request for Proposals.

"Service" – *The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance and the financing thereof.* [30 ILCS 500/1-15.90]

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

"Solicitation" – An Invitation for Bids, a Request for Proposals or other request to one or more vendors to respond to a procurement need expressed by the State.

"Specification" – Any description of the physical, functional, or performance characteristics, or of the nature of a supply or service. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply or service item for delivery. Unless the context requires otherwise, the terms "specification" and "purchase description" are used interchangeably throughout this Part.

"Specification for a Common or General Use Item" – A specification that has been developed and approved for repeated use in procurements.

"State agency" – *Includes all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the State, created by or in accordance with the constitution or statute, of the executive branch of State government and does include colleges, universities, and institutions under the jurisdiction of the governing boards of the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governors State University, Northeastern Illinois University, and the Board of Higher Education. However, this term does not apply to public employee retirement systems or investment boards that are subject to fiduciary duties imposed by the Illinois Pension Code or to the University of Illinois Foundation. "State agency" does not include units of local government, school districts, community colleges under the Public Community College Act, and the Illinois Comprehensive Health Insurance Board. [30 ILCS 500/1-15.100]*

"Supplies" – *All personal property, including but not limited to equipment, materials, printing, and insurance, and the financing of those supplies. [30 ILCS 500/1-15.110]*

"Unsolicited Offer" – Any offer other than one submitted in response to a solicitation.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.25 Property Rights**

Receipt of an Invitation for Bids or other [solicitation or](#) procurement document, or submission of

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

any response thereto, or other offer, confers no right to receive an award or contract, nor does it obligate the State in any manner.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: PROCUREMENT AUTHORITY

**Section 1.1040 Central Procurement Authority of the CPO**

- a) The CPO may establish master, scheduled or open-ended contracts for any ~~items~~ supplies and services, and those contracts shall be utilized by State agencies in accordance with the terms of those contracts ~~for the procurement of supplies and services covered by those contracts~~.
- b) The following items will be procured by the CPO as the central purchasing agency. These items may be procured by an SPO only as provided in this Subpart or in a letter of delegation from the CPO authorizing the procurement activity.
  - 1) Supplies. The CPO shall procure all supplies exceeding \$25,000. In addition the CPO shall procure:
    - A) printing exceeding \$10,000; and
    - B) regardless of price:
      - i) Employee benefits authorized under the State Employees Group Insurance Act or the Personnel Code;
      - ii) Financing of any procurement;
      - iii) Paper, stationery, envelopes;
      - iv) Postage stamps;
      - v) Property, casualty, liability and other insurance, and bonds;
      - vi) All telecommunications material, equipment, software and related goods. (Equipment used to provide data communications internal to a building is considered to be Local Area Network equipment and is therefore excluded

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

from this provision.);

vii) Utilities for buildings managed by the CPO;

viii) Vehicles.

2) Services. The CPO shall procure the following services:

A) Electronic data processing services including, but not limited to, consulting and professional and artistic services, exceeding \$25,000;

B) Regardless of price, all telecommunications related services including, but not limited to:

i) voice, data, video, and internet working services delivered from private and or public network services, dedicated and/or virtual networking. Wide Area Networking and/or Metropolitan Area Networking, local exchange services, long distance services, radio frequency derived communications services (e.g., cellular, PCS, land mobile, microwave, etc., service);

ii) repairs, additions, relocations, or related changes to telecommunication services;

iii) consulting, professional and artistic services relating to telecommunications issues.

C) Vehicles related services, including but not limited to, fleet management and repairs, regardless of price.

3) Real Estate. The CPO shall procure all leases of real estate and any capital improvements to the leased real estate for the use of State agencies, regardless of price.

c) Central Procurement Procedures

1) Purchase Requests

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

For purchases that are reserved to the CPO, each agency must initiate the procurement process through submission of a purchase request to the CPO. The CPO shall designate the format and requirements for submission.

## 2) Chief Procurement Officer's Authority to Reject

When the CPO, after consultation with the requesting agency, decides that processing the purchase request is clearly not in the best interest of the State, or that further review is needed, the CPO shall return such purchase request to the requesting agency. A statement of the reasons for its return shall accompany the returned request. Examples of reasons a purchase request may be returned include, but are not limited to:

- A) the request can be satisfied from existing State inventory or State contracts;
- B) the request exceeds agency needs;
- C) the needs requested could be procured more economically at a different time without detriment to the State; or
- D) the quality requested is inconsistent with State standards and usage.

## 3) Determination of Contractual Terms and Conditions

The CPO has authority to determine the terms and conditions of solicitations and contracts. The CPO will consult with the requesting agency if the agency requests special terms and conditions.

- d) The CPO may, after consultation with and notice to any affected SPO, use central procurement procedures for items in addition to those listed in this Section upon its determination that such procedures are likely to result in significant efficiencies or economies.
- e) The CPO and the CPOs of the construction agencies will determine whether a supply item or group of supply items shall be included as a part of, or procured separately from, any contract for construction.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- f) The CPO, as Director of the Department of Central Management Services, has additional duties and responsibilities established in statute apart from the Code, and nothing in this Part shall be interpreted to limit those other statutory duties and responsibilities.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.1050 Procurement Authority of the SPO; Limitations**

- a) **SPO's Authority**  
The SPOs appointed by the CPO shall have authority to make all procurements for the use of the SPO's agency that are not under the central procurement authority of the CPO, another CPO, or a construction agency. Such procurements shall be conducted in accordance with applicable statute, this Part and any limitations set by the CPO.
- b) **Emergency Procurements**
- 1) Agencies shall report telecommunications emergencies to the Department of Central Management Services' Network Control Center. Emergency procurements shall be made or authorized by the Department of Central Management Services. If the Network Control Center number cannot be reached, the Agency shall take reasonable temporary measures to meet its telecommunications needs.
  - 2) For all other emergency procurements, whenever practicable, SPOs shall contact the CPO for instructions for meeting needs in emergency situations for each procurement under the central procurement authority of the CPO. SPOs shall utilize existing contracts established by the CPO whenever practicable. Quick purchases under Section 1.2030 of this Part must be approved by the CPO for those items under the jurisdiction of the CPO as identified in Section 1.1040 of this Part.
- c) **Professional and Artistic Services**  
Each SPO shall have authority, subject to the supervision of the CPO, to procure those professional and artistic services that are not under the central procurement authority of the CPO. Supervision primarily consists of ensuring SPO compliance with the procurement procedures established by the Code and this Part for procuring these services, but also includes without limitation the authority to review and require modifications to specifications; schedule for opening

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

proposals; evaluation criteria; and awards when deemed necessary to protect the State's interests and ensure compliance with the Code and this Part.

- d) Correctional Industries  
Each SPO shall have authority to procure supplies and services from the Department of Correction's Correctional Industries program.
- e) CPO Contracts  
SPOs do not have the authority to procure ~~items~~~~supplies or services~~ for which the CPO establishes master, scheduled or open-ended contracts, except as permitted in the terms of those contracts.
- f) Department of Central Management Services  
SPOs must procure from the Department of Central Management Services items ~~do not have authority to procure supplies or services~~ available from any of the program operations of the Department of Central Management Services unless specifically authorized to procure from another source. This includes, but is not limited to:
- 1) Paper and Printing Warehouse;
  - 2) Division of Vehicles system; and
  - 3) Central Computing Facility.
- g) Review by CPO  
Any procurement related activity of an SPO may be reviewed by the CPO, and the SPO shall supply information requested by the CPO. Should the CPO determine that the SPO's activities were not in accordance with the requirements of the Code, this Part or good procurement practices, or is otherwise not in the State's best interest, the CPO may consult with the SPO or executive head of the agency and, if necessary, may place additional limits on the SPO's authority. These additional limitations will be communicated in the form of written notice sent by the CPO to the SPO and the executive head of the agency.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

**Section 1.1525 Bulletin Content**

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- a) The information in each volume of the Bulletin will be updated at least once per month and may be updated as frequently as daily. The format, lead-time and other administrative requirements for submitting notices to the Bulletin will be provided in writing by the CPO to each SPO.
- b) Notice of each procurement request governed by the Code that must be conducted by competitive sealed bidding, including multi-step sealed bidding, competitive sealed proposals, ~~or~~ competitive selection procedures, [or real estate requests for information](#), shall be placed in the Bulletin. The notice shall contain at least the following information:
- 1) the name of the procuring agency (and using agency, if different);
  - 2) a brief purchase description;
  - 3) a procurement reference number, if used;
  - 4) the date the procurement is first offered (procurements that require notice shall not be distributed to vendors prior to the date the notice is first published in the Bulletin);
  - 5) the date, time, and location for making submissions;
  - 6) the method of source selection;
  - 7) the name of the Procurement Officer in charge; and
  - 8) instructions on how to obtain detailed information.
- c) Notice of each contract awarded that was subject of a notice in subsection (b) ~~above~~ shall be placed in the Bulletin. This notice shall contain at least the following information:
- 1) the information published in subsection (b) ~~above~~;
  - 2) the name of the vendor selected for award;
  - 3) the contract price;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 4) the number of unsuccessful responsive vendors; and
  - 5) other disclosures required to be published in the Bulletin.
- d) The following information regarding emergency procurements shall be published in the Bulletin within 1044 days after commencement of performance under the emergency contract:
- 1) name of the procuring agency (and using agency, if different);
  - 2) name of the vendor selected for award;
  - 3) brief description of what the vendor will do or provide;
  - 4) total price (if only an estimate is known, it shall be published, but a subsequent notice repeating all required information shall be published when the final amount is known);
  - 5) reasons for using the emergency method of source selection; and
  - 6) name of the Procurement Officer in charge.
- e) The following information in regard to sole source procurements shall be published in the Bulletin at least 14 days prior to entering into the contract with the designated sole source vendor:
- 1) name of the procuring agency (or using agency, if different);
  - 2) name of the vendor;
  - 3) brief description of what the vendor will do or provide; and
  - 4) name of the Procurement Officer in charge.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

**Section 1.2005 General Provisions**

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- a) Late Bids or Proposals, Late Withdrawals and Late Modifications
- 1) Definition. Any bid, ~~or proposal,~~ modification or withdrawal received after the time and date for receipt, ~~and at other than the specified location,~~ is late. A bid that is delivered to the wrong location but that is subsequently delivered to the correct location by the date and time specified shall be considered, but the agency shall not be responsible for ensuring such subsequent delivery. ~~Any withdrawal or modification of a bid or proposal received after the time and date set for opening of bids or proposals is late. If received at other than the specified location, the submission is late.~~
  - 2) Treatment. No late bid or proposal, late modification, or late withdrawal will be considered unless the Procurement Officer, and not a designee, determines it would have been timely but for the action or inaction of State personnel directly serving the procurement activity (e.g., providing the wrong address).
  - 3) Records. Records shall be made and, in accordance with the State Records Act [5 ILCS 160], kept for each late bid or proposal, late modification, or late withdrawal.
  - 4) Other Submissions. Any other submission that has a time or date deadline shall be treated in the same manner as a late bid.
- b) Extension of Time
- 1) The Procurement Officer may, prior to the date or time for submitting or modifying a bid or proposal, extend the date or time for the convenience of the State.
  - 2) After opening bids or proposals, the Procurement Officer may request bidders or offerors who submitted timely bids or proposals to extend the time during which the State may accept the bids or proposals, provided that, with regard to bids, no other change is permitted. This extension does not provide an opportunity for others to submit bids or proposals.
- c) Electronic and Facsimile Submissions
- 1) The Invitation for Bids or Request for Proposals may state that electronic

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

and facsimile machine submissions will be considered if they are received at the designated office by the time and date set for receipt. Any required attachments will be submitted as stated in the IFB or RFP.

- 2) Electronic submissions authorized by specific language in the IFB or RFP will be opened in accordance with electronic security measures in effect at the purchasing agency at the time of opening. Unless the electronic submission procedures provide for a secure receipt, vendor assumes risk of premature disclosure due to submission in unsealed form.
  - 3) Fax submissions authorized by specific language in the IFB or RFP will be placed in a sealed container upon receipt and opened as other submissions. Vendor assumes risk of premature disclosure due to submission in unsealed form.
- d) **Intent to Submit**  
The Invitation for Bids or the Request for Proposals may require that vendors submit, by a certain time and date, a notice of their intent to submit a bid or proposal in response to the IFB or RFP. Bids and proposals submitted without complying with the notice of intent requirement may be rejected.
- e) **Only One Bid or Proposal Received**  
If only one bid or proposal is received, an award may be made to the single bidder or offeror if the Procurement Officer finds that the price submitted is fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond, or there is not adequate time for resolicitation. Otherwise:
- 1) new bids or offers may be solicited, including under sole source (Section 1.2025) or emergency (Section 1.2030) procedures; or
  - 2) the procurement may be canceled.
- f) **Alternate or Multiple Bids or Proposals**
- 1) Alternate bids or proposals may be accepted if:
    - A) permitted by the solicitation and in accordance with instructions in the solicitation; or
    - B) only one vendor responded, in which case the alternate submission

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

may be evaluated and treated in accordance with Section 1.2025 (Sole Source Procurement) of this Part; or

- C) the low bidder, who has met all requirements of the solicitation, has provided a lower cost alternative that meets all of the material requirements of the specifications.
- 2) Multiple bids or proposals may be accepted if:
- A) permitted by the solicitation and submitted in accordance with instructions in the solicitation; or
  - B) only one vendor responded, then, one or more of the submissions may be evaluated, provided that, in the case of bids, only the lowest cost bid meeting specifications may be considered.
- 3) If a vendor clearly indicates a primary submission among alternate or multiple bids or proposals, then that primary submission shall be considered for award as though it were the only bid or proposal submitted by the vendor.
- g) **Multiple Items**  
An Invitation for Bids or Request for Proposals may call for pricing of multiple items of similar or related type with award based on individual line item, group total of certain items, or grand total of all items.
- h) **"All or None" Bids or Proposals**  
All or none bids or proposals may be accepted if the evaluation shows an all or none award to be the lowest cost or best value of those submitted.
- i) **Conditioning Bids or Proposals Upon Other Awards**  
Any bid or proposal that is conditioned upon receiving award of the particular contract being solicited and one or more other State contracts shall:
- 1) be rejected unless the vendor removes the condition; or
  - 2) be evaluated and award made to that vendor if the vendor is also independently evaluated as the winner of the other IFBs or RFPs provided the agency need not delay procurement actions to accommodate the vendor's all or none condition.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## j) Unsolicited Offers

- 1) Processing of Unsolicited Offers. The Procurement Officer may consider unsolicited offers. If the SPO of an agency that receives an unsolicited offer is not authorized to enter into a contract for the ~~items~~~~supplies or services~~ offered, the SPO of such agency may forward the offer to the CPO, who may consider such unsolicited offer.
- 2) Conditions for Consideration. An unsolicited offer must be in writing and must be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to the State.
- 3) Award. An award may not be made based on an unsolicited offer in place of the notice and competition requirements of the Code and this Part except if that unsolicited offer meets the requirements for a small (Section 1.2020), sole source (Section 1.2025), or emergency (Section 1.2030) procurement.

## k) Clarification of Bids and Proposals

The Procurement Officer may request that a vendor clarify its bid or proposal as a part of the evaluation process. A vendor shall not be allowed to materially change its bid or proposal in response to a request for clarification. A clarification is not an opportunity to make changes or for submission of ~~Best & Finals~~~~best and finals~~ as authorized elsewhere in this Part.

## l) Extension of Time on Indefinite Quantity Contracts

The time of performance of an indefinite quantity contract may be extended upon agreement of the parties, provided the extension is for 90 days or less and the Procurement Officer determines in writing that it is not practical to award another contract at the time of such extension.

## m) Increase in Quantity on Definite Quantity Contracts

- 1) The quantity that may be ordered from a definite quantity contract without additional notice and competition may be increased by up to 20% provided the Procurement Officer determines that separate bidding for the additional quantity is not likely to achieve lower pricing. A particular procurement may specify a different percentage.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 2) The quantity may be increased by any percentage provided the dollar value of the increase does not exceed the applicable small purchase (Section 1.2020) threshold.
- n) Subsequent Purchase Request
- If, within 30 days after making an award to a particular vendor pursuant to a competitive sealed bid on behalf of an agency, the CPO receives a purchase request from another agency for the same item and for the same or lesser quantity, the CPO may contract with that vendor on the same terms and conditions, including price, without additional notice and competition, if such contract is acceptable to the vendor.
- o) Assignment, Novation or Change of Name
- 1) Assignment. No State contract is transferable, or otherwise assignable, without the written consent of the Procurement Officer, provided, however, that a vendor may assign money receivable under a contract after due notice to the State. Assignment may require the execution of a contract with the assignee and in such cases the assignee must meet all requirements for contracting with the State.
  - 2) Recognition of a Successor in Interest; Novation. When in the best interest of the State, a successor in interest may be recognized in a novation agreement in which the transferor and the transferee agree that:
    - A) the transferee assumes all of the transferor's obligations;
    - B) the transferee meets all requirements for contracting with the State;
    - C) the transferor waives all rights under the contract as against the State; and
    - D) unless the transferor guarantees performance of the contract by the transferee, the transferee shall, if required by the State, furnish a satisfactory performance bond.
  - 3) Change of Name. A vendor may submit a written request to change the name in which it holds a contract with the State. The name change shall not alter any of the terms and conditions of the contract or the obligations of the vendor.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 4) Reports. All change of name or novation agreements under this subsection (o) shall be reported to the CPO within 30 days after the date the agreement becomes effective so that the bid list may be updated.
- p) Contracting for Installment Purchase Payments, Including Interest  
Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate may not exceed that established by law, including the Bond Authorization Act [30 ILCS 305].
- q) Use of Source Selection Method that is Not Required  
If a purchasing agency uses a method of source selection that it is not, by law, required to use (e.g., use of a competitive sealed bid for a small purchase), the purchasing agency is not bound to strict compliance with the Code and rules governing the method of source selection used.
- r) Vendor Signature  
A bid or proposal submitted unsigned will be evaluated if the vendor submits a written signature acceptable to the Procurement Officer within the time specified by that officer.
- s) Stringing  
Dividing or planning procurements to avoid use of competitive procedures (stringing) is prohibited.
- t) Confidential Data  
Vendors must clearly identify any information that is exempt from the disclosure requirement of the Illinois Freedom of Information Act [5 ILCS 140] and must request special handling of that material.
- u) Documentation of Procurement Actions  
Each SPO shall maintain in the procurement or associated contract file all substantive documents and records of communications that pertain to the procurement and any resulting contract. This shall include, as applicable, but is not limited to:
- 1) Procurement Business Case or other form of decision memo showing approvals to proceed at all stages.
  - 2) Procurement Bulletin Postings.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 3) Solicitation document (e.g., IFB) and all amendments, clarifications and Best & Final requests,
- 4) Vendors' responses, including clarifications and responses to Best & Final requests (losing responses may be stored elsewhere),
- 5) Evaluation material (e.g., scoring guidelines and forms; completed score sheets for individual evaluators, including notes; evaluation committee's combined score sheets; evaluation committee's recommendation; and management's decision),
- 6) Protest and resolution,
- 7) Contract and any order, change, amendments, renewal or extension,
- 8) Contractor Performance reviews,
- 9) All information from subsections (u)(1)-(u)(8), less information exempt from disclosure under the Freedom of Information Act [5 ILCS 140], shall be prepared and available for inspection and copying, with information from subsections (u)(1)-(u)(5) available on the date any award is posted to the Procurement Bulletin.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.2010 Competitive Sealed Bidding**

- a) Application  
Competitive sealed bidding is the required method of source selection except as allowed by the Code and this Part. The provisions of this Section apply to every procurement required to be conducted by competitive sealed bidding.
- b) The Invitation for Bids
  - 1) Use. The Invitation for Bids is used to initiate a competitive sealed bid procurement.
  - 2) Content. The Invitation for Bids shall include, at a minimum, the following:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- A) instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, and the maximum time for bid acceptance by the State;
  - B) the purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description; and
  - C) the contract terms and conditions, including warranty and bonding or other security requirements, as applicable.
- 3) Incorporation by Reference. The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where such documents can be obtained.
- c) **Bidding Time**  
Bidding time is the period of time between the date of notice or distribution of the Invitation for Bids and the time and date set for receipt of bids. In each case, bidding time will be set to provide bidders a reasonable time to prepare their bids. A minimum of 14 days shall be provided unless a shorter time is authorized by the Code or this Part.
- d) **Bidder Submissions**
- 1) **Bid Form.** The Invitation for Bids may include a form or format for submitting bids. If a form or format is specified, vendor shall submit bids as instructed.
  - 2) **Bid Samples and Descriptive Literature**
    - A) Bid samples or descriptive literature may be required when it is necessary to evaluate required characteristics of the items bid.
    - B) Unsolicited bid samples or descriptive literature are submitted at the bidder's risk, may not be examined or tested, will not be deemed to vary any of the provisions of the Invitation for Bids, and may not be utilized by the vendor to contest a decision or understanding with the State.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## e) Public Notice

- 1) **Publication.** Every procurement for supplies and services in excess of the small purchase amount that must be procured using an Invitation for Bids shall be publicized in the Illinois Procurement Bulletin (see Section 1.1510).
- 2) **Public Availability.** A copy of the Invitation for Bids shall be made available for public inspection.
- 3) **Distribution.** Invitations for Bids or Notices of the Availability of Invitations for Bids may be mailed or otherwise furnished to a sufficient number of bidders for the purpose of securing competition. Notices of Availability shall, at a minimum, indicate where Invitations for Bids may be obtained; generally describe what is needed; and indicate the due date for bids. Where appropriate, the Procurement Officer may require payment of a fee or a deposit for supplying the Invitation for Bids.

## f) Pre-Bid Conference

A pre-bid conference may be conducted to enhance understanding of the procurement requirements. The pre-bid conference shall be announced as a part of the Invitation for Bids notice. The conference may be designated as "attendance mandatory" or "attendance optional". The conference should be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the Invitation for Bids unless a change is made by written [amendmentmodification](#) to the Invitation for Bids. Amendments shall be supplied to all those prospective bidders known to have received an Invitation for Bids. If the conference is mandatory, the amendment shall be supplied to attendees only.

## g) Amendments to Invitations for Bids

- 1) **Form.** Amendments to Invitations for Bids shall be clearly identified and shall reference the portion of the IFB it amends.
- 2) **Distribution.** Amendments shall be made available to all prospective bidders known to have received an Invitation for Bids.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 3) Timeliness. Amendments shall be made available within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids will not permit such preparation, the amendment shall extend the response time. If necessary, the response time may be extended by [e-mail](#), fax or telephone and confirmed in the amendment.
- h) Pre-Opening Modification or Withdrawal of Bids
    - 1) Procedure. Bids may be modified or withdrawn by written notice received in the office designated in the Invitation for Bids prior to the time and date set for bid opening.
    - 2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.
    - 3) Records. All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.
  - i) Receipt, Opening and Recording of Bids
    - 1) Receipt. Upon its receipt, each bid and modification shall be time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file shall so state.
    - 2) Opening and Recording
      - A) Bids and modifications shall be opened publicly at the time, date, and place designated in the Invitation for Bids. Opening shall be witnessed by a State employee or any other person present, but the person opening bids shall not serve as witness. The name of each bidder, the bid price, and such other information as is deemed appropriate by the Procurement Officer, shall be recorded and ~~the name of each bidder~~ read aloud or otherwise made available. The name of the witness shall also be recorded at the opening.
      - B) The winning bid shall be available for public inspection after award, along with the record of each unsuccessful bid.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## j) Bid Evaluation and Award

- 1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids, except as permitted in the Code and this Part. The Invitation for Bids shall set forth the requirements and criteria that will be used to determine the lowest responsive bidder. No bid shall be evaluated for any requirements or criteria [for price or responsiveness](#) that are not disclosed in the Invitation for Bids.
- 2) Responsibility. Responsibility of prospective vendors is covered by Section 1.2046 (Responsibility) of this Part.
- 3) Responsiveness. A bid must conform in all material respects to the Invitation for Bids.
  - A) Product or Service Acceptability. The Invitation for Bids shall set forth any evaluation criteria to be used in determining product or service acceptability. It may require the submission of bid samples, descriptive literature, technical data, references, licenses, or other information or material. It may also provide for accomplishing any of the following prior to award:
    - i) inspection or testing of a product or service prior to award for such characteristics as quality or workmanship;
    - ii) examination of such elements as appearance, finish, taste, or feel;
    - iii) other examinations to determine whether it conforms with any other purchase description requirements.
  - B) The acceptability evaluation is not conducted for the purpose of determining whether one bidder's product or service capability is superior to another, but only to determine that a bidder's offering is acceptable as set forth in the Invitation for Bids. Any bidder's offering that does not meet the acceptability requirements shall be rejected.
- 4) Determination of Lowest Bidder. Following determination of product or

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

service acceptability as set forth in this subsection (j), bids will be evaluated to determine which bidder offers the lowest cost to the State in accordance with the evaluation criteria set forth in the Invitation for Bids. Only objectively measurable criteria that are set forth in the Invitation for Bids shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost and ownership or life-cycle cost formulas. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible such evaluation factors shall be reasonable estimates based upon information the State has available concerning future use and shall provide for the equitable treatment of all bids. Pricing for optional supplies or services, or for renewal terms, may be considered, particularly when the pricing for such items or terms is unbalanced when compared to other pricing in the bid.

- 5) Price Negotiation. Negotiations are permitted with the low bidder to obtain a lower price for the item bid.
- k) Documentation of Award  
Following award, a record showing the successful bidder shall be made a part of the procurement file.
- l) Award to Other Than Low Bidder
  - 1) The Procurement Officer, but not a designee, may award to other than the lowest responsible and responsive bidder upon a written determination that award to another bidder is in the State's best interest. The name of the bidder selected, pricing, and the reasons for selecting this bidder instead of the low bidder must be published in the Bulletin.
  - 2) This action may be appropriate when the difference in quality or speed of delivery is so great as compared to the difference in price, and considering the needs of the agency, that a best value award is justified. However, if the difference in price is significant, the Procurement Officer may not utilize this provision.
- m) Publicizing Award  
The successful bidder shall be notified of award and such notification may be in the form of a letter, purchase order or other clear communication. In procurements over the small purchase limit set in Section 1.2020 (Small Purchases) of this Part, notice of award shall be published in the Bulletin.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.2012 Multi-Step Sealed Bidding**

- a) **Definition**  
Multi-step sealed bidding is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the State, and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered.
- b) **Conditions for Use**  
The multi-step sealed bidding method may be used when it is not practical to prepare initially a definitive purchase description that will be suitable to permit an award based on price. Multi-step sealed bidding may be used when it is considered desirable:
  - 1) to invite and evaluate possible diverse technical offers to determine their acceptability to fulfill the purchase description requirements; and
  - 2) to conduct discussions for the purposes of facilitating understanding of the technical offer and purchase description requirements and, where appropriate, obtain supplemental information, permit amendments of technical offers, or amend the purchase description.
- c) **Pre-Bid Conference in Multi-Step Sealed Bidding**  
Prior to the submission or evaluation of unpriced technical offers, a pre-bid conference as contemplated by Section 1.2010(f) (Pre-Bid Conference) may be conducted by the Procurement Officer.
- d) **Procedure for Phase One of Multi-Step Sealed Bidding**
  - 1) **Form.** Multi-step sealed bidding shall be initiated by the issuance of an Invitation for Bids in the form required by Section 1.2010 (Competitive Sealed Bidding), except as hereinafter provided. In addition to the requirements set forth in Section 1.2010, the multi-step Invitation for Bids shall state:
    - A) that unpriced technical offers are requested;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- B) whether priced bids are to be submitted at the same time as unpriced technical offers; if they are, such priced bids shall be submitted in a separate sealed envelope;
  - C) that it is a multi-step sealed bid procurement, and priced bids will be considered only in the second phase and only from those bidders whose unpriced technical offers are found acceptable in the first phase;
  - D) the criteria to be used in the evaluation of the unpriced technical offers;
  - E) that the Procurement Officer may conduct oral or written discussions of the unpriced technical offers;
  - F) that the item being procured shall be furnished generally in accordance with the bidder's technical offer as found to be finally acceptable and shall meet the requirements of the Invitation for Bids.
- 2) Amendments to the Invitation for Bids. After receipt of unpriced technical offers, amendments to the Invitation for Bids shall be distributed only to bidders who submitted unpriced technical offers, and they shall be permitted to submit new unpriced technical offers or to amend those submitted. If, in the opinion of the Procurement Officer, a contemplated amendment will significantly change the nature of the procurement, the Invitation for Bids may be canceled in accordance with Section 1.2040 (Cancellation of Solicitation; Rejection of Bids or Proposals) of this Part and a new Invitation for Bids issued.
- 3) Receipt and Handling of Unpriced Technical Offers. Unpriced technical offers submitted by bidders shall be opened in the presence of at least one witness. Such offers shall not be disclosed to unauthorized persons.
- 4) Evaluation of Unpriced Technical Offers. The unpriced technical offers submitted by bidders shall be evaluated solely in accordance with the criteria set forth in the Invitation for Bids. The unpriced technical offers shall be categorized as:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- A) acceptable;
  - B) potentially acceptable, that is, reasonably susceptible of being made acceptable; or
  - C) unacceptable, in which case the Procurement Officer shall record in writing the basis for finding an offer unacceptable, notify the vendor and make it part of the procurement file.
- 5) The Procurement Officer may initiate phase two of the procedure if, in the Procurement Officer's opinion, there are sufficient acceptable unpriced technical offers to assure effective price competition in the second phase without technical discussions. If the Procurement Officer finds discussion of the technical offers is necessary, the Procurement Officer shall commence discussions of the unpriced technical proposals.
- 6) Discussion of Unpriced Technical Offers. The Procurement Officer may conduct discussions with any vendor who submits an acceptable or potentially acceptable technical offer. During the course of such discussions, the Procurement Officer shall not disclose any information derived from one unpriced technical offer to any other bidder. Any such bidder may submit supplemental information amending its technical offer at any time until the closing date established by the Procurement Officer. Such submission may be made at the request of the Procurement Officer or upon the bidder's own initiative.
- 7) Unacceptable Unpriced Technical Offer. When the Procurement Officer determines a bidder's unpriced technical offer to be unacceptable, such offeror shall not be afforded an additional opportunity to supplement its technical offer.
- e) Procedure for Phase Two
- 1) Initiation. Upon the completion of phase one, the Procurement Officer shall either:
    - A) open priced bids submitted in phase one (if priced bids were required to be submitted) from bidders whose unpriced technical offers were found to be acceptable; or

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- B) if priced bids have not been submitted, invite each acceptable bidder to submit a priced bid.
- 2) Conduct. Phase two shall be conducted as any other competitive sealed bid procurement except:
- A) no public notice need be given of this invitation to submit priced bids because such notice was previously given, but all vendors selected in phase one shall be contacted for submission of a priced bid;
- B) the time to submit priced bids may be less than 14 days in order to accommodate the State's needs;
- C) after award, the unpriced technical offer of the successful bidder shall be disclosed as follows: The Procurement Officer shall examine written requests of confidentiality for trade secrets and proprietary data in the technical offer of such bidder to determine the validity of any such requests. If the parties do not agree as to the disclosure of data, the Procurement Officer shall reject the offer. Such technical offer shall be open to public inspection subject to any continuing prohibition on the disclosure of confidential data; and
- ~~D~~E) unpriced technical offers of bidders who are not awarded the contract shall not be open to public inspection.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.2015 Competitive Sealed Proposals**

- a) Competitive Sealed Proposals may be used whenever permitted by the Code and as described in this Part.
- b) The Competitive Sealed Proposal method of source selection may be used to procure the following categories: (note that the following services, if they are professional and artistic, must be procured pursuant to Section 1.2035 of this Part).
- 1) electronic data processing equipment, software, and services;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 2) telecommunications equipment, software, and services;
  - 3) consulting services; and
  - 4) employee benefits and management of those benefits.
- c) Competitive Sealed Proposals may be used on a case-by-case basis when it is determined by the Procurement Officer that competitive sealed bidding is either not practicable or advantageous.
- 1) "Practicable" Distinguished from "Advantageous." As used in Section 20-15 (Competitive Sealed Proposals) of the Illinois Procurement Code and in this Section, "practicable" denotes what may be accomplished or put into practical application, and "advantageous" connotes a judgmental assessment of what is in the State's best interest. Competitive sealed bidding may be practicable, that is, reasonably possible, but not necessarily advantageous, that is, in the State's best interest. Before a procurement may be conducted by competitive sealed proposals, the Procurement Officer shall determine in writing that competitive sealed bidding is either not practicable or not advantageous to the State.
  - 2) General Discussion
    - A) If competitive sealed bidding is not practicable or is not advantageous, competitive sealed proposals should be used.
    - B) The key element in determining whether use of a proposal is advantageous is the need for flexibility. The competitive sealed proposal method differs from competitive sealed bidding in two important ways:
      - i) it permits discussions with competing offerors and changes in their proposals, including price; and
      - ii) it allows comparative judgmental evaluations to be made when selecting among acceptable proposals for award of the contract.
    - C) Where evaluation factors involve the relative abilities of offerors to

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

perform, including degrees of experience or expertise, where the types of supplies or services may require the use of comparative, judgmental evaluations to evaluate them adequately, or where the type of need to be satisfied involves weighing aesthetic values to the extent that price is a secondary consideration, use of competitive sealed proposals is the appropriate procurement method.

- 3) When Competitive Sealed Bidding Is Not Practicable. Competitive sealed bidding is not practicable unless the nature of the procurement permits award to a low bidder who agrees by its bid to perform without condition or reservation in accordance with the purchase description, delivery or performance schedule, and all other terms and conditions of the Invitation for Bids. Factors to be considered in determining whether competitive sealed bidding is not practicable include:
  - A) whether the contract needs to be other than a fixed-price type;
  - B) whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals;
  - C) whether offerors may need to be afforded the opportunity to revise their proposals, including price;
  - D) whether award may need to be based upon a comparative evaluation, as stated in the Request for Proposals, of differing price, quality, and contractual factors in order to determine the most advantageous offering to the State. Quality factors include technical and performance capability and the content of the technical proposal; and
  - E) whether the primary consideration in determining award may not be price.
- 4) When Competitive Sealed Bidding Is Not Advantageous. A determination may be made to use competitive sealed proposals if it is determined that it is not advantageous to the State, even though practicable, to use competitive sealed bidding. Factors to be considered in determining whether competitive sealed bidding is not advantageous include:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- A) if prior procurements indicate that competitive sealed proposals may result in more beneficial contracts for the State; and
  - B) whether the factors listed in subsection (c)(3) of this Section are desirable, in conducting a procurement, rather than necessary; if they are, then such factors may be used to support a determination that competitive sealed bidding is not advantageous.
- d) Content of the Request for Proposals  
The Request for Proposals shall be prepared in accordance with Section 1.2010 (Competitive Sealed Bidding), provided that it shall also include:
- 1) a statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted without such discussions; and
  - 2) a statement of when and how price should be submitted.
- e) Receipt and Registration of Proposals
- 1) Proposals and modifications shall be opened publicly at the time, date and place designated in the Request for Proposals. Opening shall be witnessed by a State employee or by any other person present, but the person opening proposals shall not serve as witness. A record shall be prepared which shall include the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service item offered. The record of proposals shall be open to public inspection after award of the contract.
  - 2) Proposals and modifications shall be opened in a manner to avoid disclosing contents to competitors. Only State personnel and contractual agents may review the proposals prior to award.
- f) Evaluation of Proposals
- 1) Evaluation Factors in the Request for Proposals. The Request for Proposals shall state all of the evaluation factors, including price, and their relative importance. Evaluation subfactors, if any, and their relative importance must be finalized prior to the opening and made available for inspection and copying upon opening. However, all price subfactors and

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

[their relative ranking must be shown in the Request for Proposals.](#)

- 2) Evaluation. The evaluation shall be based on the evaluation factors set forth in the Request for Proposals. Factors not specified in the Request for Proposals shall not be considered. Numerical rating systems may be used but are not required. [Any scoring tool shall reflect the evaluation criteria and ranking set forth in the Request for Proposals and any subfactors available at the opening.](#)
  - 3) Classifying Proposals. For the purpose of conducting discussions, proposals may be initially classified as:
    - A) acceptable;
    - B) potentially acceptable, that is, reasonably susceptible of being made acceptable; or
    - C) unacceptable. Offerors whose proposals are unacceptable shall be so notified promptly.
- g) Proposal Discussions with Individual Offerors
- 1) "Offerors" Defined. For the purposes of Section 20-15(f) (Competitive Sealed Proposals, Discussion with Responsible Offerors and Revisions to Proposals) of the Illinois Procurement Code and of this Section, the term "offerors" includes only those businesses submitting proposals that are acceptable or potentially acceptable. The term shall not include businesses that submitted unacceptable proposals.
  - 2) Purposes of Discussions. Discussions are held to:
    - A) promote understanding of the State's requirements and the offerors' proposals; and
    - B) facilitate arriving at a contract that will be most advantageous to the State, taking into consideration price and the other evaluation factors set forth in the Request for Proposals.
  - 3) Conduct of Discussions. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

proposals. If during discussions there is a need for any substantial clarification of, or change to, the Request for Proposals, the Request shall be amended to incorporate such clarification or change. Auction techniques (revealing one offeror's price to another) and disclosure of any information from competing proposals are prohibited. Any substantial oral clarification of a proposal shall be reduced to writing by the offeror.

- 4) Best ~~&and~~ Final Offers. The Procurement Officer may request ~~Best & Final~~~~best and final~~ offers from all offerors or from only those in the zone of contention after preliminary evaluation as determined by the Procurement Officer~~those offerors deemed acceptable after completion of any discussions~~. The request for Best & Final offers may pertain to any aspect of the solicitation, including but not limited to qualifications, specifications, scope of work or price. The Best & Final request shall clearly identify the matters that the offerors must address, and the matters may vary from vendor to vendor if necessary. Best ~~& Final~~~~and final~~ offers shall be submitted by a specified date and time. The Procurement Officer may conduct additional discussions or change the State's requirements and require another submission of ~~Best & Final~~~~best and final~~ offers. ~~The scope of the best and final and the number of vendors allowed to participate shall be defined by the Procurement Officer.~~ If an offeror does not submit ~~either a notice of withdrawal or another~~ ~~Best & Final~~~~best and final~~ offer, that offeror's immediately previous offer will be construed as its ~~Best & Final~~~~best and final~~ offer.

h) Award

- 1) An award shall be made by the Procurement Officer pursuant to a written determination showing the basis on which the award was found to be most advantageous to the State, based on the factors set forth in the Request for Proposals.
- 2) If the selected vendor did not submit the low price, the award notice shall state, in reasonable detail, why the selected vendor was deemed most advantageous.

i) Publicizing Awards

The successful offeror shall be notified of award and such notification may be in the form of a letter, purchase order or other clear communication. When the

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

award exceeds the small purchase limit set in Section 1.2020 of this Part, notice of award shall be published in the Bulletin.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.2020 Small Purchases**

## a) Application

1) Procurements of \$25,000 or less for supplies or services, other than professional and artistic, ~~and \$30,000 or less for construction~~ may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.

2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.

3) Procurements for construction and construction related services of \$30,000 or less, or as increased by the consumer price index by a construction agency's CPO.

43) The CPO shall announce any change identified by the United States Department of Labor in the Consumer Price Index for All Urban Consumers for the period ending December 31, 1998, and for each year thereafter. That percentage change shall be used to calculate the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter.

b) In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals, determined in good faith, shall be utilized. The stated value of the supplies or services, plus any optional supplies and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a ~~12~~twelve month period.

c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a) ~~above~~).

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.
- e) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.
- f) If there is a repetitive need for small procurements of the same type, the Procurement Officer shall consider issuing a competitive sealed bid or proposal for procurement of those needs.
- g) Agencies shall establish policies to control the use of this small purchase provision and shall make those policies available to the CPO upon request.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.2025 Sole Economically Feasible Source Procurement**

- a) **Application**  
The provisions of this Part apply to procurement from a sole economically feasible source (referred to as sole source) unless the estimated amount of the procurement is within the limit set in Section 1.2020 (Small Purchases) or unless emergency conditions exist as defined in Section 1.2030 (Emergency Procurements) of this Part.
- b) **Conditions for Use of Sole Source Procurement**  
Sole source procurement is permissible when a requirement is available from only a single supplier or when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror authorized to provide that item. The following are examples of circumstances that could necessitate sole source procurement:
  - 1) where the compatibility of equipment, accessories, replacement parts, or

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

service is a paramount consideration;

- 2) where a sole supplier's items are needed for trial use or testing;
- 3) where a sole supplier's item is to be procured for commercial resale;
- 4) where public utility regulated services are to be procured;
- 5) where the item is copyrighted or patented and the item or service is not available except from the holder of the copyright or patent;
- 6) the procurement of the media for advertising;
- 7) the procurement of art or entertainment services; and
- 8) changes to existing contracts (see subsection (c)).

c) Changes

- 1) Changes to an existing contract that are germane and reasonable in scope and cost in relation to the original contract or program, that are necessary or desirable to complete the contract or program, and that can be best accomplished by the contract holder may be procured under this Section when the Procurement Officer determines that the cost of delay or disruption to the contract or program, and the cost of a new solicitation, clearly indicate that the existing vendor is the sole economically feasible source.
- 2) A change (whether in cost or rate) that does not exceed the applicable small purchase limit as defined in Section 1.2020 of this Part, or that is an emergency as defined in Section 1.2030 of this Part, may be made in accordance with procedures governing those Sections and need not comply with these sole source procedures. A change in the length of the contract that does not exceed 30 days and other minor, immaterial changes to the scope or administrative provisions of a contract shall not be considered changes subject to these sole source procedures.

d) Procurement Officer to Determine

- 1) The determination as to whether a procurement shall be made as a sole

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

source shall be made by the Procurement Officer. Such determination and the basis therefore shall be in writing. Such officer may specify the application of such determination and the duration of its effectiveness.

- 2) Any purchase request submitted to the CPO suggesting that a procurement be restricted to one potential vendor shall be accompanied by an explanation as to why no other vendor will be suitable or acceptable to meet the need.

- 3) [The CPO may require that any sole source procurement be approved by the Department of Central Management Services before publication of a notice in the Bulletin.](#)

e) Publication of Sole Source Notice

The Procurement Officer shall publish in the Bulletin notice of intent to contract with that vendor at least 14 days prior to execution of the contract.

- 1) If no challenge to this determination is made by a vendor within the 14-day period, the Procurement Officer may execute a contract with that vendor.
- 2) If a challenge is received, the Procurement Officer shall consider the information and shall commence a competitive procurement if the Procurement Officer determines that more than one economically feasible source may be available and the sole source designation is, therefore, not appropriate, unless an emergency situation exists.

f) Negotiation in Sole Source Procurement

The Procurement Officer shall conduct negotiations, as appropriate, to reach contract terms, including price, and shall maintain a record of each sole source procurement showing:

- 1) the vendor's name;
- 2) the amount and type of the contract;
- 3) what was procured; and
- 4) the identification number of the contract file.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.2030 Emergency Procurements**

- a) Applications  
The provisions of this Part apply to every procurement over the small purchase limit set in Section 1.2020 (Small Purchases) of this Part and that is not a sole source procurement under Section 1.2025 of this Part made under emergency, including quick purchase, conditions.
- b) Definition of Emergency Conditions  
Procurements may be made under this Section 1.2030 in the following circumstances:
  - 1) Traditional circumstances include but are not limited to:
    - A) public health or safety, including the health or safety of any particular person, is threatened;
    - B) immediate repairs are needed to State property to protect against further loss or damage to State property, or to prevent loss or damage to State property;
    - C) immediate action is needed to prevent or minimize serious disruption in State services;
    - D) action is needed to ensure the integrity of State records;
    - E) equipment or services are necessary in the furtherance of covert activities lawfully conducted by a State agency. Any required disclosures shall be made so as not to jeopardize those covert activities;
    - F) immediate action is necessary to avoid lapsing or loss of federal or donated funds;
    - G) the need for items to protect or further State interests is immediate and use of other competitive source selection procedures under the Code and this Part cannot be accomplished without significant risk of causing serious disadvantage to the State.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 2) After Unsuccessful Competitive ~~Solicitations Sealed Bidding or Proposals or Request for Proposals~~. When bids or proposals received pursuant to a competitive sealed bid or competitive sealed proposal method are unreasonable or noncompetitive, or the price exceeds available funds, and time or other circumstances will not permit the delay required to resolicit competitive sealed bids or proposals, and if emergency conditions exist after an unsuccessful attempt to use competitive sealed bidding, an emergency procurement may be made.
- 3) Extension to Allow Competition. Extending an existing contract for such period of time as is needed to conduct a competitive method of source selection where terminating or allowing the contract to terminate would not be advantageous to the State.
- 4) Quick Purchase:
  - A) A supplier announces bankruptcy, cessation of business, or loss of franchise, or gives other similar reason such that making a purchase immediately is more advantageous to the State than instituting a competitive procurement under the provisions of this Code for the supplies or services;
  - B) Items are available on the spot market or at discounted prices for a limited time so that good business judgment mandates a purchase immediately to take advantage of the availability and price;
  - C) availability of rare items, such as books of historical value;
  - D) the procurement is for entertainment.
- c) Scope of Emergency Conditions  
Emergency procurements shall be limited to the items, quantity and term necessary to meet the emergency need.
- d) Authority to Make Emergency Procurements  
Authority to make emergency procurements is established in Subpart C. Whenever practical, existing State contracts shall be utilized and, whenever practical, approval by the CPO shall be obtained prior to procuring items reserved to the CPO. The SPO of each agency shall be responsible for making the filings

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

required in Section 20-30 of the Code.

- e) **Source Selection Methods**  
Any method of source selection, whether or not identified in this Part, may be used to conduct the procurement in emergency situations. The procedure used shall be selected to assure that the required items are procured in time to meet the emergency. Such competition as is practicable shall be obtained.
- f) **Determination and Record of Emergency Procurement**
  - 1) **Determination.** The Procurement Officer shall make a written determination stating the basis for an emergency procurement and for the selection of the particular vendor. Such determinations shall be kept in the contract file of the Procurement Officer.
  - 2) **Record.** An affidavit of each emergency procurement shall be filed with the CPO and the Auditor General within 10 days after the procurement and shall include the following information:
    - A) the vendor's name;
    - B) the amount and type of the contract, provided that if only an estimate of the amount is available immediately, the record shall be supplemented with the final amount once known;
    - C) a description of what the vendor will do or provide;
    - D) the reasons for using the emergency method of source selection.
  - 3) Notice of the emergency procurement shall be published in the Bulletin in accordance with Subpart D of this Part.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.2037 Tie Bids and Proposals**

- a) Tie bids or proposals are those from responsive and responsible vendors that are, in the case of bids, identical in price, and, in the case of proposals, identical in ~~evaluation and represent the low price.~~

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- b) Tie bids or proposals will be ~~resolved~~treated as follows:
- 1) If the tied ~~bids or proposals~~vendors include an Illinois resident vendor, the Illinois resident vendor shall be given the award in the case of bids and may be given the award in the case of proposals.~~In all other situations, including if two or more Illinois resident bidders are tied, the decision shall be made in accordance with this subsection (b).~~ "Illinois resident vendor" has the meaning given in Section 1.4510 (Resident Bidder Preference) of this Part.
  - 2) In all other situations the award shall be made by lot unless the Procurement Officer determines that:~~If there is a significant difference in responsibility (including ability to provide the service or deliver in the quantity and at the time required), the award will be made to the vendor who is deemed to be the most responsible. A vendor who has had experience in contracting with the State shall be given additional consideration in determining responsibility if the Procurement Officer determines that dealing with a vendor that has knowledge of State requirements, contracts, job sites, payment practices and such other factors and with which there has been favorable past experience increases the likelihood of successful performance.~~
    - A) awarding to one of the vendors is in the State's best interest because, for example, that vendor is likely to be more reliable or responsive to the State's needs, based on past performance; provides a better quality of the supply or service; or provides quicker delivery; or, in the case of proposals, because of a desire to take advantage of the lower price; or
    - B) splitting the award is in the State's best interest because of a need to ensure delivery of the supply or service, or is necessary or desirable to promote future competition, and provided the affected vendors agree to the split award.
  - 3) ~~If there is no significant difference in responsibility, but there is a difference in the quality of the supplies or services offered, the vendor offering the best quality will be accepted.~~
  - 4) ~~If there is no significant difference in responsibility and no difference in quality of the supplies or services offered, the vendor offering the earliest~~

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~delivery time will be accepted in any case in which the solicitation specified that the needs of the agency require delivery as early as possible.~~

- 5) ~~If the bids or proposals are equal in every respect, the award shall be made by lot unless the Procurement Officer determines that splitting the award among two or more of the tied bidders is in the best interest of the State. Awards may be split if all affected bidders agree, if splitting is feasible given the type of supplies or services requested, if overall pricing would not increase, if delivery would be better ensured, or if necessary or desirable to promote future competition.~~

e) **Record**

~~Each SPO shall provide a report to the CPO on a quarterly basis of all procurements on which tie bids or proposals were received. The report shall provide at least the following information:~~

- ~~1) the identification number of the solicitation;~~
- ~~2) a description of what was procured; and~~
- ~~3) a listing of all the bidders and the prices submitted.~~

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.2038 Mistakes**

- a) **General**  
Corrections to bids, proposals or other procurement processes are allowed, but only to the extent not contrary to the best interest of the State or the fair treatment of other bidders.
- b) **Mistakes Discovered Before Opening**  
A vendor may correct mistakes discovered before the time and date set for opening by withdrawing or correcting as provided in this Section.
- c) **Confirmation of Mistake**  
When the Procurement Officer knows or has reason to conclude that a mistake has been made, such officer shall request the vendor to confirm the information. Situations in which confirmation should be requested include obvious or apparent

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

errors on the face of the document or a price unreasonably lower than the others submitted. If the vendor alleges a mistake, the bid or proposal may be corrected or withdrawn if the conditions set forth in this Section, as applicable, are met.

d) Mistakes ~~in Bids~~ Discovered After Opening but Before Award

~~This subsection (d) sets forth procedures to be applied in situations in which mistakes in bids are discovered after the time and date set for bid opening but before award.~~

- 1) Minor informalities. A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation ~~of a bid~~ from the exact requirement of the ~~solicitation-Invitation for Bids~~, the correction or waiver of which would not be prejudicial to the State (i.e., the effect on price, quality, quantity, delivery, or contractual conditions is negligible). The Procurement Officer shall waive such informalities or allow ~~correctionthe bidder to correct them~~ depending on which is in the best interest of the State. Examples of minor informalities as to form include the failure ~~of a bidder~~ to:
  - A) return the required number of signed ~~copiesbids required by the Invitation for Bids~~;
  - B) acknowledge receipt of an amendment to the ~~solicitation-Invitation for Bids~~, but only if:
    - i) it is clear from the bid or proposal that the ~~offerorbidder~~ received the amendment and intended to be bound by its terms; or
    - ii) the amendment involved had a negligible effect on price, quantity, quality, or delivery.
- 2) Mistakes Where Intended Correct ~~InformationBid~~ Is Evident. If the mistake and the intended correct ~~informationbid~~ are clearly evident on the face of the bid or proposal document, the ~~informationbid~~ shall be corrected ~~and theto the intended correct bid or proposaland~~ may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the ~~solicitationbid~~ document are typographical errors, errors in extending unit prices, transposition errors, and arithmetical errors.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 3) Mistakes Where Intended Correct ~~Information Bid~~ Is Not Evident. ~~The low price bid or proposal may be withdrawn. A bidder may be permitted to withdraw a low bid~~ if:
- A) a mistake is clearly evident on the face of the bid or proposal document but the intended correct bid is not similarly evident; or
  - B) there is the bidder submits proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made.
- e) ~~Mistakes in Proposals Discovered After Receipt, but Before Award. This subsection (e) sets forth procedures to be applied in four situations in which mistakes in proposals are discovered after receipt of proposals but before award.~~
- e+) During Discussions; Prior to Best ~~& Final~~ Best & Final Offers. Once discussions are commenced with any offeror or after ~~Best & Final~~ best and final offers are requested, any offeror may propose to freely correct any mistake prior to the date set for conclusion of discussions or for receipt of ~~Best & Final~~ best and final offers, provided the correction would not be contrary to the fair and equal treatment of other offerors.
- 2) ~~Minor Informalities. Minor informalities, unless otherwise corrected by an offeror as provided in this Section, shall be treated as they are under subsection (d).~~
- 3) ~~Correction of Mistakes. If discussions are not held or if the best and final offers upon which award will be made have been received, mistakes may be corrected and the intended correct offer considered only if:~~
- A) ~~the mistake and the intended correct offer are clearly evident on the face of the proposal, in which event the proposal may not be withdrawn; or~~
  - B) ~~the mistake is not clearly evident on the face of the proposal, but the offeror submits adequate proof that clearly and convincingly demonstrates both the existence of a mistake and the intended correct offer, and such correction would not be contrary to the fair and equal treatment of other offerors.~~

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 4) ~~Withdrawal of Proposals. If discussions are not held, or if the best and final offers upon which award will be made have been received, the offeror may be permitted to withdraw the proposal if:~~
- A) ~~the mistake is clearly evident on the face of the proposal and the intended correct offer is not;~~
  - B) ~~the offeror submits proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made but does not demonstrate the intended correct offer; or~~
  - C) ~~the offeror submits adequate proof that clearly and convincingly demonstrates the intended correct offer, but to allow corrections would be contrary to the fair and equal treatment of other offerors.~~

- f) Mistakes Discovered After Award  
Mistakes shall not be corrected after award of the contract except where the Procurement Officer finds it would be unconscionable (e.g., if the mistake resulted in a windfall to the State) not to allow the mistake to be corrected.

- g) ~~Documentation~~Determinations Required  
The Procurement Officer shall maintain in the procurement file documentation of actions regarding correction or withdrawal of bids or proposals based on mistakes. When a proposal is corrected or withdrawn, or correction or withdrawal is denied, a written determination shall be prepared showing that relief was granted or denied in accordance with this Part. The Procurement Officer shall prepare the determination.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.2040 Cancellation of Solicitations; Rejection of Bids or Proposals**

- a) Scope of this Section  
The provisions of this Section shall govern the cancellation of any solicitations whether issued by the State under competitive sealed bidding, competitive sealed proposals, small purchases, or any other source selection method, and rejection of bids or proposals in whole or in part.
- b) Policy

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Any solicitation may be canceled before or after opening when the Procurement Officer believes cancellation to be in the State's best interest. Nothing shall compel the award of a contract.

c) Cancellation of Solicitation; Rejection of All Bids or Proposals Prior to Opening

1) ~~As used in this Section, "opening" means the date set for opening of bids, receipt of unpriced technical offers in multi-step sealed bidding, or receipt of proposals in competitive sealed proposals.~~

2) ~~Prior to opening, a~~ A solicitation may be canceled in whole or in part or all bids and proposals may be rejected when the Procurement Officer determines in writing that such action is in the State's best interest for reasons for any reason, including, but not limited to:

A) the State no longer requires the supplies or services;

B) the State no longer can reasonably expect to fund the procurement;  
~~or~~

C) proposed amendments to the solicitation would be of such magnitude that a new solicitation is desirable;

D) ambiguous or otherwise inadequate specifications;

E) the solicitation did not provide for consideration of all factors of significance to the State;

F) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;

G) all otherwise acceptable bids or proposals received are at clearly unreasonable prices; or

H) there is reason to question whether the bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 23) When a solicitation is canceled ~~or all bids or proposals are rejected prior to opening~~, notice ~~of cancellation~~ shall be posted to the Procurement Bulletin sent to all businesses that responded to the solicitation.
- 34) The notice ~~of cancellation~~ shall:
- A) identify the solicitation;
  - B) briefly explain the reason for cancellation or rejection; and
  - C) where appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurements of similar items supplies or services.
- d) ~~Cancellation of Solicitation; Rejection of All Bids or Proposals After Opening~~
- 1) ~~After opening but prior to award, all bids or proposals may be rejected in whole or in part for any reason including when the Procurement Officer determines in writing that such action is in the State's best interest. Such reasons may include, but are not limited to:~~
    - A) ~~the supplies or services being procured are no longer required;~~
    - B) ~~ambiguous or otherwise inadequate specifications were part of the solicitation;~~
    - C) ~~the solicitation did not provide for consideration of all factors of significance to the State;~~
    - D) ~~prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;~~
    - E) ~~all otherwise acceptable bids or proposals received are at clearly unreasonable prices; or~~
    - F) ~~there is reason to question whether the bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.~~

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~2) When the solicitation is canceled or when all bids or proposals are rejected, all vendors who submitted bids or proposals shall be sent a notice upon request informing them of the reasons for the cancellation or rejection.~~

de) Documentation

The reasons for cancellation or rejection shall be made a part of the procurement file and shall be available for public inspection.

ef) Rejection of Individual Bids or Proposals

1) General. This subsection (ef) applies to rejections of individual bids or proposals in whole or in part.

2) Notice in Solicitation. Each solicitation shall provide that any bid or proposal may be rejected in whole or in part when in the best interest of the State as provided in this Section.

3) Reasons for Rejection

Reasons for rejecting a bid or proposal may include, but are not limited to:

A) the business that submitted the bid or proposal is nonresponsible as determined under Section 1.2046 (Responsibility) of this Part;

B) the bid or proposal is not responsive, that is, it does not conform in all material respects to the solicitation;

C) the proposal ultimately (that is, after any opportunity has passed for altering or clarifying the proposal) fails to meet the announced requirements of the State in some material respect;

D) the supply or service item offered in the bid is unacceptable by reason of its failure to meet the requirements of the specifications or permissible alternates or other acceptability criteria set forth in the Invitation for Bids; or

E) the proposed price is clearly unreasonable.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 4) Notice of Rejection. Upon request, unsuccessful bidders or offerors shall be advised of the reasons for rejection.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

**Section 1.2045 Prequalification**

- a) General
  - 1) The CPO shall identify by publication in the Bulletin the categories of supplies and services (including professional and artistic services) for which the CPO may prequalify vendors of those supplies and services. The CPO is not required to prequalify vendors but may do so when determination of a vendor's qualifications prior to procurement would be advantageous to the State.
  - 2) An opportunity to prequalify shall be allowed at least one time each fiscal year. The opportunity to prequalify shall be announced in the Bulletin. The notice shall alert vendors that failure to participate in the prequalification process may result in the vendor being ineligible to receive contracts.
  - 3) When prequalifying a vendor, the CPO may limit prequalifications to certain factors such as determining whether a vendor has been and is likely to be "responsible" using the criteria set forth in Section 1.2046 of this Part, or whether the vendor manufactures domestically. The fact that a prospective vendor has been prequalified generally does not necessarily represent a definitive finding of responsibility for a particular procurement.
  - 4) When prequalifying a vendor, the CPO may consider factors tailored to a specific procurement or type of procurement, which shall be announced in the Bulletin.
  - 5) Except in the case of professional and artistic services, distribution of and responses to the solicitation may be limited to prequalified vendors and award of a contract may be denied because a vendor was not prequalified. If eligibility for the procurement will be limited to prequalified vendors,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

the Invitation for Bids, Request for Proposals or other procurement request shall state that fact.

- b) Professional and Artistic Services
  - 1) Any prequalification of vendors of professional and artistic services shall include, at a minimum, a specified level of: ~~A)~~ education, ~~B)~~ experience, and ~~C)~~ technical ability, and may require certification or licensure, or membership in professional associations.
  - 2) Categories for prequalification will include, but are not limited to, those listed in Section 1.2035 of this Part.
- c) Qualified Products Lists  
Qualified products lists are treated in Section 1.2050 (Specifications and Samples) of this Part.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.2046 Responsibility**

- a) Application  
Contracts are to be made only with responsible vendors unless no responsible vendor is available to meet the State's needs. If there is doubt about responsibility, and if a bond or other security would adequately protect the State's interests, then that vendor may be awarded a contract upon receipt of the bond or other security.
- b) Standards of Responsibility
  - 1) Standards. Factors to be considered in determining whether the standard of responsibility has been met may include, but are not limited to, whether a prospective vendor:
    - A) has available the appropriate financial, material, equipment, facility, and personnel resources and expertise (or the ability to obtain them) necessary to indicate its capability to meet all contractual requirements (the Procurement Officer may designate a level of financial resource below which the vendor will be deemed "not responsible");

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- B) is able to comply with required or proposed delivery or performance schedules, taking into consideration all existing commercial and governmental commitments;
  - C) has a satisfactory record of performance. Vendors who are or have been deficient in current or recent contract performance in dealing with the State or other customers may be deemed "not responsible" unless the deficiency is shown to have been beyond the reasonable control of the vendor;
  - D) has a satisfactory record of integrity and business ethics. Vendors who are under investigation or indictment for criminal or civil actions that bear on the particular procurement or that create a reasonable inference or appearance of a lack of integrity on the part of the vendor may be declared not responsible for the particular procurement;
  - E) is qualified legally to contract with the State;
  - F) has supplied all necessary information in connection with the inquiry concerning responsibility;
  - G) has a current Public Contracts number from the Illinois Department of Human Rights, pursuant to 44 Ill. Adm. Code 750.210, if required. Proof of application prior to opening of bids or proposals will be sufficient for an initial determination;
  - H) pays prevailing wages, if required by law; and
  - I) is current in payment of all State of Illinois taxes, including the unemployment insurance tax.
- 2) Information Pertaining to Responsibility. The prospective vendor shall supply information requested by the Procurement Officer concerning the responsibility of such vendor. The State may supplement this information from other sources and may require additional documentation at any time. If such vendor fails to supply the requested information, the Procurement Officer shall base the determination of responsibility upon any available information, or may find the prospective vendor nonresponsible.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- c) **Ability to Meet Standards**  
The prospective vendor may demonstrate the availability of necessary financing, equipment, facilities, expertise, and personnel by submitting upon request:
- 1) evidence that such vendor possesses such necessary items;
  - 2) acceptable plans to subcontract for such necessary items; or
  - 3) a documented commitment from, or explicit arrangement with, a satisfactory source to provide the necessary items.
- d) **Duty Concerning Responsibility**  
Before awarding a contract, the Procurement Officer must be satisfied that the prospective vendor is responsible. The State reserves the right to request information regarding responsibility and to accept information regarding responsibility at any time prior to execution of a contract, but failure of a vendor to provide information by the time required by law or as set forth in the solicitation is cause for rejection of a bid or proposal. ~~Responsibility can be proven until time of contract execution unless the solicitation or other law requires that the vendor submit information necessary to determine responsibility by a stated date or time.~~
- e) **Written Determination of Nonresponsibility Required**  
If a vendor who otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility setting forth the basis of the finding shall be prepared by the CPO or the SPO. The final determination shall be made part of the procurement file.
- f) **Bond for Responsibility**  
Vendors not having a history of performance may be considered responsible if no other disqualifying factors exist. A bond or other security may be required of such vendors.
- g) **Affiliated Companies**  
Vendors who are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing vendor that has been determined not responsible will also be determined not to be responsible unless the new organization can prove it was not set up for the purpose of avoiding an earlier determination of nonresponsibility.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART H: SPECIFICATIONS AND SAMPLES

**Section 1.2050 Specifications and Samples**

## a) Responsibilities Regarding Specifications

- 1) The Procurement Officer shall write the necessary specifications, except as noted in this Section~~in this subsection (a)~~.
- 2) If a specification for general or common use or a qualified products list exists for an item to be procured under Section 20-20 of the Code (Small Purchases), it shall be used except as otherwise authorized by the CPO. If no such specification exists, SPOs shall have the authority to prepare specifications for use in such purchases. In an emergency under Section 20-30 of the Code, any necessary specification may be utilized without regard to the provisions of this Subpart.

## b) Procedures for the Development of Specifications

- 1) If the CPO develops a specification for a common or general use item or has developed a qualified products list in accordance with this Section for a particular supply or service, it shall be used unless the CPO authorizes use of another specification.
- 2) All procurements shall be based on specifications that accurately reflect the State's needs. Specifications shall clearly and precisely describe the salient technical or performance requirements.
- 3) Specifications shall not include unduly restrictive~~restrictions that do not significantly affect the~~ technical requirements~~or performance requirements, or other legitimate State needs~~. All specifications shall be written in such a manner as to describe the requirements to be met, without having the effect of exclusively requiring a proprietary supply or service, or procurement from a sole source, unless no other manner of description will suffice.
- 4) Any specifications or standards adopted by business, industry, not-for-

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

profit organization or governmental unit may be adopted by reference.

- 5) A specification may provide alternate descriptions where two or more design, functional, or performance criteria will satisfactorily meet the State's requirements.
- c) Brand Name or Equal Specification
- 1) Brand name or equal specifications may be used when the Procurement Officer determines in writing that:
    - A) no specification for a common or general use specification or qualified products list is available;
    - B) time does not permit the preparation of another form of specification, not including a brand name specification;
    - C) the nature of the product or the nature of the State's requirement makes use of a brand name or equal specification suitable for the procurement; or
    - D) use of a brand name or equal specification is in the State's best interest.
  - 2) Brand name or equal specifications shall seek to designate more than one brand as "or equal", and shall further state that substantially equivalent products to those designated will be considered for award.
  - 3) Unless the Procurement Officer determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics that are required.
  - 4) Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition. "Or equal" submissions will not be rejected because of minor differences in design, construction or features that do not affect the

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

suitability of the product for its intended use. Burden of proof that the product is equal is on the bidder.

- d) Brand Name Only Specification
- 1) Determination. A brand name only specification may be used only when the Procurement Officer makes a written determination that only the identified brand name item or items will satisfy the State's needs.
  - 2) Use. Brand name alone may be specified in order to fill medical prescription needs, to stock State retail-type operations, to ensure compatibility in existing systems, to preserve warranty, to ensure maintenance, or as authorized in writing by the CPO. An agency may, pursuant to an authorized competitive procedure, select a particular vendor to provide supplies or services for a specified period of time, and for that period the supplier of additional, related and updated supplies and services may be limited to the selected vendor or the brand initially selected.
  - 3) Competition. The Procurement Officer shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 1.2025 (Sole Source Procurement) of this Part.
  - 4) Small and Emergency Procurements. Brand name only specifications may be used when procuring items under the small (Section 1.2020 of this Part) and emergency (Section 1.2025 of this Part) provisions of this Part.
- e) Qualified Products List
- 1) Use. A qualified products list may be developed by the Procurement Officer when testing or examination of the supplies prior to issuance of the solicitation is desirable or necessary in order to best satisfy State requirements.
  - 2) Solicitation. When developing a qualified products list, a representative group of potential suppliers shall be solicited in writing [or through notice posted in the Procurement Bulletin](#) to submit products for testing and examination to determine acceptability for inclusion in a qualified

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

products list. Any potential supplier, even though not solicited, may offer its products for consideration during the time allowed for testing and examination.

- 3) **Testing and Confidential Data.** Inclusion on a qualified products list shall be based on results of tests or examinations conducted in accordance with established requirements. Except as otherwise provided by law, trade secrets, test data, and similar information provided by the supplier will be kept confidential when requested in writing by the supplier.
- f) **Proven Products**  
The supply or service may be rejected if it has not been offered to other governmental or commercial accounts for at least one year. Specifications may require that the supply or services must have been used in business or industry for a specified period of time to be considered.
- g) **State Required Samples**
- 1) Any required samples must be submitted as instructed in the solicitation with transportation prepaid by the vendor. Each sample must be labeled with the vendor's name, address and a means of matching the sample with the applicable bid or proposal.
  - 2) Any sample submitted must be representative of the item that would be delivered if a contract were awarded for that item. Samples submitted by a successful vendor will be retained to check continuing quality. Submission of samples will not limit the State's right to require adherence to specifications.
  - 3) No payment will be made for State Required Samples. Samples not destroyed or consumed by examination or testing will be returned upon request and at vendor's expense. Such request must be made at time of submission with return collect or prepayment provisions and instructions for return accompanying the samples.
- h) **Product Demonstration**  
Any vendor may request time and space to demonstrate a product or service. Agreement to allow such demonstration will be solely at the State's discretion and will not entitle the bidder to a contract nor shall payment for the demonstration be allowed unless a written contract had been executed prior to the demonstration.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- i) [Pre-solicitation Assistance](#)/Specifications Prepared by Other Than State Personnel
- 1) [The State may engage, in a paid or non-paid capacity, any person to conduct research, analyze requirements, or provide general design or other assistance reasonably anticipated to lead to a procurement solicitation.](#)
- 2) Specifications may be prepared by other than State personnel, including, but not limited to, consultants, architects, engineers, designers, and other drafters of specifications for public contracts when the Procurement Officer determines that there will be no substantial conflict of interest involved and it is otherwise in the best interest of the State, and provided the Procurement Officer retains the authority to finally approve the specifications. Contracts for the preparation of specifications by other than State personnel shall require the specification writer to adhere to State requirements.
- ~~32~~) The person who [provided pre-solicitation assistance or](#) who prepared the specifications shall not submit a bid or proposal to meet the procurement need unless the agency head, and not a designee, determines in writing that it would be in the best interest to accept such a bid or proposal from that person. A notice to that effect shall be provided to the CPO and, if approved by the CPO, published in the Bulletin. [This waiver notice shall include the project name; vendor name; a description of the work performed; and a statement that the work product will be available upon issuance of a solicitation. In addition, the solicitation itself shall include a section identifying the waiver, a detailed justification and a statement that the work product shall be available for review and copying.](#)

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART J: DURATION OF CONTRACTS

**Section 1.2060 Duration of Contracts – General**

- a) General
- 1) [Except in situations approximating an emergency, the vendor selected for award shall not begin any billable work or charge expenses prior to final execution of the contract by the State. The procuring agency's SPO must](#)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

[approve any pre-contract work and shall report the circumstances to the Chief Procurement Officer.](#)

- 2) A multi-term contract for a term up to 10 years is authorized when determined by the Procurement Officer to be in the best interest of the State.
  - 32) The length of the payment term of bonds issued by or on behalf of a State agency shall be limited as provided in the statute authorizing the issuance of the bonds.
  - 43) A software license may have a term longer than 10 years, including for a perpetual term, provided the payment term is limited to no more than 10 years.
- b) The contractual obligation of both parties in each fiscal period succeeding the first is subject to appropriation and availability of funds. The contract shall provide that, in the event that funds are not available for any succeeding fiscal period, the remainder of such contract shall be canceled without penalty to, or further payment being required by, the State. This provision applies to only those contracts that are funded in whole or in part by funds appropriated by the Illinois General Assembly or other governmental entity.
- c) Conditions for Use of Multi-Term Contracts  
A multi-term contract may be used when:
- 1) special production of definite quantities or the furnishing of long-term services is required to meet State needs; or
  - 2) a multi-term contract will serve the best interests of the State by encouraging effective competition or otherwise promoting economies in State procurement. The following factors are among those relevant to such a determination:
    - A) firms that are not willing or able to compete because of high start-up costs or capital investment in facility expansion will be encouraged to participate in the competition when they are assured of recouping such costs during the period of contract performance;
    - B) lower production costs because of larger quantity of service

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

requirements, and substantial continuity of production or performance over a longer period of time, can be expected to result in lower unit prices;

- C) stabilization of the vendor's work force over a longer period of time may promote economy and consistent quality; or
- D) the cost and burden of contract solicitation, award, and administration of the procurement may be reduced.

## d) Multi-Term Contract Procedure

The solicitation shall state:

- 1) the proposed term;
- 2) the amount of supplies or services required for the proposed contract period;
- 3) the type of pricing requested (e.g., firm for term);
- 4) how award will be determined.

## e) Renewals

- 1) When the original procurement specifically called for an initial term plus renewals, the renewals may be exercised without further procurement activity, provided the initial term and the exercised renewals may not exceed 10 years, the terms and conditions do not change except as provided in the contract (such as price escalations tied to an index) and the option is reserved solely to the State or is by mutual agreement. A renewal option that requires modification to a material term or condition of the contract shall be treated as a new contract and shall be subject to competitive procurement procedures established by the Code and this Part.
- 2) When the original procurement was silent as to renewals, the renewal must be procured using one of the methods of source selection authorized by the Code and this Part. This renewal shall start a new term not to exceed 10 years.
- 3) [A contract may contain a renewal provision that binds the vendor, but not](#)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

the State, for a term beyond the maximum 10-year term of a contract.

Where a renewal will result in the total term, counting the initial term and any previous renewals, to exceed 10 years, the renewal must be exercised~~procured~~ using one of the methods of source selection authorized by the Code and this Part. This renewal will start a new term that shall not exceed 10 years.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART K: CONTRACT MATTERS

**Section 1.2560 Prevailing Wage**

- a) For the following classifications and if competition exists, no bidder will be awarded a contract unless its employees are paid wages and benefits and are working under conditions prevalent in the location where the work is to be performed.
  - 1) Public works
  - 2) Printing
  - 3) Janitorial cleaning services, window cleaning services, building and grounds services, site technician services, natural resources services, food services~~washing~~ and security guard services having a monthly contract price of \$200 or a yearly price of \$2,000.
- b) Prevailing wage and conditions prevalent means the hourly wage rate, overtime, holiday pay, pension, welfare, premium differential, vacation pay and other benefits received by employees and the environmental conditions under which they work.
- c) Prevailing Wage Rates
  - 1) Prevailing wage rates, benefits and conditions will be those in effect on the first date of the contract, provided that, if the rate changes during the contract term and the amount of change is known before execution of the contract, then the contract rate will vary in like amount.
  - 2) If the change in the collective bargaining agreement cannot be determined

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

in advance, the contract will be changed by the amount of the change in wage rate and all components of price that are dependent on the usage rate, such as payroll taxes, ~~workers'~~~~worker's~~ compensation insurance, vacation, sick days, and pension, provided that profit shall not increase due to prevailing wage increases. The using agency shall have the option to cancel the contract if the new price is unacceptable.

- 3) If the initial prevailing wage, etc., cannot be determined prior to execution, contracts may be entered into and will remain valid for the stated term.
- d) If a collective bargaining agreement is in effect governing the [services set forth in subsection \(a\) type of printing, janitorial, window washing or security guard service sought](#), that agreement will define minimum wages, benefits and conditions that must be paid in order for a bidder to be considered responsible.
- e) For public works, location means the county where the physical work upon public works is performed, except that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work.
- f) [Printing Contracts](#)
  - [1\)](#) For printing contracts, location means one of the following areas:
    - [A1\)](#) Cook County;
    - [B2\)](#) Boone, Bureau, Carroll, Champaign, DeKalb, DeWitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McHenry, McLean, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford counties;
    - [C3\)](#) Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, Saline, Sangamon, Scott, Shelby, St. Clair, Union, Wabash, Washington, Wayne, White, and Williamson counties.

24) Where the printing is performed in a plant outside the jurisdiction of this State, it shall be deemed produced in the Illinois locality in which delivery of the printing ordered is required to be made. Where such printing is required to be delivered to more than one Illinois locality, such printing shall be deemed produced in the Illinois locality to which the largest dollar volume of printing under the contract is to be delivered.

g) For ~~other janitorial services, window washing and security guard~~ services, location means the county in which the work is to be performed.

h) Prevailing wages, benefits and conditions will be determined by the Illinois Department of Labor.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.2575 Subcontractors**

All competitive sealed proposals, including proposals for professional and artistic services, shall require the selected vendor to identify any subcontractor that will be used in the performance of the contract, as well as the amounts expected to be paid to each subcontractor. For purposes of this Section, subcontractors are those specifically hired to perform all or part of the services or to provide the supplies requested by the State.

(Source: Added at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART L: CONTRACT PRICING

**Section 1.2800 All Costs Included**

The IFB or RFP and any resulting contract ~~shall~~ define whether prices cover transportation, transit insurance, delivery, installation, taxes, expenses and any other costs.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART O: PREFERENCES

**Section 1.4535 Sheltered Workshops for the Disabled**

- a) **Use of Sheltered Workshop**  
The Procurement Officer may determine to contract with a sheltered workshop on the list maintained by the CPO, and may do so without notice or competition.
- b) **Conditions for Use**  
The CPO shall, in consultation with the State Use Committee created by the Code (Section 45-35), determine which articles, materials, services, food stuffs and supplies that are produced or manufactured by persons with disabilities in State use sheltered workshops shall be given preference by purchasing agencies procuring those items. The CPO shall develop and distribute to the various purchasing and using agencies procedures for implementing this Section.
- c) **Sheltered Workshop List**  
The CPO shall maintain a list of all qualified sheltered workshops and shall provide to State agencies that list and the supplies and services each qualified sheltered workshop provides.
- d) **Pricing Approval**
  - 1) While notice and competition is not required prior to contracting with a sheltered workshop, prices must be reasonable. Whether a price is reasonable will be determined based upon current market prices, historical prices, prices received by other State agencies for similar supplies or services, the policy of the Code to promote procurements from sheltered workshops, and other such relevant factors.
  - 2) The State Use Committee, established under Section 45-35 of the Code, must approve contracts for reasonableness of price if:
    - A) the supply or service would ordinarily be subject to competitive sealed bidding or competitive sealed proposals methods of source selection; or
    - B) the supply or service is bid and the sheltered workshop is selected even though not the lowest responsible bidder.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 3) State Use Committee approval is not required if:
  - A) the contract does not exceed the bid limit set in Section 1.2020 of this Part and no bidding was conducted; or
  - B) the contract is let to the sheltered workshop [submitting the low bid or most advantageous proposal](#) under a competitive procedure.
- 4) When Committee approval is required, it will be given or denied in an expeditious manner so as not to disrupt procurement activities. Consideration will be at regularly scheduled meetings or through special telephone meetings conducted between regular meetings.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.4575 Domestic Products**

- a) [This Section applies unless an exception is provided by law, or in the case of a small, emergency or sole economically feasible source situation.](#)
- b) [This Section applies to supplies purchased by the State that have undergone some manufacturing process that changes the raw material or components into a different product. The following examples show how to interpret this Section:](#)
  - 1) [If the State needs iron ore, this Section would not apply because the State would be asking for a raw material.](#)
  - 2) [If the State needs a steel ingot, the purchase would be subject to this Section as the steel ingot was subject to a manufacturing process. The iron ore used in manufacturing the ingot would not be subject to any domestic restriction.](#)
  - 3) [If the State needs a steel I-Beam, the I-Beam would be subject to this Section. The iron ore and steel used in creating the I-Beam would not be subject to any domestic restriction.](#)
  - 4) [If the State needs a structure made of steel I-Beams, the assembly would have to be done domestically. The iron ore, steel and I-Beams used in building the structure would not be subject to any domestic restriction.](#)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- c) Specifications for manufactured supplies shall include a reference to the preference established in this Section.
- d) The preference shall be as follows:
  - 1) The low bid or most advantageous proposal shall be identified without regard to whether the product is a domestic product.
  - 2) In the event of a tie in a competitive sealed bid procurement, the vendor that certifies it will **provide** domestic supplies shall be given preference.
  - 3) If the low bid or most advantageous proposal does not contain a certification that the supply items **are** domestic, then any responsive and responsible vendor that is within 2% of the identified vendor's price that has made that certification shall be evaluated as though its price was 2% lower, subject to a maximum dollar value of \$50,000.
  - 4) The winning vendor will be determined after application of the preference.
  - 5) Notwithstanding the **preference outlined in this subsection (d)**, if the appropriate SPO determines that the price differential calculated using the preference is not acceptable given the particular procurement and the economic circumstances, the award may be conditioned on receipt of an acceptable price reduction. If the price cannot be reduced to an acceptable level, the original low priced or most advantageous proposal may be selected for award.

(Source: Added at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

**Section 1.5520 Suspension**

- a) Application  
This Section applies to all debarments or suspensions of vendors from consideration for award of contracts under the Code.
- b) The CPO may suspend a vendor from doing business with the State, with one or more agencies, or for specific types of supplies or services. A suspension may be

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

issued upon a showing the vendor violated the Code or this Part, or failed to conform to specifications or terms of delivery.

- c) 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 will not be solicited from the suspended vendor, and, if received, will not be considered during the period of suspension.
- d) A vendor may be suspended for a period of time commensurate with the seriousness of the offense, but for no more than 10five years. The suspension will be effective seven calendar days after receipt of notice unless an objection is filed. If an objection is filed, suspension would not become effective until the evaluation of the objection is completed.
- e) The CPO may debar a vendor. Debarment is the permanent suspension of a vendor from doing business with the State. A debarment may only take place in those instances involving bribery or attempted bribery of a State of Illinois officer or employee, or as otherwise allowed or required by law. Bids or proposals received from the debarred vendor will not be considered.
- f) The CPO shall maintain a master list of all suspensions and debarments. The master list will retain information concerning suspensions and debarments as public records. Such records will 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 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.5550 Protests**

- a) Protest Resolution by the Protest Review Office~~Procurement Officer~~  
An actual or prospective bidder, offeror, or vendor that may be aggrieved in connection with a procurement action may file a protest provided the aggrieved party has evidence of a violation of the Illinois Procurement Code or other law, any associated rules, or the solicitation itself, including evaluation or award~~on any phase of solicitation or award, including but not limited to specifications preparation, bid solicitation, or award.~~
- b) Complaint to Procurement Officer  
Complainants should seek resolution of their complaints initially with the office

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~that issued the solicitation. Such complaints may be made verbally or in writing.~~

## e) Filing of Protest

- 1) ~~An aggrieved party must submit the protest~~Protests shall be made in writing to the Protest Review Office designated in the solicitation document or, in the absence of any appropriate designation, to the Director of the Department of Central Management Services as Chief Procurement Officer. ~~An aggrieved party must deliver the protest by noon of the seventh calendar day after the aggrieved party knew, if applicable, and shall be filed within 7 calendar days after the protester knows or should have known of the facts giving rise to the protest. In regard to a protest of specifications or other terms and conditions of the solicitation document, the protest must be received within 7 calendar days after the date the solicitation was posted in the Illinois Procurement Bulletin, or issued if not posted in the Bulletin.~~A protest is considered filed when physically received by the ~~Procurement Officer.~~ Protests ~~delivered late~~ filed after the ~~7 calendar day period~~ shall not be considered. A protest is considered delivered when physically received by the Protest Review Office.~~In regard to a protest regarding specifications, the protest must be received within 7 calendar days after the date the solicitation was issued, and in any event must be received by the State at the designated address before the date for opening of bids or proposals.~~
- 2) To expedite handling of protests, the delivery envelope should be labeled "Protest". The written protest shall include as a minimum the following:
  - A) the name and address of the protester;
  - B) appropriate identification of the procurement, and, if a contract has been awarded, its number;
  - C) a statement of reasons for the protest specifically identifying any alleged violation of the Illinois Procurement Code or other law, any associated rules, or the solicitation itself, including the evaluation or award; and
  - D) supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- cd) Requested Information; ~~Time for Filing~~  
The aggrieved party must supply any additional information requested by the State ~~shall be submitted~~ within the time periods set in the request established by ~~the requesting source in order to expedite consideration of the protest. If the aggrieved party fails to comply with this request, the Protest Review Office may resolve the protest on the basis of available information or may deny the protest. Failure of the protesting party to comply expeditiously with a request for information by the Procurement Officer may result in resolution of the protest without consideration of that information.~~
- de) Stay of Procurements During Protest  
When a protest has been timely filed and before an award has been made, the Procurement Officer shall make no award of the contract until the protest has been resolved. If timely received but after award, the award shall be stayed ~~revoked~~ without penalty to the State or the award may be honored or revoked in whole or in part depending on the outcome of the protest review and no award made until the protest has been resolved. Whether or not a protest has been received. In either case the Procurement Officer may, with the approval of the Protest Review Office, make the award or reinstate the award upon a determination that the needs of the State require an immediate award and performance under the contract.
- ef) Decision by the Protest Review Office ~~Procurement Officer~~  
The Protest Review Office will resolve the protest ~~A decision on a protest shall be made by the Procurement Officer~~ as expeditiously as possible after receiving all relevant, requested information. If a protest is sustained, the available remedies include, but are not limited to, reversal of award and cancellation or revision of the solicitation.
- fg) Effect of Judicial ~~or Administrative~~ Proceedings  
If an action concerning the protest has commenced in court, the Protest Review Office ~~Procurement Officer~~ shall not act on the protest, but shall refer the protest to the Attorney General. This Section shall not apply when a court requests, expects, or otherwise expresses interest in the decision of the Protest Review Office ~~Procurement Officer~~.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Financial Incentive Opt Out of the State Employees Group Health Plan for Non-Medicare State Employees Retirement System Annuitants
- 2) Code Citation: 80 Ill. Adm. Code 2106
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2106.110	New Section
2106.120	New Section
2106.130	New Section
2106.140	New Section
2106.150	New Section
2106.160	New Section
2106.210	New Section
2106.220	New Section
2106.310	New Section
2106.320	New Section
2106.330	New Section
- 4) Statutory Authority: Implementing and authorized by Public Act 94-0109, amending the State Employees Group Insurance Act [5 ILCS 375].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rules cite the governing authority and provide for administration of financial incentive for Non-Medicare eligible State Employee Retirement System Annuitants who opt out of the program of health benefits under the State Employees Group Insurance Program.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 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 amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any State mandate on units of local government, school districts or community college districts.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED RULES

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:
- Gina Wilson  
Illinois Department of Central Management Services  
720 Stratton Office Building  
Springfield, Illinois 62706
- 217/785-1793
- OR
- Janice Bonneville  
Legal Counsel  
Illinois Department of Central Management Services  
720 Stratton Office Building  
Springfield, Illinois 62706
- 217/782-9491
- 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: System modifications will be necessary by CMS to allow for data tracking.
- C) Types of professional skills necessary for compliance: Not applicable
- 13) Regulatory Agenda on which this rulemaking was summarized: This amendment was not included on agendas because the changes were a result of Public Act 94-0109 and not anticipated.

The full text of the Proposed Rules is identical to the text of the Emergency Rules that appears in this issue of the *Illinois Register* on page 15976:

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Determination Of Unemployment Contributions
- 2) Code Citation: 56 Ill. Adm. Code 2770
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2770.110	Amendment
2770.111	Amendment
- 4) Statutory Authority: 820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701.
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments to Part 2770 announce the 2006 average contribution rates for each economic sector within the North American Industry Classification System (NAICS). A new employer's contribution rate will be based on the average contribution rate for the sector to which the employer belongs if the average rate exceeds the standard new employer rate and the employer is not required to pay at a higher experience-based rate. In keeping with our commitment to the Joint Committee on Administrative Rules, we are also repealing the subsection with the rates for 2000 as it is no longer needed.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Gregory J. Ramel, Deputy Legal Counsel  
Illinois Department of Employment Security  
33 South State Street – Room 937  
Chicago, IL 60603

312-793-4240

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

This proposed amendment may have an impact on small businesses, small municipalities and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business, small municipality or not-for-profit corporation as part of any written comments submitted to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small business, small municipalities and not for profit corporations affected: The proposed amendments have the same potential impact on all newly established businesses.

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: 56 Ill. Adm. Code 2770.106(b) informs the public that the Director will annually announce the average contribution rates by NAICS code for each year.

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

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERSPART 2770  
DETERMINATION OF UNEMPLOYMENT CONTRIBUTIONS

## SUBPART A: INDUSTRIAL CLASSIFICATIONS

## Section

- 2770.100 Pre 2003 Industrial Classification
- 2770.101 Post 2002 Industrial Classification
- 2770.105 Pre 2003 Contribution Rate For Non Experience-Rated Employers
- 2770.106 Post 2002 Contribution Rate For Non Experience-Rated Employers
- 2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes
- 2770.111 Average Contribution Rates By North American Industry Classification System (NAICS) Assignment

## SUBPART B: ALTERNATIVE BENEFIT WAGE RATIO

## Section

- 2770.150 Eligibility To Elect The Alternative Benefit Wage Ratio (Repealed)
- 2770.155 Approval Of Election Of The Alternative Benefit Wage Ratio (Repealed)
- 2770.160 Adjustment Of The Benefit Wage Charges And The Determination Of The Alternative Benefit Wage Ratio (Repealed)
- 2770.165 Revocation Of Election Of Alternative Benefit Wage Ratio (Repealed)
- 2770.170 Appeals (Repealed)

SUBPART C: TRANSFER OF BENEFIT WAGES FROM BASE PERIOD TO  
SUBSEQUENT EMPLOYER

## Section

- 2770.400 Definitions (Repealed)
- 2770.405 Application Of Base Period Wages (Repealed)
- 2770.410 Restriction On Benefit Wage Transfers (Repealed)
- 2770.415 Benefit Wage Transfer Procedural Requirements (Repealed)
- 2770.420 Petition For Hearing (Repealed)

## SUBPART D: BENEFIT WAGE CANCELLATIONS

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

## Section

2770.501 Effective Date Of Benefit Wage Cancellations Pursuant To Section 1508.1 Of The Act

2770.TABLE A General SIC Classifications

**AUTHORITY:** Implementing and authorized by Sections 1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701].

**SOURCE:** Emergency rules adopted as 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 550, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 8208, effective May 30, 1984; recodified from 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 15030; emergency amendments at 8 Ill. Reg. 15088, effective August 8, 1984, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 22139, effective October 26, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24117, effective November 30, 1984; amended at 9 Ill. Reg. 4507, effective March 25, 1985; amended at 10 Ill. Reg. 6935, effective April 14, 1986; amended at 10 Ill. Reg. 21683, effective December 15, 1986; amended at 11 Ill. Reg. 9878, effective May 11, 1987; emergency amendments at 12 Ill. Reg. 210, effective January 1, 1988, for a maximum of 150 days; expired May 30, 1988; amended at 12 Ill. Reg. 11213, effective June 20, 1988; amended at 12 Ill. Reg. 12473, effective July 15, 1988; amended at 12 Ill. Reg. 18143, effective October 27, 1988; amended at 12 Ill. Reg. 20477, effective November 28, 1988; amended at 13 Ill. Reg. 11507, effective June 29, 1989; amended at 14 Ill. Reg. 2038, effective January 19, 1990; amended at 14 Ill. Reg. 18280, effective October 30, 1990; amended at 15 Ill. Reg. 172, effective December 28, 1990; amended at 15 Ill. Reg. 8553, effective May 24, 1991; amended at 16 Ill. Reg. 118, effective December 20, 1991; amended at 17 Ill. Reg. 295, effective December 28, 1992; amended at 18 Ill. Reg. 250, effective January 1, 1994; amended at 18 Ill. Reg. 17473, effective January 1, 1995; amended at 20 Ill. Reg. 350, effective January 1, 1996; amended at 21 Ill. Reg. 561, effective January 1, 1997; amended at 21 Ill. Reg. 15496, effective January 1, 1998; amended at 23 Ill. Reg. 155, effective January 1, 1999; amended at 23 Ill. Reg. 14299, effective January 1, 2000; amended at 24 Ill. Reg. 19125, effective January 1, 2001; amended at 26 Ill. Reg. 393, effective January 1, 2002; amended at 27 Ill. Reg. 2598, effective February 1, 2003; amended at 28 Ill. Reg. 1071, effective January 1, 2004; amended at 29 Ill. Reg. 788, effective January 1, 2005; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: INDUSTRIAL CLASSIFICATIONS

**Section 2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes**

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

- a) ~~The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2000, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:~~

Digits	Economic Division	Rate
01-09	<del>A. Agriculture, Forestry, Fishing</del>	<del>3.0%</del>
10-14	<del>B. Mining</del>	<del>3.1%</del>
15-17	<del>C. Construction</del>	<del>3.2%</del>
20-39	<del>D. Manufacturing</del>	<del>1.8%</del>
40-49	<del>E. Transportation, Communication, Electric, Gas, Sanitary Services</del>	<del>1.8%</del>
50-51	<del>F. Wholesale Trade</del>	<del>1.3%</del>
52-59	<del>G. Retail Trade</del>	<del>1.0%</del>
60-67	<del>H. Finance, Insurance, Real Estate</del>	<del>1.0%</del>
70-89	<del>I. Services</del>	<del>1.1%</del>
91-97	<del>J. Public Administration</del>	<del>1.0%</del>

- b) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2001, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	2.8%
10-14	B. Mining	3.2%
15-17	C. Construction	3.0%
20-39	D. Manufacturing	1.6%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.6%
50-51	F. Wholesale Trade	1.2%
52-59	G. Retail Trade	0.9%
60-67	H. Finance, Insurance, Real Estate	1.0%
70-89	I. Services	1.0%
91-97	J. Public Administration	0.9%

- be) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2002, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	2.7%
10-14	B. Mining	3.1%
15-17	C. Construction	2.8%
20-39	D. Manufacturing	1.5%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.5%
50-51	F. Wholesale Trade	1.1%
52-59	G. Retail Trade	0.8%
60-67	H. Finance, Insurance, Real Estate	0.9%
70-89	I. Services	0.9%
91-97	J. Public Administration	0.8%

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2770.111 Average Contribution Rates By North American Industry Classification System (NAICS) Assignment**

- a) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2003, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

Digits	Economic Sector	Rate
11	Agriculture, Forestry, Fishing and Hunting	1.5%
21	Mining	3.1%
22	Utilities	1.2%
23	Construction	2.7%
31-33	Manufacturing	1.7%
42	Wholesale Trade	1.3%
44-45	Retail Trade	1.0%
48-49	Transportation and Warehousing	1.8%
51	Information	1.3%
52	Finance and Insurance	0.9%
53	Real Estate and Rental and Leasing	1.0%
54	Professional, Scientific and Technical Services	1.0%
55	Management of Companies and Enterprises	1.3%
56	Administrative and Support and Waste	2.0%

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

	Management	
61	Educational Services	0.8%
62	Health Care and Social Assistance	0.7%
71	Arts, Entertainment and Recreation	1.5%
72	Accommodation and Food Services	0.8%
81	Other Services (except Public Administration)	0.9%
92	Public Administration	0.8%
99	Unclassified	1.1%

- b) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2004, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

Digits	Economic Sector	Rate
11	Agriculture, Forestry, Fishing and Hunting	1.7%
21	Mining	2.9%
22	Utilities	1.5%
23	Construction	3.0%
31-33	Manufacturing	2.4%
42	Wholesale Trade	1.7%
44-45	Retail Trade	1.2%
48-49	Transportation and Warehousing	2.2%
51	Information	1.9%
52	Finance and Insurance	1.2%
53	Real Estate and Rental and Leasing	1.2%
54	Professional, Scientific and Technical Services	1.4%
55	Management of Companies and Enterprises	1.7%
56	Administrative and Support and Waste Management	2.5%
61	Educational Services	1.0%
62	Health Care and Social Assistance	0.9%
71	Arts, Entertainment and Recreation	1.7%
72	Accommodation and Food Services	1.0%
81	Other Services (except Public Administration)	1.1%
92	Public Administration	0.9%
99	Unclassified	1.2%

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

- c) **The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2005, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:**

Digits	Economic Sector	Rate
11	Agriculture, Forestry, Fishing and Hunting	2.1%
21	Mining	3.2%
22	Utilities	1.9%
23	Construction	3.8%
31-33	Manufacturing	3.2%
42	Wholesale Trade	2.3%
44-45	Retail Trade	1.6%
48-49	Transportation and Warehousing	2.8%
51	Information	2.4%
52	Finance and Insurance	1.5%
53	Real Estate and Rental and Leasing	1.6%
54	Professional, Scientific and Technical Services	1.8%
55	Management of Companies and Enterprises	2.2%
56	Administrative and Support and Waste Management	3.2%
61	Educational Services	1.4%
62	Health Care and Social Assistance	1.2%
71	Arts, Entertainment and Recreation	2.1%
72	Accommodation and Food Services	1.3%
81	Other Services (except Public Administration)	1.4%
92	Public Administration	1.2%
99	Unclassified	1.7%

- d) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2006, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

<u>Digits</u>	<u>Economic Sector</u>	<u>Rate</u>
<u>11</u>	<u>Agriculture, Forestry, Fishing and Hunting</u>	<u>2.5%</u>
<u>21</u>	<u>Mining</u>	<u>3.8%</u>
<u>22</u>	<u>Utilities</u>	<u>2.3%</u>

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

<u>23</u>	<u>Construction</u>	<u>4.4%</u>
<u>31-33</u>	<u>Manufacturing</u>	<u>3.8%</u>
<u>42</u>	<u>Wholesale Trade</u>	<u>2.8%</u>
<u>44-45</u>	<u>Retail Trade</u>	<u>2.0%</u>
<u>48-49</u>	<u>Transportation and Warehousing</u>	<u>3.4%</u>
<u>51</u>	<u>Information</u>	<u>2.8%</u>
<u>52</u>	<u>Finance and Insurance</u>	<u>2.0%</u>
<u>53</u>	<u>Real Estate and Rental and Leasing</u>	<u>1.9%</u>
<u>54</u>	<u>Professional, Scientific and Technical Services</u>	<u>2.3%</u>
<u>55</u>	<u>Management of Companies and Enterprises</u>	<u>2.7%</u>
<u>56</u>	<u>Administrative and Support and Waste Management</u>	<u>3.8%</u>
<u>61</u>	<u>Educational Services</u>	<u>1.8%</u>
<u>62</u>	<u>Health Care and Social Assistance</u>	<u>1.6%</u>
<u>71</u>	<u>Arts, Entertainment and Recreation</u>	<u>2.5%</u>
<u>72</u>	<u>Accommodation and Food Services</u>	<u>1.7%</u>
<u>81</u>	<u>Other Services (except Public Administration)</u>	<u>1.7%</u>
<u>92</u>	<u>Public Administration</u>	<u>1.5%</u>
<u>99</u>	<u>Unclassified</u>	<u>2.1%</u>

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Disqualifying Income And Reduced Benefits
- 2) Code Citation: 56 Ill. Adm. Code 2920
- 3) Section Number: 2920.18      Proposed Action: Amendment
- 4) Statutory Authority: 820 ILCS 405/234, 235, 239, 245, 401, 402, 500.1, 600, 605, 606, 610, 611, 1300, 1700 and 1701.
- 5) A Complete Description of the Subjects and Issues Involved: A recent amendment to the Unemployment Insurance Act (SB 94-237) requires the Department to offer claimants the option to have monies withheld from their unemployment insurance benefits to cover potential Illinois income tax liability. This rulemaking explains how such withholding will be implemented.
- 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 an incorporation? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This proposed amendment neither creates nor expands any State mandate on units of local government, school districts or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking: Interested persons may submit written comments, data, views or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Gregory J. Ramel, Deputy Legal Counsel  
Illinois Department of Employment Security  
33 South State Street – Room 937  
Chicago, IL 60603

312-793-4240

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENT

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

This proposed amendment has no direct impact on small businesses, small municipalities and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business, small municipality or not-for-profit corporation as part of any written comments that they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking has no direct effect on small businesses, small municipalities and not-for-profit corporations.
  - B) Reporting, bookkeeping or other procedures required for compliance: No reporting or bookkeeping is required for compliance.
  - C) Types of professional skills necessary for compliance: None.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking is mandated by a recent amendment to the Unemployment Insurance Act (PA 94-0237) which is effective January 1, 2006, but was signed into law by the Governor only recently so as not to allow inclusion on the Regulatory Agenda.

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

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
SUBCHAPTER g: INELIGIBILITY FOR BENEFITSPART 2920  
DISQUALIFYING INCOME AND REDUCED BENEFITS

Section	
2920.1	Definitions
2920.5	Ineligibility To Receive Benefits Due To Performing Full-Time Work Or Due To The Receipt Of Various Income Whose Sum Is Equal To Or Greater Than The Individual's Weekly Benefit Amount
2920.10	Reduction In Benefits Due To Receipt Of Vacation Pay, Holiday Pay, Retirement Pay, And Workers' Compensation Whose Sum Is Less Than The Individual's Weekly Benefit Amount
2920.15	Reduction In Benefits Due To Receipt Of Wages For Less Than Full-Time Work
2920.18	Voluntary Withholding For Federal <a href="#">And/Or State Of Illinois</a> Income Tax
2920.20	Reduced Benefits: Payment Of Dependents' Allowance Or Spouse's Allowance
2920.25	Payments Made During Shutdown For Inventory Or Vacation Purposes
2920.30	Payments Made In Connection With Separation Or Layoff As, Or In The Nature Of Vacation Pay, Vacation Pay Allowance Or As Pay In Lieu Of Vacation
2920.35	Holiday Pay
2920.40	Payments In Lieu Of Notice Of Separation Or Layoff
2920.45	Severance Pay
2920.48	Residual Payments
2920.50	Back Pay Awards
2920.55	Receipt Of Or Filing For Unemployment Insurance Benefits Under The Laws Of Another State, Canada, Or The United States
2920.60	Supplemental Unemployment Benefits (SUB Pay)
2920.65	Retirement Pay
2920.66	Payments To An Election Judge
2920.68	Payments By A Labor Union
2920.69	Jury Service
2920.70	Retirement Pay Considered Disqualifying Income
2920.75	Allocation Of Retirement Pay
2920.80	Miscellaneous Forms Of Retirement Pay
2920.85	Conformity With Federal Unemployment Tax Act

AUTHORITY: Implementing and authorized by Sections 234, 235, 239, 245, 401, 402, 500.1, 600, 605, 606, 610, 611, 1300, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/234, 235, 239, 245, 401, 402, 500.1, 600, 605, 606, 610, 611, 1300, 1700 and 1701].

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted at 11 Ill. Reg. 1853, effective January 7, 1987; amended at 12 Ill. Reg. 16066, effective September 23, 1988; amended at 13 Ill. Reg. 1773, effective January 27, 1989; amended at 13 Ill. Reg. 5936, effective April 18, 1989; emergency amendments at 13 Ill. Reg. 11899, effective July 1, 1989, for a maximum of 150 days; emergency amendments to 56 Ill. Adm. Code 2920.5 and 2920.75, expired November 28, 1989; amended at 13 Ill. Reg. 17402, effective October 30, 1989; amended at 15 Ill. Reg. 180, effective December 28, 1990; amended at 15 Ill. Reg. 11416, effective July 30, 1991; amended at 18 Ill. Reg. 4166, effective March 3, 1994; amended at 21 Ill. Reg. 567, effective January 1, 1997; emergency amendment at 25 Ill. Reg. 10226, effective August 7, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 15415, effective November 15, 2001; amended at 29 Ill. Reg. 1935, effective January 24, 2005; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2920.18 Voluntary Withholding For Federal And/Or State Of Illinois Income Tax**

- a) Whenever an individual voluntarily elects, pursuant to Section 1300 of the Act [820 ILCS 405/1300], to have monies withheld from his unemployment insurance benefits to cover possible federal and/or State of Illinois income tax liability, the amount of benefits subject to such federal income tax withholding is the sum of the individual's weekly benefit amount (WBA), following any of the mandatory deductions from unemployment benefits set forth in subsections (a)(1), (2), and (3), plus any spouse or dependents' allowance payable under the Act. The following are the mandatory deductions:
- 1) disqualifying income, including vacation pay, holiday pay, retirement pay, and workers' compensation, under Section 2920.10;
  - 2) wages for less than full time work payable to him with respect to such week which are in excess of 50% of his weekly benefit amount;
  - 3) one-fifth of the individual's WBA for each day that the individual was unable or unavailable for work as required by Section 402 of the Act.
- b) Whenever an individual has voluntarily elected, pursuant to Section 1300 of the Act, to have monies withheld for federal and/or State of Illinois income tax from his unemployment benefits for a period covered by a benefit check, the Department shall withhold 10% of the amount of benefits that are subject to withholding under subsection (a) when withholding for federal income tax, rounded (if not already a multiple of one dollar) to the nearest dollar and 3% of the amount of benefits that are subject to withholding under subsection (a) when withholding for State of Illinois income tax, rounded (if not already a multiple of

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENT

one dollar) to the nearest dollar. If the product is equally near 2 multiples of one dollar, it shall be rounded to the higher multiple of one dollar. If the individual's benefits for the period, less amounts subject to recoupment under Section 2835.15 and less any involuntary deductions for ~~delinquent~~ child support pursuant to Section 2815.105, are less than the amount that would otherwise be withheld pursuant to this subsection (10% of the amount of benefits subject to withholding under subsection (a) if only federal income tax withholding is elected, 3% if only State of Illinois income tax withholding is elected or 10% plus 3% if both federal and State of Illinois income tax withholding is elected), the entire amount of the benefits remaining shall be withheld. If the individual elects to have both federal and State of Illinois income taxes withheld and the amount remaining is insufficient to cover both taxes, the entire amount of State of Illinois tax shall be withheld before any federal tax is withheld.

- 1) Example: The individual elects both federal and State of Illinois income tax withholding. The individual's WBA for each of the two weeks covered by the benefit payment is \$251. The individual receives a dependents' allowance of \$81 for each week. The amount of benefits subject to federal and State of Illinois income tax withholding for the two week period is the sum of \$332 and \$332, which equals \$664. The Department will deduct for federal income tax withholding 10% of \$664 which equals \$66.40, which, rounded to the nearest dollar, is \$66. Additionally, the Department will deduct for State of Illinois income tax withholding 3% of \$664, which equals \$19.92, which, rounded to the nearest dollar, is \$20. Accordingly, the individual will receive \$578~~\$598~~ in benefits after having \$66 deducted for federal income tax withholding and \$20 deducted for State of Illinois income tax withholding.

- 2) Example: The individual elects both federal and State of Illinois income tax withholding. The individual's WBA for each of the two weeks covered by the Department's payment of benefits is \$129. The individual receives a dependents' allowance of \$42 for each week.

For the first week of the payment period, the individual has \$90 in disqualifying vacation pay, but in the second week the individual does not have any disqualifying vacation pay.

The amount of benefits subject to federal and State of Illinois income tax withholding for the first week is \$129 less \$90 in vacation pay, which equals \$39 plus his dependents' allowance of \$42, which totals \$81. Because the individual did not receive any disqualifying vacation pay for

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENT

the second week of the period, the amount of benefits subject to federal and State of Illinois income tax withholding attributable to the second week is \$129 plus his dependents' allowance of \$42, which totals \$171.

The amount of benefits subject to federal and State of Illinois income tax withholding for the two week period is the sum of \$81 and \$171, which equals \$252. The Department will deduct for federal income tax withholding 10% of \$252, which equals \$25.20, which, rounded to the nearest dollar, is \$25. The Department will deduct for State of Illinois income tax withholding 3% of \$252, which equals \$7.56, which, rounded to the nearest dollar, is \$8.

The individual will receive ~~\$219~~\$227 for the period after having \$25 deducted for federal income tax withholding and \$8 deducted for State of Illinois income tax withholding.

- 3) Example: The individual's WBA for each of the two weeks covered by the Department's payment of benefits is \$129. The amount of benefits subject to federal and State of Illinois income tax withholding for each week of the two week period is \$129. The amount of benefits subject to federal and State of Illinois income tax withholding for the two week period is \$258, the sum of \$129 and \$129.

10% of \$258 equals \$25.80, which, rounded to the nearest dollar, is \$26. 3% of \$258 equals \$7.74, which, rounded to the nearest dollar, is \$8.

In this example, assume that the individual has elected both federal and State of Illinois income tax withholding, that the individual is also subject to recoupment for both weeks in an amount up to 25% of his WBA, which amount is \$32.25 for both weeks, and that the individual is subject to a withholding order of \$100 for child support for the first week.

For the first week, the Department will first recoup the entire amount of \$32.25 due for that first week. \$129 minus \$32.25 equals \$96.75. Because the individual does not have sufficient benefits to cover the full amount of child support due for that first week, the Department will deduct \$96.75, the amount of benefits available for that week. The individual's payment for the two week period will not include any benefits with respect to that first week.

For the second week of the payment period, the individual is not subject to

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENT

a withholding order for child support. Accordingly, the individual is eligible to receive \$96.75 for the second week, the difference between the benefits payable to him for that week (\$129) and the amount recouped (\$32.25). Because the individual has elected both federal and State of Illinois income tax withholding for the period covered by the payment, the Department will deduct \$26 for federal income tax withholding and \$8 for State of Illinois income tax withholding from the individual's benefits and pay the individual the remaining \$62.75~~\$70.75~~.

- 4) Example: Assume the same situation described in subsection (b)(3), except that the individual's withholding for court ordered child support is \$90 for each week. The amount of benefits subject to federal and State of Illinois income tax withholding for the two week period remains \$258. 10% of \$258 equals \$25.80, which, rounded to the nearest dollar, is \$26. 3% of \$258 equals \$7.74, which, rounded to the nearest dollar, is \$8.

The individual has sufficient benefits for the Department to recoup the maximum amount and to deduct for child support in full for both weeks. If the individual had not elected to withhold federal and State of Illinois income tax, the individual would have received a check for \$13.50, the sum of \$6.75 and \$6.75 for that two week period. Because the individual has elected federal and State of Illinois income tax withholding for this period and because the benefits for the period after recoupment and child support are less than 10% plus 3% of the amount subject to withholding, the Department will deduct the entire \$13.50 for ~~federal~~ income tax withholding (\$8 for State of Illinois income tax withholding and the remaining \$5.50 for federal income tax withholding) and not pay the individual any benefits for this period.

- c) An individual's election and his revocation of his election to have monies withheld from his benefits for possible federal and/or State of Illinois income tax liability shall be prospective only. Any decision made by the Department as to whether an individual has, under the Act, elected withholding or revoked a withholding election shall constitute a final administrative decision, subject to review under the Administrative Review Law [735 ILCS 5/Art. III].

EXAMPLE: Upon filing an additional claim during his benefit year, an individual elects to have federal and State of Illinois income tax withheld from his unemployment benefits. His first benefit check covers the two-week period beginning January 8, 2006 ~~January 20, 2002~~, and ending January 21, 2006~~February 2, 2002~~. His WBA is \$250, and the amount

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENT

subject to withholding for the period is ~~\$65~~\$50 (10% ~~and 3%~~ of \$500). For each week, he is subject to recoupment of 25% of his WBA and a withholding order of \$100 for child support. Consequently, his benefit check for the two-week period is for ~~\$110~~\$125. When he receives his benefit check, he asks to revoke the ~~election~~selection, explaining he thought the income tax withholding would be based on a percentage of his WBA after recoupment and child support. While the Department, if he desires, will revoke his ~~election~~selection to withhold with respect to a period that has not yet ended, it will not retroactively revoke his ~~election~~selection with respect to ~~January 8 through January 21~~January 20 through February 2. Elections and revocations can only operate prospectively.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

- 1) Heading of Part: Predatory Lending Database
- 2) Code Citation: 38 Ill. Adm. Code 346
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
346.10	New Section
346.15	New Section
346.20	New Section
346.25	New Section
346.30	New Section
- 4) Statutory Authority: Residential Real Property Disclosure Act [765 ILCS 77/70]
- 5) A Complete Description of the Subjects and Issues Involved: The amended statute establishes a four-year predatory lending pilot program in certain Cook County areas as determined by the Department based on high mortgage foreclosure rates due to predatory lending. The statute requires the Department to maintain and administer a predatory lending database based on information submitted by any broker, originator, credit counselor and title insurance company or closing agent involved in a mortgage transaction on residential real property in the pilot program area. The statute sets forth certain required information to be submitted by those entities to the database and authorizes the Department to require additional information by rule. The statute requires the Department to make a determination, as set by rule, whether the borrower must obtain credit counseling from a HUD-certified credit counselor and prohibits the borrower from waiving the counseling.
- 6) Does this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or expand a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Financial and Professional Regulation

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

Attention: Barb Smith  
320 West Washington, 3rd Floor  
Springfield, IL 62786

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

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: HUD-certified counselors, certain licensees of the Department under the Residential Mortgage License Act and the Title Insurance Act conducting business in the pilot areas.
  - B) Reporting, bookkeeping or other procedures required for compliance: Data input into Department's predatory lending database.
  - C) Types of professional skills necessary for compliance: Data input.
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

## TITLE 38: FINANCIAL INSTITUTIONS

## CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## PART 346

## PREDATORY LENDING DATABASE

## Section

346.10	Definitions
346.15	Additional Information Required
346.20	Standards for Credit Counseling
346.25	Disclosure of Information Prohibited
346.30	Credit Counselor Costs

AUTHORITY: Implementing and authorized by Section 70 of the Residential Real Property Disclosure Act [765 ILCS 77/70].

SOURCE: Adopted at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 346.10 Definitions**

"Act" means the Residential Real Property Disclosure Act [765 ILCS 77].

"Department" means the Department of Financial and Professional Regulation.

"FICO" means a crediting rating score as defined by the Fair Isaac Corporation.

"HUD-certified credit counselor" means a housing counselor employed by an agency certified by the U.S. Department of Housing and Urban Development (HUD).

**Section 346.15 Additional Information Required**

In addition to the information required under Section 72 of the Act, the broker or loan originator must include:

- a) any and all financing by the borrower for the subject property within 12 months prior to the date of application; and
- b) loan information, including interest rate, term, purchase price, down payment, closing costs and prepayment penalty, if any.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

**Section 346.20 Standards for Credit Counseling**

A borrower, subject to Article 3 of the Act, shall be recommended for HUD-certified credit counseling if, after reviewing the information on the Predatory Lending Database submitted under Section 72 of the Act and the Rules, the Department finds:

- a) a FICO score of 620 or less; or
- b) a FICO score from 621 to 650 and one or more of the following factors:
  - 1) the subject property was financed within 12 months prior to the date of application;
  - 2) the loan payment is interest only;
  - 3) the interest rate for the loan adjusts within 3 years or less;
  - 4) the down payment is less than 5% of the purchase price; or
- c) the loan includes a prepayment penalty; or
- d) the loan results in negative amortization; or
- e) closing costs for the loan exceed 5% of the purchase price.

**Section 346.25 Disclosure of Information Prohibited**

Information or documents obtained by employees of the Department in the course of maintaining and administering the Predatory Lending Database, pursuant to the Act, shall be deemed confidential. Employees are hereby prohibited from making disclosure of such confidential information or documents. Any request for production of information from the Predatory Lending Database, whether by subpoena, notice, or any other source, shall be referred to the Office of the Attorney General.

**Section 346.30 Credit Counselor Costs**

Reasonable and customary costs associated with credit counseling provided under the Act shall be paid by the broker or loan originator.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill Adm. Code 112
- 3) Section Number: 112.78                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing Sections Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13] and Public Act 94-0533.
- 5) A Complete Description of the Subjects and Issues Involved: In accordance with provisions of Public Act 94-0533, the use of the State minimum wage (\$6.50) is being implemented to determine the required number of hours of participation in TANF Work Experience and TANF Work First. This change in State law requires that the State or federal minimum wage, whichever is higher, be used to calculate the number of participation hours in work and training activities. A companion amendment is also being proposed in 89 Ill. Adm. Code 121.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None known
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.9	Amendment	28 Ill. Reg. 14340; 11-5-04
112.40	Amendment	28 Ill. Reg. 15424; 12-3-04
112.65	Amendment	28 Ill. Reg. 14340; 11-5-04
112.69	Amendment	28 Ill. Reg. 14340; 11-5-04
112.127	Amendment	28 Ill. Reg. 14340; 11-5-04
112.150	Amendment	28 Ill. Reg. 14340; 11-5-04
112.151	Repeal	28 Ill. Reg. 14340; 11-5-04
112.152	Repeal	28 Ill. Reg. 14340; 11-5-04
112.153	Repeal	28 Ill. Reg. 14340; 11-5-04
112.305	Amendment	28 Ill. Reg. 14340; 11-5-04

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

112.307	Amendment	28 Ill. Reg. 14340; 11-5-04
112.308	Amendment	28 Ill. Reg. 14340; 11-5-04
112.320	Amendment	28 Ill. Reg. 15424; 12-3-04

- 11) Statement of Statewide Policy Objectives (if applicable): This proposed rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:
- Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield, Illinois 62762
- (217) 785-9772
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Local governmental units
- B) Reporting, bookkeeping or other procedures required for compliance: The State or federal minimum wage, whichever is higher, shall be used to calculate the required number of hours of participation when a recipient of public assistance performs work as a condition of receiving the public assistance and the recipient is not paid wages for the work.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This proposed rulemaking was not included on either of the two most recent regulatory agendas because: It was not anticipated by the Department when the two most recent regulatory agendas were published.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the *Illinois Register* on page 16008.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: 121.182      Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13] and Public Act 94-0533.
- 5) A Complete Description of the Subjects and Issues Involved: In accordance with provisions of Public Act 94-0533, the use of the State minimum wage (\$6.50) is being implemented to determine the required number of hours of participation in Food Stamp Employment and Training Earnfare and Food Stamp Employment and Training Work Experience. This change in State law requires that the State or federal minimum wage, whichever is higher, be used to calculate the number of participation hours in work and training activities. A companion amendment is also being proposed to 89 Ill. Adm. Code 112.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None known
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
121.57	Amendment	28 Ill. Reg. 14387; 11-5-04
121.58	Amendment	28 Ill. Reg. 14387; 11-5-04
121.63	Amendment	28 Ill. Reg. 15295; 11-29-04

- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or expand a State mandate.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed amendment within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:
- Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Bldg., 3<sup>rd</sup> Floor  
Springfield, Illinois 62762
- (217) 785-9772
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Local governmental units
- B) Reporting, bookkeeping or other procedures required for compliance: The State or federal minimum wage, whichever is higher, shall be used to calculate the required number of hours of participation when a recipient of public assistance performs work as a condition of receiving the public assistance and the recipient is not paid wages for the work.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the *Illinois Register* on page 16042:

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3) 

<u>Section Number:</u>	<u>Proposed Action:</u>
1600.139	New Section
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) A Complete Description of the Subjects and Issues Involved: SURS is implementing procedures for voluntary deductions from annuities and disability benefit payments.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1600.35	New Section	29 Ill. Reg. 3012; 2/25/05
- 10) Statement of Statewide Policy Objectives: 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 45 day period following publication of this Notice to:

Dan M. Slack  
Executive Director  
State Universities Retirement System  
1901 Fox Drive  
Champaign IL 61820

(217) 378-8877
- 12) Initial Regulatory Flexibility Analysis:

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF PROPOSED AMENDMENT

- 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 2005

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

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF PROPOSED AMENDMENT

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

## SUBPART A: MISCELLANEOUS PROCEDURES

Section	
1600.10	Definitions
1600.20	Dependency of Beneficiaries
1600.30	Crediting Interest on Employee Contributions and Other Reserves
1600.40	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.50	Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.55	Election to Make Contributions Covering Periods of Military Leave
1600.60	Sick Leave Accrual Schedule
1600.70	Procedures to be followed in Medical Evaluation of Disability Claims
1600.80	Rules of Practice-Nature and Requirements of Formal Hearings
1600.90	Excess Benefit Arrangement
1600.100	Freedom of Information Act
1600.110	Open Meetings Act
1600.120	Twenty Percent Limitation on Final Rate of Earnings Increases
1600.121	Determination of Final Rate of Earnings Period
1600.123	Part-time/Concurrent Service Adjustments
1600.130	Procurement
1600.137	Overpayment Recovery
<u>1600.139</u>	<u>Voluntary Deductions from Annuity Payments</u>
1600.140	Making Preliminary Estimated Payments

## SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section	
1600.150	Definitions
1600.151	Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.152	Curing Minor Deficiencies
1600.153	Filing a QILDRO with the System
1600.154	Modified QILDROs

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF PROPOSED AMENDMENT

1600.155	Benefits Affected by a QILDRO
1600.156	Effect of a Valid QILDRO
1600.157	QILDROs Against Persons Who Became Members Prior to July 1, 1999
1600.158	Alternate Payee's Address
1600.159	Electing Form of Payment
1600.160	Automatic Annual Increases
1600.161	Expiration of a QILDRO
1600.162	Reciprocal Systems QILDRO Policy Statement
1600.163	Providing Benefit Information for Divorce Purposes

## 1600.APPENDIX A Chart Outlining Hearing Procedures (Repealed)

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

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: MISCELLANEOUS PROCEDURES

**Section 1600.139 Voluntary Deductions from Annuity Payments**

Purpose. This Section implements procedures for voluntary deductions from annuities and disability benefits as authorized under Section 4 of the State Salary and Annuity Withholding Act (SSAWA) [5 ILCS 365/4] and Section 4.5 of the Voluntary Payroll Deductions Act of 1983 (VPDA) [5 ILCS 340/4.5]. The SSAWA allows a SURS annuitant receiving an annuity or disability benefit to authorize the withholding of a portion of his or her annuity or disability benefit for purposes enumerated in Section 4(1) through (12) of the SSAWA. In furtherance of Section 4(12) of the SSAWA, the VPDA allows a SURS annuitant receiving an annuity or

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF PROPOSED AMENDMENT

disability benefit under Article 15 of the Illinois Pension Code [40 ILCS 5/Art. 15] to authorize the withholding of a portion of his or her annuity or disability benefit for contribution to a maximum of four organizations described in Section 3(b) and (c) of the VPDA. Upon written request of the annuitant, SURS may deduct from the annuity or disability benefit of the annuitant the amount specified in the voluntary deduction authorization to the entity designated by the annuitant.

- a) Written Authorizations. The written request for voluntary annuity or disability benefit deductions shall be made either by filling out and signing a SURS-prepared voluntary deduction authorization form, by written correspondence from the annuitant, or by a voluntary deduction authorization form prepared by an organization or entity authorized to solicit annuitants under the SSAWA and VPDA.
- b) Form of Authorization. The voluntary deduction authorization form or correspondence shall contain the following to be an effective authorization for voluntary deductions:
  - 1) one or more of the following purposes authorized under the SSAWA, including the name and address of the organization or entity to receive the deduction:
    - A) for purchase of United States Savings Bonds;
    - B) subject to restrictions under the SSAWA, for payment of premiums on: life or accident and health insurance, as defined in Section 4 of the Illinois Insurance Code [215 ILCS 5/4]; policies of automobile insurance as defined in Section 143.13 of the Illinois Insurance Code; and personal multiperil coverages commonly known as homeowner's insurance;
    - C) for payment to any labor organization designated by the employee;
    - D) for payment of dues to any association the membership of which consists of State employees and former State employees;
    - E) for deposit in any credit union in which State employees are within the field of membership as a result of their employment;

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF PROPOSED AMENDMENT

- F) for payment to or for the benefit of an institution of higher education by an employee of that institution;
  - G) for payment of parking fees at the underground facility located south of the William G. Stratton State Office Building in Springfield, the parking ramp located at 401 South College Street, west of the William G. Stratton State Office Building in Springfield, or the parking facilities located on the Urbana-Champaign campus of the University of Illinois;
  - H) for voluntary payment to the State of Illinois of amounts then due and payable to the State;
  - I) for investment purchases made as a participant in College Savings Programs established pursuant to Section 30-15.8a of the School Code;
  - J) for voluntary payment to the Illinois Department of Revenue of amounts due or to become due under the Illinois Income Tax Act;
  - K) for payment of optional contributions to a retirement system subject to the provisions of the Illinois Pension Code;
  - L) for contributions to organizations found qualified by the State Comptroller under the requirements set forth in the VPDA (this purpose must be accompanied by a deduction code issued by the State Comptroller);
- 2) the amount to be withheld from the annuity or disability benefit of the annuitant for each designated entity;
  - 3) the expiration date of the authorization, if applicable;
  - 4) the annuitant's current mailing address; and
  - 5) the annuitant's signature.
- c) Effective Date of Authorization. The voluntary deduction authorization shall be effective for annuities and disability benefits according to the following schedule.

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF PROPOSED AMENDMENT

An authorization is deemed submitted when it is received and date stamped by SURS.

- 1) If a voluntary deduction authorization is submitted on or before the SURS monthly benefit processing date, the authorization shall be effective from the first day of the next calendar month for annuities and from the last day of the same calendar month for disability benefits.
  - 2) If a voluntary deduction authorization is submitted after the scheduled SURS monthly benefit processing date, the authorization shall be effective from the first day of the calendar month following the next calendar month for annuities and from the last day of the next calendar month for disability benefits.
- e) Deduction Increases. The annuitant may authorize in writing increases in amounts withheld by voluntary deduction without filing a new deduction authorization form (e.g., on account of increases in union dues). However, prior to an increase in withholding taking effect, written notice shall be given to SURS and to each affected annuitant by the entity to receive the increase.
- f) Termination and Reinstatement. Effective voluntary deduction authorizations may be terminated at any time by the annuitant by written request. Absent a written request for termination, an effective voluntary deduction authorization is automatically terminated upon reaching the date of expiration as indicated on the written request for voluntary deductions. If no expiration date is indicated, then the voluntary deduction authorization continues to be effective for each recurring annuity or disability benefit pay period until the annuity or disability benefit ceases. A reinstatement of a deduction subsequent to its termination as a result of a request for termination, expiration, or cessation of annuity or benefit must be authorized under a new voluntary deduction authorization as prescribed under subsection (b). However, a temporary suspension (such as a suspension due to the lack of a valid address verification) of an annuity or disability benefit followed by its recommencement does not require a new voluntary deduction authorization.
- g) Deduction Limits
- 1) In addition to the requirements under the SSAWA and VPDA, any organization or entity for which a deduction authorization is submitted must have received deduction authorizations from at least 50 SURS

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF PROPOSED AMENDMENT

annuitants before the monthly benefit processing date of the previous month.

- 2) Once SURS has received effective deduction authorizations for withholding on behalf of four organizations or entities that may receive deductions for any of the purposes stated under subsections (b)(1)(A) through (b)(1)(K) of this Section, SURS shall accept no further deduction authorization forms for those organizations or entities from that annuitant, unless a previously effective deduction authorization is terminated by the annuitant (or by the expiration of the stated term of the prior authorization).
- 3) Once SURS has received effective deduction authorizations for withholding on behalf of four qualified organizations described under Section 3(b) and (c) of the VPDA for the purpose stated under subsection (b)(1)(L) of this Section, SURS shall accept no further deduction authorization forms for those organizations from that annuitant, unless a previously effective deduction authorization is terminated by the annuitant (or by the expiration of the stated term of the prior authorization).

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

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Number:</u>	<u>Adopted Action:</u>
1.100	Amendment
1.210	Repeal
1.220	Repeal
1.230	Repeal
1.240	Amendment
1.245	Amendment
1.250	Repeal
1.260	Repeal
1.270	Repeal
1.290	Amendment
1.310	Amendment
1.320	Amendment
1.330	Amendment
1.420	Amendment
1.440	Amendment
1.520	Repeal
1.530	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6, 14C-8, and Art. 21
- 5) Effective Date of Amendments: October 3, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes; this appears in existing language of Section 1.420(s).
- 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: June 3, 2005; 29 Ill. Reg. 7891
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

Proposed subsection 1.100(b)(11) was deleted from this rulemaking because it references a provision that has not yet been added. That will be restored in a rulemaking whose completion is imminent. Other minor nonsubstantive technical revisions were made, such as removing “(s)” and inserting the simple plural.

- 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 emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

<u>Section</u>	<u>Action</u>	<u>Illinois Register Citation</u>
1.10	Amendment	29 Ill. Reg. 9574; July 8, 2005
1.20	Amendment	29 Ill. Reg. 9574; July 8, 2005
1.30	Amendment	29 Ill. Reg. 9574; July 8, 2005
1.40	Amendment	29 Ill. Reg. 9574; July 8, 2005
1.50	Amendment	29 Ill. Reg. 9574; July 8, 2005
1.60	New Section	29 Ill. Reg. 9574; July 8, 2005
1.70	New Section	29 Ill. Reg. 9574; July 8, 2005
1.75	New Section	29 Ill. Reg. 9574; July 8, 2005
1.80	Amendment	29 Ill. Reg. 9574; July 8, 2005
1.85	Amendment	29 Ill. Reg. 9574; July 8, 2005
1.90	Amendment	29 Ill. Reg. 9574; July 8, 2005
1.95	New Section	29 Ill. Reg. 9574; July 8, 2005

- 15) Summary and Purpose of Amendments: This set of amendments results from the comprehensive review of the agency’s rules. Most of the changes remove unnecessary references to requirements that are set out in statute or in other parts of ISBE’s rules. However, we are also taking this opportunity to amplify Part 1 with some substantive provisions that are now found in other sets of rules. By making Part 1 complete in these respects, four separate existing Parts can be repealed.

The needed material from Part 50 (Evaluation of Certified School District Employees in Contractual Continued Service) has been placed into Section 1.320. Section 1.320 also makes several changes to the material previously contained in Part 50 that should be noted.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

First, a new definition has been developed for the term “substantive change” used in Section 24A-4 of the School Code (a substantive change necessitates submission of the evaluation plan to ISBE and the exclusive bargaining representatives). Part 50 had previously indicated that a substantive change meant a change in the identity of individual administrators authorized to conduct evaluations. Upon consideration, we do not believe a change in personnel should be considered a “substantive change” as contemplated by Section 24A-4 of the School Code. Instead, a “substantive change” should be a change in the important aspects of the content of a district’s evaluation plan. We have also described the efforts we expect districts to undertake to identify a consulting teacher when one is needed.

The substantive provisions of Part 251 (Conservation Education) have been inserted into Section 1.420(l) and those of Part 253 (Comprehensive Health Education) into Section 1.420(n). Finally, the requirements of Part 625 that continue to be needed in ISBE’s rules are found in Section 1.530.

It has come to our attention that Section 1.420(p) regarding excusing students from daily physical education may be subject to misinterpretation. Consequently, a provision has been added to point out that Section 27-6 of the School Code expresses the limits of local boards’ authority to exempt individual students based on their participation in athletics. Parental excuses submitted under Section 1.420(p)(6) cannot be used for this purpose.

Section 1.100 (Waiver and Modification of State Board Rules and School Code Mandates) has been revised to reflect changes in Section 2-3.25g of the School Code that were made by P.A. 93-470, P.A. 93-557, and P.A. 93-707.

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

Donna Luallen  
Accountability Division  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001

(217) 782-2948

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

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

## PART 1

## PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

## SUBPART A: 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 ( <a href="#">Repealed</a> )
1.220	Duties of Superintendent ( <a href="#">Repealed</a> )
1.230	Board of Education and the School Code ( <a href="#">Repealed</a> )
1.240	Equal Opportunities for all Students
1.245	Waiver of School Fees
1.250	District to Comply with 23 Ill. Adm. Code 180 ( <a href="#">Repealed</a> )
1.260	Commemorative Holidays to be Observed by Public Schools ( <a href="#">Repealed</a> )
1.270	Book and Material Selection ( <a href="#">Repealed</a> )
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

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

## Section

- 1.310 Administrative Responsibilities
- 1.320 [Evaluation of Certified Staff in Contractual Continued Service 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 Driver Instructors
- 1.520 School Food Services ([Repealed](#))
- 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

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

## Section

- 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, 24A-7, 26-13, 27-8.1, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, and 27-23.3 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, 24A-7, 26-13, 27-8.1, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22 and 27-23.3], Section 6 of the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110/6], and Section 7 of the Conservation

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

Education Act [105 ILCS 415/7] and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

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

## SUBPART A: SCHOOL RECOGNITION REQUIREMENTS

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

- a) As authorized in Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g], a school district or independent authority established pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f], [a joint agreement made up of school districts, or a Regional Superintendent of Schools applying on behalf of a school or program operated by the regional office of education, or, as authorized under Sections 13A-5 and 13A-10 of the School Code \[105 ILCS 5/13A-5 and 13A-10\] with respect to regional safe schools programs, the governing board of an Intermediate Service Center operating such a program established pursuant to Article 13A of the School Code \[105 ILCS 5/Art. 13A\]](#) may petition for:

- 1) State Board approval of waivers or modifications of State Board of Education rules and of modifications of School Code mandates to allow a

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

district to meet the intent of the rule or mandate in a more effective, efficient or economical manner or when necessary to stimulate innovation or to improve student performance; and/or

- 2) General Assembly approval of waivers of School Code mandates as necessary to stimulate innovation or improve student performance.

- b) "The School Code" comprises only those statutes compiled at 105 ILCS 5~~[105 ILCS 5/1-1]~~. Waivers from State Board rules or School Code mandates pertaining to special education, teacher certification, or teacher tenure and seniority are not permitted (Section 2-3.25g of the School Code). Waivers of mandates contained in Section 5-1 of the School Code [105 ILCS 5/5-1] also shall not be requested. Further, pursuant to Section 2-3.25g of the School Code, waivers may not be requested from compliance with any provision of the School Code or the rules of the State Board of Education that reflects or implements the No Child Left Behind Act of 2001 (Public Law 107-110), which shall include all requirements for:

- 1) the entities to be held accountable for the achievement of their students;
- 2) the participation of students in the various forms of the State assessment;
- 3) the timing of administration of the State assessment;
- 4) the use of students' scores on the State assessment in describing the status of schools, districts, and other accountable entities;
- 5) the use of indicators other than test scores in determining the progress of students;
- 6) the required qualifications of paraprofessionals;
- 7) the placement of schools not making adequate yearly progress on academic early warning status or academic watch status, and the results to schools and districts that follow from such placement;
- 8) the district's responsibility to prepare revised school and/or district improvement plans in response to placement on academic warning or watch status;

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

9) [the appointment of school or district improvement panels for schools or school districts on academic watch status; and](#)

10) [the use of State interventions according to the timeline set forth in Section 2-3.25f of the School Code.](#)

c) Each application for a waiver or modification shall provide the following, on a form supplied by the State Board of Education.

- 1) Identification of the [rulesrule\(s\)](#) or [mandatesmandate\(s\)](#) involved, either by quoting the exact language of or by providing a citation to the [rulesrule\(s\)](#) or [mandatesmandate\(s\)](#) at issue. [ApplicantsDistricts](#) unable to determine the exact language or citation may obtain a copy of, or citation to, the [rulesrule\(s\)](#) or [mandatesmandate\(s\)](#) involved by contacting the State Board of Education Legal Department by mail at 100 North First Street, Springfield, Illinois, 62777-0001, or by telephone at 217-782-5270.
- 2) Identification as to the specific [waiverswaiver\(s\)](#) and/or [modificationsmodification\(s\)](#) sought. For modifications, the specific modified wording of the [rulesrule\(s\)](#) or [mandatesmandate\(s\)](#) must be stated.
- 3) Identification as to whether the request is for an initial waiver or modification or for the renewal of a previously approved request.
- 4) For requests based upon meeting the intent of the rule or mandate in a more effective, efficient, or economical manner, a narrative description which sets forth:
  - A) the intent of the rule or mandate to be achieved,
  - B) the manner in which the [applicantdistrict](#) will meet that intent,
  - C) how the manner proposed by the [applicantdistrict](#) will be more effective, efficient or economical, and
  - D) if the [applicantdistrict](#) proposes a more economical manner, a fiscal analysis showing current expenditures related to the request and the projected savings that would result from approval of the request.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 5) If the request is necessary for stimulating innovation or improving student performance, the request must include the specific plan for improved student performance and school improvement upon which the request is based. This plan must include a description of how the applicant~~district~~ will determine success in the stimulation of innovation or the improvement of student performance.
  - 6) If the request is for a waiver of the administration expenditure limitation established by Section 17-1.5 of the School Code [105 ILCS 5/17-1.5], the request must include the amount, nature, and reason for the requested relief and all remedies that have been exhausted to comply with the administration expenditure limitation and shall otherwise comply with Section 17-1.5(d) of the School Code.
  - 7) The time period for which the waiver or modification is sought. Pursuant to Section 2-3.25g of the School Code, such time period may not exceed five years, except for requests made pursuant to subsection (c)(6) of this Section, which may not exceed one year (see Section 17-1.5(d) of the School Code).
  - 8) A description of the public hearing held to take testimony about the request from educators, parents and students, which shall include the information required by Section 2-3.25g of the School Code~~include the number and affiliation of persons and organizations giving testimony and the general nature of the testimony provided.~~
  - 9) An assurance stating the date(s) of the public hearing(s)~~public hearing~~ conducted to consider~~on~~ the application and, if applicable, the specific plan for improved student performance and school improvement, held as prescribed in Section 2-3.25g of the School Code, and stating the date the application (and, if applicable, the plan) was approved by the local governing board~~of education~~.
- d) Each applicant must attach to the application a copy of the notice published in a newspaper of general circulation and a copy of the written notification~~notification~~ provided to the applicant's collective bargaining agent and to those State legislators representing the applicant, each of which must comply with the requirements of Section 2-3.25g of the School Code.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- e) Applications must be sent by certified mail, return receipt requested, and addressed as specified on the application form.
- f) Applications must be postmarked not later than 15 calendar days following [the local governing board's board of education](#) approval. Applications addressed other than as specified on the application form shall not be processed.
- g) Applications for the waiver or modification of State Board rules or for the modification of School Code mandates shall be deemed approved and effective 46 calendar days after the date of receipt by the State Board of Education unless disapproved in writing. Receipt by the State Board shall be determined by the date of receipt shown on the return receipt form, except in the case of an incomplete application.
  - 1) [An applicant](#)~~A district~~ submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information.
  - 2) The 45-day response time referred to in this subsection ~~(g)(f)~~ shall not commence until the [applicant](#)~~district~~ submits the additional material requested by the State Board, which shall be sent by certified mail, return receipt requested.
  - 3) Incomplete requests will not be considered.
- h) The State Board may disapprove a request for the waiver or modification of State Board rules or for the modification of School Code mandates if the request:
  - 1) is not based upon sound educational practices,
  - 2) endangers the health or safety of students or staff,
  - 3) compromises equal opportunities for learning, or
  - 4) does not address the intent of the rule or mandate in a more effective, efficient or economical manner or does not have improved student performance as a primary goal.
- i) Disapproval of an application for a waiver or modification of a State Board rule or for a modification of a School Code mandate shall be sent by certified mail to the

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

applicant no later than 45 calendar days after receipt of the application by the State Board. An applicant wishing to appeal the denial of a request may do so within 30 calendar days after receipt of the denial letter by sending a written appeal by certified mail to the Illinois State Board of Education, [Rules and Waivers Unit, Research Division](#), 100 North First Street, [W-475, S-284](#), Springfield, Illinois 62777-0001. The written appeal shall include the date the local [governing school](#) board approved the original request, the citation of the rule or School Code section involved, and a brief description of the issue. Appeals of denials shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code.

- j) Applications for General Assembly approval of waivers of School Code mandates will be reviewed for completeness. Each incomplete application shall be returned to the applicant with an explanation as to the deficiencies. Complete applications shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code. The State Board of Education shall periodically notify school districts [and other potential applicants](#) of the date by which applications must be postmarked in order to be processed for inclusion in the next report to the General Assembly.
- k) The State Board of Education shall notify Regional Superintendents of Schools of the disposition of requests for waivers or modifications submitted by school districts located within their regions.

(Source: Amended at 29 Ill. Reg. 15789, effective October 3, 2005)

## SUBPART B: SCHOOL GOVERNANCE

**Section 1.210 Powers and Duties [\(Repealed\)](#)**

- a) ~~The School Code provides for the election and organization of local boards of education. The board of education is responsible for carrying out duties prescribed by law and the authorized regulations of the State Board of Education. The local board also is subject to numerous other laws such as the Open Meetings Act (Ill. Rev. Stat. 1985, ch. 102, pars. 41 et seq.), the Local Governmental and Governmental Employees Tort Immunity Act (Ill. Rev. Stat. 1985 ch. 85, par. 1-101 et seq.) and "AN ACT to limit the indebtedness of counties having a population of less than 500,000 and townships, school districts and other municipal corporations having a population of less than 300,000" (Ill. Rev. Stat. 1985, ch. 85, par. 851 et seq.), and to the State and Federal Constitutions.~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- b) ~~The board of education also is delegated extensive powers which provide for the exercise of discretionary judgment. These powers are limited by rights granted to other parties by various laws, regulations, and court decisions. Discretionary powers and duties, which the legislature has conferred upon the board of education, may not be delegated to other agencies or individuals by contract or otherwise. The board of education is the responsible local corporate body.~~
- 1) ~~Among the duties imposed upon the board of education is the duty to adopt and enforce all necessary rules for the management and governance of the public schools of its district. (Section 10-20.5 of The School Code) The board of education rules shall be officially adopted at a legal meeting, duly recorded in the minutes of the meeting, and clearly communicated to all persons who are expected to execute and comply with them.~~
- 2) A) ~~The board of education shall adopt and disseminate comprehensive policies regarding such matters as school district organization, school board operations, district philosophy, goal statements to guide the administrative team, general school administration, the working relationship between the board and its superintendent, principals and teachers, fiscal management, business management, facility expansion programs, instruction, student rights and responsibilities, student discipline including corporal punishment, public relations, and relations with other organizations and agencies.~~
- B) ~~In the development of policies, the board of education should ensure that advice and suggestions are received from all groups affected by the policy.~~
- 3) ~~The board of education shall carry on business, in meetings open to the public, according to the Open Meetings Act (Ill. Rev. Stat. 1985, ch. 102, par. 41 et seq.).~~
- 4) ~~The secretary or clerk of the board of education shall keep accurate minutes of its proceedings. (Section 10-7 of The School Code)~~
- 5) ~~Except as officially authorized and delegated by the board of education, at a legally constituted meeting, an individual board member has no legal authority to act or make decisions binding on the school district.~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 6) ~~The board of education shall follow accounting procedures relative to budgets, tax rates, and tax warrants as required by The School Code (Ill. Rev. Stat. 1985, ch. 122, par. 17-1 et seq.), 23 Ill. Adm. Code 110 (Program Accounting Manual), and 23 Ill. Adm. Code 125 (Student Activity Funds and Convenience Accounts).~~
- 7) ~~The board of education shall indemnify and protect its own members, employees, student teachers, and volunteer workers as prescribed by law (Section 10-20.20 of The School Code).~~
- 8) ~~The board of education shall observe statutory procedures in letting contracts for supplies, material, or work in excess of the amount specified Section 10-20.21 of The School Code.~~
- 9) ~~Except as provided in Section 18-10 of The School Code, no elementary school district having fewer than 15 pupils in average daily attendance and no high school district having fewer than 60 pupils in average daily attendance may file any claim for state aid, either flat grant or special equalization. Such schools may, however, be granted recognition if they meet recognition standards.~~

(Source: Repealed at 29 Ill. Reg. 15789, effective October 3, 2005)

**Section 1.220 Duties of Superintendent (Repealed)**

~~The board of education shall recognize the duties of the superintendent as specified in Section 10-21.4 of The School Code and permit this individual to function in accordance with these duties.~~

- a) ~~The board of education shall make decisions after having received the recommendation of the district superintendent.~~
- b) ~~The board of education shall hire school employees after the recommendation of the district superintendent.~~
- e) ~~The board of education shall carry out all professional and official relationships with school employees through the district superintendent.~~

(Source: Repealed at 29 Ill. Reg. 15789, effective October 3, 2005)

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

**Section 1.230 Board of Education and the School Code (Repealed)**

~~The board of education shall fully observe the School Code when discharging its responsibilities associated with the paying, appointment and establishment of salaries for all teaching personnel.~~

- ~~a) The hiring of both professional and nonprofessional staff shall be in accordance with Article I, Section 18 of the Constitution of Illinois of 1970 which states: "The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts."~~
- ~~b) In addition, the board of education shall not discriminate because of race, religion, national origin or handicap.~~

(Source: Repealed at 29 Ill. Reg. 15789, effective October 3, 2005)

**Section 1.240 Equal Opportunities for all Students**

- a) All students within a school district must be provided equal opportunities in all education programs and services provided by the system (see Section 10-20.12 of the School Code).
- b)a) No school system may *exclude or segregate any pupil, or discriminate against any pupil on the basis of* ~~from a school because of~~ color, race, ~~or~~ nationality, religion, sex, sexual orientation, ancestry, age, marital status, or physical or mental handicap [775 ILCS 5/1-102(A)] ~~(Section 10-22.5 of the School Code)~~. Further, no school system may deny access to its schools or programs to students who lack documentation of their immigration status or legal presence in the United States (Plyer v. Doe, 457 US 202 (1982)).
- c)b) The board of education shall submit periodic reports as required by the State Board of Education detailing pupil attendance, faculty assignments, and actions taken and planned to prevent and eliminate segregation.
- e) ~~Each school district shall be in compliance with 23 Ill. Adm. Code 200 (Sex Equity).~~
- d) ~~The board of education shall be in compliance with 23 Ill. Adm. Code 375 (Student Records).~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- e) ~~The board of education shall charge tuition in an amount not exceeding 110% of the previous year's per capita cost, to nonresident students. Pupils who become nonresidents during a school term shall not be charged tuition for the remainder of the term (Section 10-20.12a of the School Code).~~
- f) ~~The board of education shall loan textbooks to students whose parents are unable to buy them (Section 10-20.13 of the School Code) and shall waive all fees for parents who are unable to afford them in accordance with a written policy adopted by the district under Section 1.245 of this Part.~~
- g) ~~Any school district containing one or more attendance centers having students of limited English speaking fluency shall establish a program in transitional bilingual education according to 23 Ill. Adm. Code 228 (Transitional Bilingual Education).~~
- h) ~~The establishment and operation of all special education shall follow 23 Ill. Adm. Code 226 (Special Education).~~
- i) ~~Each school district whose Chapter 1 weighted average daily attendance (WADA) is between 1,000 and 50,000 shall annually file a plan with the State Board of Education. This plan must be in compliance with 23 Ill. Adm. Code 201 (Disadvantaged Students Funds Plan - Districts Between 1,000 and 50,000 ADA).~~
- j) ~~Each school district whose Chapter 1 weighted average daily attendance (WADA) is 50,000 or more shall annually file a plan with the State Board of Education. This plan must be in compliance with 23 Ill. Adm. Code 202 (Disadvantaged Students Funds Plan - Districts over 50,000 ADA).~~

(Source: Amended at 29 Ill. Reg. 15789, effective October 3, 2005)

**Section 1.245 Waiver of School Fees**

This Section provides the rules required by Section 2-3.96 of ~~the~~The School Code under which each school district is required to adopt a written policy for the waiver of school fees as required by Sections 10-20.13 and 34-21.6 of ~~the~~The School Code [\[105 ILCS 5/10-20.13 and 34-21.6\]](#)~~(Ill. Rev. Stat. 1989, ch. 122, pars. 10-20.13 and 34-21.6).~~

- a) ~~Each school board shall adopt a written policy and administrative procedures for the waiver of school fees. The policy and procedures must:~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) ~~be implemented no later than the start of the 1991-1992 school year; and~~
  - 2) ~~contain at least the elements set forth in subsection (c) or (d):~~
- b) For the purposes of this Section "school fees" or "fees" means any monetary charge collected by a public school or public school district from a student or the parents or guardian of a student as a prerequisite for the student's participation in any curricular or extracurricular program of the school or school district. A school or school district does not impose a "fee" when it requires that a student provide his or her own ordinary supplies or materials (e.g., pencil, paper, notebooks), which are necessary to participate in any curricular or extracurricular program.
- 1) "School fees" include, but are not limited to, the following:
    - A) All charges for required textbooks and instructional materials.
    - B) All charges and deposits collected by a school for use of school property (e.g., locks, towels, laboratory equipment).
    - C) Charges for field trips made during school hours, or made after school hours if the field trip is a required or customary part of a class or extracurricular activity (e.g., annually scheduled trips to museums, concerts, places of business and industry or field trips related to instruction in social studies, the fine arts, career/vocational education or the sciences).
    - D) Charges or deposits for uniforms or equipment related to varsity and intramural sports, or to fine arts programs.
    - E) ~~Charges to participate in extracurricular activity.~~
    - F) Charges for supplies required for a particular class (e.g., shop or home economics materials, laboratory or art ~~supplies~~).
    - ~~F)G)~~ Graduation fees (e.g., caps, gowns).
    - ~~G)H)~~ School records fees.
    - ~~H)I)~~ School health services fees.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~1)d)~~ Driver's education fees assessed pursuant to Section 27-23 of ~~the~~The School Code [\[105 ILCS 5/27-23\]](#).

- 2) "School fees" do not include:
- A) Library fines and other charges made for the loss, misuse, or destruction of school property (e.g., musical instruments).
  - B) Charges for the purchase of class rings, yearbooks, pictures, diploma covers or similar items.
  - C) Charges for optional travel undertaken by a school club or group of students outside of school hours (e.g., a trip to Spain by the Spanish club or a senior class trip).
  - D) Charges for admission to school dances, athletic events or other social events.
  - E) Optional community service programs for which fees are charged (e.g., preschool, before- and after-school child care, recreation programs).

~~b)e)~~ School boards that do not charge school fees must adopt a policy so stating. Parents must be notified of this policy as provided in this Section.

~~c)d)~~ School boards that charge school fees must adopt a policy and procedures containing at least the following elements:

- 1) Standards to determine eligibility
- A) Standards must include a waiver of fees for all students who qualify for free lunches or breakfasts under ~~the~~"AN ACT authorizing school boards and welfare centers to sponsor community school lunch programs and free breakfast and lunch programs and authorizing and requiring free school lunch programs, providing for State reimbursement" (Community School Lunch Program [\[105 ILCS 125\]](#)) (~~Ill. Rev. Stat. 1989, ch. 122, par. 712.1 et seq.~~).

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- B) Standards must also include a description of other extenuating circumstances under which the district will grant a waiver of school fees. Examples include: students who are eligible to receive reduced price lunch or breakfast; very significant loss of income due to severe illness or injury in the family or unusual expenses such as fire, flood, or storm damage; or similar emergency situations that the district determines to include in its policy.
- 2) Notification of parents
- A) The district's policy for the waiver of school fees shall be communicated in writing to the parents of all students ~~enrolled in the district at the start of the 1991-1992 school year and thereafter to the parents of all students~~ enrolling in the district for the first time. A fee waiver application form also may be included with this notice when it is sent to parents. The notification must be in English or the home language of the parents, if it is needed to ensure their understanding of the district's policy (if translation of the notice is not feasible, the use of interpreters is permitted – e.g., other students or neighbors). The notice shall at least describe:
- i) the district's policy, including the criteria and other circumstances under which the district will waive school fees;
  - ii) the fees subject to waiver under the district's policy;
  - iii) the procedure to be used by parents in applying for a waiver of school fees, including the availability of forms that may be used to request a fee waiver; and
  - iv) the procedure to be used by parents in resolving disputes concerning the waiver of school fees.
- B) The district's policy also shall provide that the first bill or notice of each school year sent to parents who owe fees shall state:
- i) the district waives fees for persons unable to afford them in accordance with its policy; and

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- ii) the procedure for applying for a fee waiver, or the name, address and telephone number of the person to contact for information concerning a fee waiver.
- 3) Procedures for the resolution of disputes
- A) The district's policy must provide that if it denies a request for a fee waiver, then it shall mail a copy of its decision to the parents within ~~30~~<sup>thirty (30)</sup> calendar days ~~after~~<sup>of</sup> receipt of the request. The decision shall state the reason for the denial and shall inform the parents of their right to appeal, including the process and timelines for that action. The denial notice shall also include a statement informing the parents that they may reapply for a waiver any time during the school year, if circumstances change.
  - B) An appeal shall be decided within ~~30~~<sup>thirty (30)</sup> calendar days ~~after~~<sup>of</sup> the receipt of the parents' request for an appeal. Parents shall have the right to meet with the person who will decide the appeal in order to explain why the fee waiver should be granted. The person who decides the appeal shall not be the person who initially denied the fee waiver or a subordinate of this person. If the appeal is denied, then the district shall mail a copy of its decision to the parents. The decision shall state the reason for the denial.
  - C) No fee shall be collected from any parent who is seeking a fee waiver in accordance with the district's policy until the district has acted on the initial request or appeal (if any is made), and the parents have been notified of its decision.
- ~~d)~~<sup>e)</sup> If the fee waiver policy and/or procedures are substantively amended, then parents of students enrolled in the district must be notified in writing within ~~thirty (30)~~ calendar days following the adoption of the amendments.
- ~~e)~~<sup>f)</sup> School records that identify individual students as applicants for or recipients of fee waivers are subject to the Illinois School Student Records Act [\[105 ILCS 10\]\(Ill. Rev. Stat. 1989, ch. 122, par. 50-1 et seq.\)](#). Information from such records is confidential and may be disclosed only as provided in the Act.
- ~~f)~~<sup>g)</sup> *No discrimination or punishment of any kind, including the lowering of grades or*

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

*exclusion from classes, may be exercised against a student whose parents or guardians are unable to purchase required textbooks or instructional materials or to pay required fees [\[105 ILCS 5/28-19.2\(a\)\]](#)(~~Section 28-19.2(a) of The School Code~~).*

(Source: Amended at 29 Ill. Reg. 15789, effective October 3, 2005)

**Section 1.250 District to Comply with 23 Ill. Adm. Code 180 [\(Repealed\)](#)**

~~The district shall comply with the rules of the State Board of Education at 23 Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools).~~

(Source: Repealed at 29 Ill. Reg. 15789, effective October 3, 2005)

**Section 1.260 Commemorative Holidays to be Observed by Public Schools [\(Repealed\)](#)**

~~School districts shall conform to the requirements of Section 24-2 of The School Code (Ill. Rev. Stat. 1986 Supp., ch. 122, par. 24-2) regarding the observation of commemorative holidays.~~

(Source: Repealed at 29 Ill. Reg. 15789, effective October 3, 2005)

**Section 1.270 Book and Material Selection [\(Repealed\)](#)**

~~Selection of books and materials by school districts shall be in accordance with Section 28-6 of The School Code.~~

(Source: Repealed at 29 Ill. Reg. 15789, effective October 3, 2005)

**Section 1.290 Absenteeism and Truancy Policies****a) [Definitions](#)**

- 1) ~~"Valid Cause" for absence means illness, observance of a religious holiday, death in the immediate family as defined in Section 24-6 of The School Code (Ill. Rev. Stat. 1989, ch. 122, par. 24-6) but also including aunts and uncles of the affected student, family emergency, and shall include other situations beyond the control of the student as determined by the board of education in each district, or such other circumstances which cause reasonable concern to the parent for the safety or health of the student (Ill. Rev. Stat. 1989, ch. 122, par. 26-2a), as attested by a letter~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~signed by such parent and approved or disapproved by the board of education in each school district.~~

- 2) ~~"Truant" means a child who is subject to compulsory school attendance and who is absent without valid cause for a school day or portion thereof (Ill. Rev. Stat. 1989, ch. 122, par. 26-2a).~~
- 3) ~~"Chronic or Habitual Truant" means a child subject to compulsory school attendance and who is absent without valid cause from such attendance for 10% or more of the previous 180 regular attendance days (Ill. Rev. Stat. 1989, ch. 122, par. 26-2a).~~
- 4) ~~"Truant Minor" means a child who is a chronic truant to whom supportive services, including prevention, diagnostic, intervention and remedial services, alternative programs and other school and community resources have been provided and have failed to result in the cessation of chronic truancy, or have been offered and refused (Ill. Rev. Stat. 1989, ch. 122, par. 26-2a).~~

b)

## Purpose

This Section establishes guidelines and criteria required by Section 26-13 of ~~the~~The School Code [105 ILCS 5/26-13](~~Ill. Rev. Stat. 1989, ch. 122, par. 26-13~~), which provides that *school districts shall adopt absenteeism and truancy policies identifying appropriate supportive services and available resources for truants and chronic truants.*

b)e)

## Content of Policies

Each school district shall develop an absenteeism and truancy policy including at least the following elements:

- 1) A definition of a valid cause for absence in accordance with Section 26-2a of ~~the~~The School Code;
- 2) A description of diagnostic procedures to be used for identifying the ~~cause~~cause(s) of unexcused student absenteeism, which shall, at a minimum, include interviews with the student, his or her ~~parents~~parent(s) or ~~guardians~~guardian(s), and any school ~~official~~official(s) or other parties who may have information about the reasons for the student's attendance problem; and

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 3) The identification of supportive services to be made available to truant or chronically truant students. These services shall include, but need not be limited to, parent conferences, student counseling, family counseling, and information about existing community services which are available to truant and chronically truant students and relevant to their needs.

- d) ~~Punitive action taken against a student for truancy shall be limited by the provisions of Section 26-12 of The School Code (Ill. Rev. Stat. 1989, ch. 122, par. 26-12).~~

(Source: Amended at 29 Ill. Reg. 15789, effective October 3, 2005)

## SUBPART C: SCHOOL DISTRICT ADMINISTRATION

**Section 1.310 Administrative Responsibilities**

~~A school board shall designate within its administrative structure the specific responsibilities and duties for each administrator. This job description shall reflect the philosophy, goals, objectives, and policies adopted by the local board of education in accordance with Subpart B of this Part.~~

- a) ~~Every school district shall have a person designated as superintendent except in districts in which there is only one school building with less than four full- or part-time teachers. (Section 10-21.4 of The School Code)~~
- b) ~~Every attendance center shall have a person assigned as principal who is properly certificated.~~

e) Administrators and supervisors shall be appropriately certificated, meeting the requirements as stated in Section 21-7.1 of ~~the~~The School Code [105 ILCS 5/21-7.1] and Appendix B of this Part.

- a)d) Chief school business officials, effective July 1, 1977, shall be appropriately certificated, meeting the requirements as stated in Section 21-7.1 of ~~the~~The School Code.

- b)e) Department chairpersons who are required to supervise and/or evaluate teachers shall have appropriate certification as indicated in Appendix B of this Part. (See Section 21-7.1 of ~~the~~The School Code.) This regulation shall apply only to those individuals first assigned to this position on or after September 1, 1978.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

c) ~~f~~ Divided Service

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

(Source: Amended at 29 Ill. Reg. 15789, effective October 3, 2005)

**Section 1.320 Evaluation of Certified Staff in Contractual Continued Service~~Duties~~**

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

- a) The Plan shall conform to the requirements of Article 24A of the School Code [105 ILCS 5/Art. 24A] and shall contain assurances that teachers were involved in the development of the Plan or that, where applicable, the Plan was developed in cooperation with the exclusive bargaining representatives.
- b) Whenever any substantive change is made to a Plan, the revised Plan shall be submitted to the State Board of Education for review and comment, and the district shall at the same time provide a copy of any such revised Plan to the exclusive bargaining representatives (Section 24A-4 of the School Code).
  - 1) For purposes of this Section, a "substantive change" shall mean any change to:
    - A) the description of the duties and responsibilities of each teacher and the standards to which the teacher is expected to perform (these descriptions may be individualized or extend to a class of teachers);

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- B) the schedule for evaluations;
  - C) the classification or classifications of qualified administrators authorized to conduct evaluations; and/or
  - D) the definitions of "excellent", "satisfactory", or "unsatisfactory".
- 2) A "substantive change" shall not include a change in the names of individual administrators authorized to conduct evaluations.
- c) The State Board of Education shall review each Plan or revision submitted pursuant to subsection (b) of this Section to determine whether the Plan conforms to the requirements of Article 24A and may provide advisory comments on the Plan's procedures for evaluation. The State Board of Education shall reject as unacceptable those Plans or revisions that do not conform with Article 24A of the School Code. A school district, upon rejection of its Plan, shall revise its Plan to conform with Article 24A of the School Code and shall promptly resubmit the revised Plan to the State Board of Education.
- d) Consulting Teachers
- 1) The school official responsible for selecting a consulting teacher when required under Section 24A-5(g) of the School Code must undertake a diligent effort to identify a consulting teacher, which effort must include, but should not be limited to:
    - A) contacting qualified teachers within the district;
    - B) requesting the regional superintendent of schools to supply a roster of qualified consulting teachers; and
    - C) requesting the exclusive bargaining agent for the district to supply a roster of qualified consulting teachers.
  - 2) If the school official cannot identify a qualified consulting teacher after completing the effort described in subsection (d)(1) of this Section, the State Board of Education shall supply a qualified consulting teacher.
  - 3) If the consulting teacher becomes unavailable during the course of a remediation plan, a new consulting teacher shall be selected in the same

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

manner as the initial consulting teacher. The remediation plan shall be amended as necessary upon consultation with the new consulting teacher for the balance of the remediation period. The consulting teacher shall be informed, through conferences with the qualified administrator (or an assistant principal in a school district having a population exceeding 500,000) and the teacher under remediation, of the results of the periodic evaluations conducted pursuant to Section 24A-5(h) of the School Code in order to continue to provide assistance to the teacher under a remediation plan.

- a) ~~The superintendent shall have charge of administration of the schools under the direction of the board of education. Section 10-21.4 and Section 34-8 of The School Code detail the duties and responsibilities of the superintendent.~~
- b) ~~The principal shall assume administrative responsibilities and instructional leadership of the educational program of the attendance area to which the principal is assigned. Section 10-21.4a and Section 34-8.1 of The School Code detail those administrative responsibilities which the principal shall perform.~~
- c) ~~School boards shall specify in their formal job description for principals that his or her primary responsibility is in the improvement of instruction. A majority of the time spent by a principal shall be spent on curriculum and staff development through both formal and informal activities, such as planned inservice training and ad hoc or individual consultations, respectively, and establishing clear lines of communication with parents and teachers regarding school goals, accomplishments, practices and policies.~~
- d) ~~When conducting evaluations pursuant to 23 Ill. Adm. Code 50 (Evaluation of Certified School District Employees in Contractual Continued Service), school boards shall ensure that their principals are evaluated on their instructional leadership ability and their ability to maintain a positive education and learning climate (Sections 10-21.4a and 34-8.1 of the School Code).~~

(Source: Amended at 29 Ill. Reg. 15789, effective October 3, 2005)

**Section 1.330 Hazardous Materials Training**

Each district shall maintain an inservice training plan for working with hazardous materials (as defined in 56 Ill. Adm. Code 205) consisting of the "Right to Know" training offered by the Illinois Department of Labor (Toxic Substances Section). Each district shall ensure that all new

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

staff members whose assignments bring them into recurring contact, i.e., daily, weekly, or monthly, with hazardous materials who have not attended such a program within the past 12 months receive the approved course of training prior to working with hazardous materials. Examples may include science teachers, maintenance workers, and cafeteria employees. Each district shall keep on file a list of the job titles in the district whose incumbents are subject to the requirements of this Section and the names of employees who have attended a training program, including the location, presenters, and date of the program.

a) **Definitions**

~~"Hazardous Materials" means any material containing one or more of the substances enumerated in 56 Ill. Adm. Code 205, Table A (Toxic Substances Disclosure to Employees).~~

~~"Personnel Who Work With Hazardous Materials on a Regular Basis" means all staff members whose assignments bring them into recurring contact, i.e., daily, weekly, or monthly, with hazardous materials as defined in this Section. Examples may include science teachers, maintenance workers, and cafeteria employees.~~

b) **Content of Training Programs**

~~Each inservice training program shall consist of the "Right to Know" training offered by the Illinois Department of Labor (Toxic Substances Division). A school district's program may be presented by staff of the Department of Labor or by school district staff who have received the training.~~

e) **Application for Approval of Training Plan**

1) ~~Each district shall submit an application for approval of its training plan on a form provided by the State Board of Education, not later than January 15, 1988. Districts may, at their option, submit joint applications. Each application shall contain:~~

A) ~~an assurance that the planned training consists of the "Right to Know" program referred to in subsection (b) of this Section;~~

B) ~~a statement identifying the presenter(s); and~~

C) ~~the date, which must be during calendar year 1988, on which~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~district staff will participate in the training.~~

- 2) ~~Districts whose affected employees have undergone the training described in subsection (b) of this Section at any time during calendar year 1987 shall not be required to repeat the training, provided that each such district shall submit an application including:~~
  - A) ~~an assurance that the training provided consisted of the "Right to Know" program referred to in subsection (b) of this Section;~~
  - B) ~~a statement identifying the presenter(s); and~~
  - C) ~~the date on which district staff participated in the training.~~
- d) ~~Approval of Applications~~
  - 1) ~~The State Board of Education shall approve each application which contains the information and assurance set forth in subsection (c) of this Section.~~
  - 2) ~~The State Board of Education shall notify each district as to the disposition of its application no more than two weeks after receiving it.~~
- e) ~~Training Timetable~~
  - 1) ~~School district personnel who work with hazardous materials on a regular basis shall receive an approved program of inservice training not later than the end of calendar year 1988.~~
  - 2) ~~After 1988, each district shall ensure that each new employee subject to the provisions of this Section who has not attended such a program within the past twelve months receives the approved course of training prior to working with hazardous materials.~~
- f) ~~Record of Training Programs~~

~~Each district shall keep on file a list of the job titles in the district whose incumbents are subject to the requirements of this Section and the names of employees who have attended a training program, including the location, presenter(s), and date of such program.~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 29 Ill. Reg. 15789, effective October 3, 2005)

## SUBPART D: THE INSTRUCTIONAL PROGRAM

**Section 1.420 Basic Standards**

- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.
- b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit that can be disseminated to other schools within the State.
- c) Every school district shall:
  - 1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in our schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.
  - 2) Include in its instructional program concepts which are designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.
- d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.
- e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.
- f) Sections 10-19, 18-8.05, and 18-12 of the School Code [105 ILCS 5/10-19, 18-8.05, and 18-12] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.
  - 1) Section 18-8.05(F)(2)(c) of the School Code provides that, with the

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that the district has been forced to use multiple sessions. The State Superintendent's approval will be granted when the district demonstrates that its facilities are inadequate to house a program offering five clock-hours daily to all students.

- A) The State Superintendent's approval shall be requested before the beginning of the school year.
  - B) The school district's request shall include a copy of the minutes of the meeting at which the board of education approved the plan for multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.
  - C) Requests for extensions of the State Superintendent's approval shall be made annually prior to the opening of school.
- 2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for certain students so they may be included in a district's calculation of average daily attendance. Districts may count such students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.
- 3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.
- A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
  - B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
  - C) All teachers hold certificates which are registered with the

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

Regional Superintendent for their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject area(s) of instruction is held by all teachers.

- 4) Attendance for General State Aid Purposes
  - A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance.
  - B) For purposes of determining average daily attendance on the district's General State Aid claim, students in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance.
- g) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code.
- h) Local boards of education shall establish and maintain kindergartens for the instruction of children ([see](#) Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).
  - 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.
  - 2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

half-day program, such students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.

- A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.
  - B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.
  - C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.
- i) Career Education
    - 1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.
    - 2) Every district shall initiate a Career Awareness and Exploration Program [thatwhich](#) should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.
  - j) Co-Curricular Activities
    - 1) Programs for extra classroom activities shall provide opportunities for all students.
    - 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.
  - k) Consumer Education and Protection
    - 1) A program in consumer education may include the following topics: the individual consumer in the marketplace, money management, consumer credit, human services – housing, food, transportation, clothing, health

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

services, drugs and cosmetics, recreation, furnishings and appliances, insurance, savings and investments, taxes, and the consumer in our economy.

- 2) The superintendent of each unit or high school district shall maintain evidence showing that each student has received adequate instruction in consumer education or has demonstrated proficiency by passing the Consumer Education Proficiency Test as required by law ([see](#) Section 27-12.1 of the School Code [105 ILCS 5/27-12.1]) prior to the completion of the 12<sup>th</sup> grade. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.
  - 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 and shall include installment purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.
  - 4) Each district may use as a guideline the information set forth in "Consumer Education in Illinois Schools" issued by the State Board of Education.
  - 5) Teachers instructing in consumer education courses shall have proper certification for the position to which they are assigned with at least three semester hours in consumer education courses.
- 1) Conservation of Natural Resources  
Each district shall provide instruction on current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals (Section 27-13.1 of the School Code) [105 ILCS 5/27-13.1].
- 1) ~~In every public school district there shall be instruction, study and discussion of current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~wildlife, and humane care of domestic animals (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).~~

- 2) ~~It is recommended that the study of conservation also include energy demands, population growth and distribution, food production, transportation systems, solid waste disposal, and noise abatement.~~
- m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State, national and international concern.
- n) Health Education
- 1) Each school system shall provide a program in compliance with rules for Comprehensive Health Education (23 Ill. Adm. Code 253) issued pursuant to the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].
- ~~A)1)~~ There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.
- ~~B)2)~~ The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.
- ~~C)3)~~ The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.
- D) If health education is offered in conjunction with another course on a "block of time" basis in a middle school, a junior high school, or a high school, instruction may be offered in any combination of the grade levels in the school, provided that the total time devoted to health education is the equivalent of one full semester's work.
- 2) Nothing in this Section shall be construed as requiring or preventing the establishment of classes or courses in comprehensive sex education or family life education as authorized by Sections 27-9.1 and 27-9.2 of the School Code [105 ILCS 5/27-9.1 and 27-9.2] or by the Sex Education Act [105 ILCS 130].

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- o) Media Programs  
Each attendance center shall provide a program of media services to meet the curricular and instructional needs of the school.
- p) Physical Education
  - 1) Appropriate activity related to physical education shall be required of all students each day ([see](#) Section 27-6 of the School Code [105 ILCS 5/27-6]). The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.
  - 2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.
  - 3) If a district determines that it is difficult to implement a program of physical education ~~that~~[which](#) involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.
  - 4) *The physical education and training course offered in grades 5 through 10 may include health education* (Section 27-5 of the School Code [105 ILCS 5/27-5]).
  - 5) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act [225 ILCS 60], prevents their participation in the courses provided for normal children* (Section 27-6 of the School Code).
  - 6) Pursuant to Section 27-6 of the School Code [105 ILCS 5/27-6], a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 [225 ILCS 60] shall be excused from participation in physical education. Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem "appropriate" for this purpose, which shall include, but need not be limited to, reliance upon religious prohibitions. [A](#)

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

board shall, however, have no authority to honor parental excuses based upon students' participation in athletic training, activities, or competitions conducted outside the auspices of the school district. For each type of excuse that will be considered "appropriate", the school board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.

- 7) In addition, pursuant to Section 27-6(b) of the School Code, each school board which chooses to excuse pupils enrolled in grades 9 through 12 from engaging in physical education courses under that subsection shall establish a policy to excuse pupils on an individual basis and shall have such policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.

q) Pupil Personnel Services

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

- 1) Guidance and Counseling Needs;
- 2) Psychological Needs;
- 3) Social Work Needs;
- 4) Health Needs.

r) Social Sciences and History

Each school system shall provide history and social sciences courses ~~that~~which do the following:

- 1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in our world (see Section 27-21 of the School Code [105 ILCS 5/27-21]);

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 2) *include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State* (Section 27-21 of the School Code);
  - 3) *include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system* (Section 27-21 of the School Code);
  - 4) *include the study of that period in world history known as the Holocaust* (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);
  - 5) *include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles* (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]); and
  - 6) *include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment* (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]).
- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. Such eye protective devices shall meet the nationally accepted standards set forth in "Practice for Occupational and Educational Eye and Face Protection;" ANSI Z87.1-2003, issued by the American National Standards Institute, Inc., 1819 L Street, NW, Suite 600, Washington, D.C. 20036. No later additions or amendments to these standards are incorporated by this Part.
- t) *In every public school there shall be instruction, study and discussion of effective methods by which pupils may recognize the danger of and avoid abduction. Such required instruction, study and discussion may be included in the courses of study regularly taught in the schools. In grades kindergarten through 8, such required instruction must be given each year to all pupils in those grades.* (Section 27-13.2 of the School Code [105 ILCS 5/27-13.2])
- u) *School districts shall provide instruction in relation to the prevention of abuse of anabolic steroids in grades 7 through 12 and shall include such instruction in science, health, drug abuse, physical education or other appropriate courses of*

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

*study. Such instruction shall emphasize that the use of anabolic steroids presents a serious health hazard to persons who use steroids to enhance athletic performance or physical development. (Section 27-23.3 of the School Code [105 ILCS 5/27-23.3])*

(Source: Amended at 29 Ill. Reg. 15789, effective October 3, 2005)

**Section 1.440 Additional Criteria for High Schools**

- a) The district shall provide a comprehensive curriculum including the following as a minimum program of offerings. The time allotment, unless specified by the School Code or regulations, is the option of the local school district.
- 1) Language Arts, three units
  - 2) Science
  - 3) Mathematics
  - 4) History of the United States, one unit
  - 5) Foreign Language
  - 6) Music
  - 7) Art
  - 8) Career Education – Orientation and Preparation
  - 9) Health Education, students must take one semester or equivalent, i.e., at least 18 weeks, during the secondary school experience.
  - 10) Physical Education, daily except as provided in subsection (a)(9) of this Section and Section 1.445 of this Part (Section 27-6 of the School Code).
  - 11) Consumer Education, nine weeks, 50 minutes a day or equivalent, grades 9-12, except for students who have demonstrated proficiency pursuant to the provisions of Section 27-12.1 of the School Code and Section 1.462 of this Part.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 12) Conservation of Natural Resources (Section 27-13.1 of the School Code).
  - 13) Driver and Safety Education, 30 clock-hours of classroom instruction and 6 clock-hours of behind the wheel – grades 10, 11, and 12 ([see](#) Section 27-23 of the School Code [105 ILCS 5/27-23] [and 23 Ill. Adm. Code 252](#)).
  - 14) Vocational Education – Job Entry Skill Development
- b) ~~Driver Education and Safety~~
- 1) ~~School districts maintaining grades 9-12 shall provide instruction in compliance with Sections 27-23 and 27-24 of the School Code [105 ILCS 5/27-23 and 27-24] and rules governing Driver Education (23 Ill. Adm. Code 252).~~
  - 2) ~~Such a course shall consist of at least 30 clock hours of classroom instruction and at least six clock hours of practice driving in a dual control car. Eight clock hours of instruction on a multiple car range may be allowed in lieu of four clock hours of instruction in a dual control car, and 12 clock hours of instruction in driving simulators may be allowed in lieu of three clock hours of instruction in a dual control car if prior approval is obtained.~~
  - 3) ~~Strong emphasis shall be provided to establish and promote essential knowledge, correct habits, fundamental skills, proper attitudes, and a sound understanding of the rules and laws necessary for safe driving.~~
  - 4) ~~Such a driver education course may include classroom instruction on the safety rules and operation of motorcycles or motor driven cycles.~~
- e) Specific [Minimum Requirements for Graduation](#)~~minimum requirements for graduation are listed below.~~
- 1) 16 units in grades 9-12 if a four-year school and 12 units in grades 10-12 if a three-year high school.
  - 2) In either of the above, one unit shall be in American History or American History and Government. In a four-year high school, three units shall be in Language Arts and, in a three-year high school, two units shall be in Language Arts. In either instance emphasis shall be on reading and

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

writing skills while one-half unit may be in oral communication.

- 3) *American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag, shall be taught in all public schools. Not less than one hour per week, or the equivalent, shall be devoted to advanced study of this subject. (Sections 27-3 and 27-4 of the School Code [105 ILCS 5/27-3 and 27-4]) No student shall receive certification of graduation without passing a satisfactory examination upon such subjects.*

~~c)~~ Pursuant to Section 27-22 of the School Code [105 ILCS 5/27-22], students who enter the 9<sup>th</sup> grade, except students with disabilities whose course of study is determined by an individualized education program, must successfully complete the following courses, subject to the exceptions provided in Section 1.445 of this Part, as a prerequisite to receiving a high school diploma in addition to the applicable requirements of subsection ~~(b)~~(e) of this Section and any requirements imposed by the local school district.

- 1) *three years of language arts;*
- 2) *two years of mathematics, one of which may be related to computer technology;*
- 3) *one year of science;*
- 4) *two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government; and*
- 5) *one year chosen from:*
  - A) *music,*
  - B) *art,*
  - C) *foreign language, which shall include American Sign Language, or*
  - D) *vocational education.*

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- ~~d)~~<sup>e)</sup> School districts shall have on file in the local district office a description of all course offerings that may comply with the requirements of the law. A course will be accepted as meeting the graduation requirements set forth in subsection ~~(c)~~<sup>(d)</sup> of this Section, provided that its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.
- ~~e)~~<sup>f)</sup> It is the responsibility of the school district's administration to provide parents and guardians timely and periodic information concerning graduation requirements for all students, particularly in cases where a student's eligibility for graduation may be in question.
- ~~f)~~<sup>g)</sup> Additional requirements for graduation may be adopted by local boards of education. Boards of education may accept courses completed in a community college toward graduation.

(Source: Amended at 29 Ill. Reg. 15789, effective October 3, 2005)

## SUBPART E: SUPPORT SERVICES

**Section 1.520 School Food Services ~~(Repealed)~~**

- ~~a) Section 712 of The School Code requires that public schools in Illinois provide free lunches to all eligible needy children as defined by the State Board of Education. The school food service program shall be in compliance with 23 Ill. Adm. Code 305, School Food Service as issued annually by the State Board of Education.~~
- ~~b) Children from families whose income level has qualified them for free or reduced price meals, in accordance with the periodic guidelines issued by the State Board of Education, shall receive a free or reduced price meal in accordance with the guidelines issued annually by the State Board of Education.~~

~~AGENCY NOTE: For all information relating to the Child Nutrition Program, contact the Food and Nutrition Programs Section, State Board of Education.~~

(Source: Repealed at 29 Ill. Reg. 15789, effective October 3, 2005)

**Section 1.530 Health Services**

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- a) Each school shall maintain records for each student ~~that~~which reflect compliance with the examinations and immunizations prescribed by Section ~~27-8.127-8~~ of ~~the~~The School Code, and the applicable rules and regulations of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 (Child Health Examination Code).
- 1) School districts shall, by November 15 of each school year, report to the State Board of Education the number of students who have received the necessary health examinations and immunizations, the number of students who are not exempt and have not received the necessary health examinations and immunizations, and the number of students exempt from the health examination and immunization requirements for religious or medical reasons, on forms provided by the State Board of Education. A copy of each district's report shall also be delivered to the regional superintendent.
  - 2) Any school district whose report has not been delivered to the State Board of Education by November 15 or does not comply with the percentage requirements of Section 27-8.1 of the School Code shall be issued a Notice of Non-Compliance and be given Notice of Opportunity for Hearing in accordance with the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475).
  - 3) Upon a determination of non-compliance, the reduction in the district's General State Aid payments shall commence on December 10 and will occur semi-monthly thereafter until compliance is documented.
- b) Students participating in interscholastic athletics shall have an annual physical examination.
- c) Each district shall adopt an emergency procedure to be followed in cases of injury or sudden illness to students and/or staff.

(Source: Amended at 29 Ill. Reg. 15789, effective October 3, 2005)

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
25.10	Repeal
25.11	Amendment
25.15	Repeal
25.20	Repeal
25.22	Repeal
25.25	New Section
25.30	Repeal
25.32	Repeal
25.35	Repeal
25.40	Repeal
25.42	Repeal
25.80	Repeal
25.82	Repeal
25.85	Amendment
25.99	Repeal
25.140	Amendment
25.210	Repeal
25.220	Repeal
25.230	Repeal
25.240	Repeal
25.252	Amendment
25.255	New Section
25.322	Repeal
25.333	Repeal
25.344	Repeal
25.355	Repeal
25.420	Repeal
25.705	Amendment
25.710	Amendment
25.728	Amendment
25.730	Amendment
25.760	Amendment
25.765	Amendment
25.775	Amendment
25.905	Amendment

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 4) Statutory Authority: 105 ILCS 5/2-3.6, 14C-8, and Art. 21
- 5) Effective Date of Amendments: October 3, 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: June 3, 2005; 29 Ill. Reg. 7932
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:
- Section 25.85 was revised to include the early childhood certificate as one onto which the endorsement in a foreign language may be added under this Section.
- A reference to the location of rules on ISBE's web site was added to Section 25.252.
- A reference to the Section of the School Code that requires an application fee was added to Section 25.255.
- Minor nonsubstantive technical corrections were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

<u>Section</u>	<u>Action</u>	<u>Illinois Register Citation</u>
25.105	New Section	29 Ill. Reg. 14452; September 30, 2005
25.300	Amendment	29 Ill. Reg. 14601; October 7, 2005
25.365	Amendment	29 Ill. Reg. 14601; October 7, 2005

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: The present set of changes results mainly from the comprehensive review of the agency's rules. In these amendments, many provisions that are outdated and/or have been replaced by new requirements have been deleted. Others have been updated so that they no longer refer to time periods that have passed. Also included is a group of technical changes to selected rules for the Illinois Certification Testing System (Subpart I).

This package also sets forth revisions to Section 25.252 and a new Section 25.255, both dealing with the certification of non-teaching speech-language pathologists in response to P.A. 93-1060. That legislation changed and simplified the basis on which non-teaching speech-language pathologists are to be certified. A person who holds one of several types of licenses and has completed an advanced degree in the field may now receive this certification if he or she also:

- has completed a preparation program that meets the State Board's content-area standards; or
- has completed a comparable approved program in another state, territory, or possession; or
- holds a certificate issued by another state, territory, or possession that is endorsed for speech-language pathology; or
- has completed 150 hours of supervised experience in speech-language pathology with students with disabilities in a school setting.

Under the law as revised, we have been able to delete from the rulemaking a good deal of the complicated requirements that flowed from the previous statutory language. The focus of the changes in the rulemaking is to define the four options now available. In particular, ISBE must ensure that the 150 clock-hours of experience expose candidates to activities that relate to those portions of the content-area standards not demonstrably covered by the other professional preparation that speech-language pathologists complete.

The statute also establishes an interim form of certification that will enable licensed individuals to work in schools to acquire the 150 clock-hours of experience.

- 16) Information and questions regarding these adopted amendments shall be directed to:  
Dennis Williams, Certification and Professional Development  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001

(217) 782-7702

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

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER b: PERSONNEL

## PART 25

## CERTIFICATION

## SUBPART A: DEFINITIONS

## Section

25.10 Definition of Terms Used in This Part [\(Repealed\)](#)

## SUBPART B: CERTIFICATES

## Section

25.11 New Certificates (February 15, 2000)

25.15 Standards for Certain Certificates [\(Repealed\)](#)

25.20 Requirements for the Elementary Certificate [\(Repealed\)](#)

25.22 Requirements for the Elementary Certificate (2004) [\(Repealed\)](#)

[25.25 Requirements for "Full" Certification](#)

25.30 Requirements for the Secondary Certificate [\(Repealed\)](#)

25.32 Requirements for the Secondary Certificate (2004) [\(Repealed\)](#)

25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies [\(Repealed\)](#)

25.37 Acquisition of Subsequent Teaching Certificates (2004)

25.40 Requirements for the Special Certificate [\(Repealed\)](#)

25.42 Requirements for the Special Certificate (2004) [\(Repealed\)](#)

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

25.67 Alternative Route to Teacher Certification

25.70 State Provisional Vocational Certificate

25.75 Part-time Provisional Certificates

25.80 Requirements for the Early Childhood Certificate [\(Repealed\)](#)

25.82 Requirements for the Early Childhood Certificate (2004) [\(Repealed\)](#)

25.85 Special Provisions for Endorsement in Foreign Language for Individuals Currently Certified

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared as Teachers But Not Currently Certified
- 25.90 Transitional Bilingual Certificate and Examination
- 25.92 Visiting International Teacher Certificate
- 25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate (Repealed)
- | 25.99 Endorsing Teaching Certificates (Repealed)
- 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 Educational 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

## SUBPART D: SCHOOL SERVICE PERSONNEL

## Section

- 25.200 Relationship Among Credentials in Subpart D

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

25.210	Requirements for the Certification of School Social Workers ( <a href="#">Repealed</a> )
25.215	Certification of School Social Workers (2004)
25.220	Requirements for the Certification of Guidance Personnel ( <a href="#">Repealed</a> )
25.225	Certification of School Counselors (2004)
25.227	Interim Certification of School Counselor Interns (2004)
25.230	Requirements for the Certification of School Psychologists ( <a href="#">Repealed</a> )
25.235	Certification of School Psychologists (2004)
25.240	Standard for School Nurse Endorsement ( <a href="#">Repealed</a> )
25.245	Certification of School Nurses (2004)
25.252	Certification of Non-Teaching Speech-Language Pathologists
<a href="#">25.255</a>	<a href="#">Interim Certification of Speech-Language Pathologist Interns</a>

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

## Section

25.300	Relationship Among Credentials in Subpart E
25.310	Definitions ( <a href="#">Repealed</a> )
25.311	Administrative Certificate ( <a href="#">Repealed</a> )
25.313	Alternative Route to Administrative Certification
25.315	Renewal of Administrative Certificate
25.320	Application for Approval of Program ( <a href="#">Repealed</a> )
25.322	General Supervisory Endorsement ( <a href="#">Repealed</a> )
25.330	Standards and Guide for Approved Programs ( <a href="#">Repealed</a> )
25.333	General Administrative Endorsement ( <a href="#">Repealed</a> )
25.335	General Administrative Endorsement (2004)
25.344	Chief School Business Official Endorsement ( <a href="#">Repealed</a> )
25.345	Chief School Business Official (2004)
25.355	Superintendent Endorsement ( <a href="#">Repealed</a> )
25.360	Superintendent (2004)
25.365	Director of Special Education

## SUBPART F: GENERAL PROVISIONS

## Section

25.400	Registration of Certificates; Fees
25.405	Military Service
25.410	Revoked Certificates
25.415	Credit in Junior College ( <a href="#">Repealed</a> )
25.420	Psychology Accepted as Professional Education ( <a href="#">Repealed</a> )

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

25.425	Individuals Prepared in Out-of-State Institutions
25.427	Three-Year Limitation
25.430	Institutional Approval (Repealed)
25.435	School Service Personnel Certificate – Waiver of Evaluations (Repealed)
25.437	Equivalency of General Education Requirements (Repealed)
25.440	Master of Arts NCATE (Repealed)
25.442	Illinois Teacher Corps Programs
25.444	Illinois Teaching Excellence Program
25.445	College Credit for High School Mathematics and Language Courses (Repealed)
25.450	Lapsed Certificates
25.455	Substitute Certificates
25.460	Provisional Special and Provisional High School Certificates (Repealed)
25.464	Short-Term Authorization for Positions Otherwise Unfilled
25.465	Credit (Repealed)
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
25.493	Part-Time Teaching Interns
25.495	Approval of Out-of-State Institutions and Programs (Repealed)
25.497	Supervisory Endorsements

SUBPART G: THE UTILIZATION OF PARAPROFESSIONALS AND  
OTHER NONCERTIFIED PERSONNEL

Section	
25.510	Paraprofessionals; Teacher Aides
25.520	Other Noncertificated Personnel
25.530	Specialized Instruction by Noncertificated Personnel
25.540	Approved Teacher Aide Programs
25.550	Approval of Educational Interpreters

## SUBPART H: CLINICAL EXPERIENCES

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

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section	
25.705	Purpose – Severability
25.710	Definitions
25.715	Test Validation
25.717	Test Equivalence
25.720	Applicability of Testing Requirement and Scores
25.725	Applicability of Scores (Repealed)
25.728	Use of Test Results by Institutions of Higher Education
25.730	Registration
25.732	Late Registration
25.733	Emergency Registration
25.735	Frequency and Location of Examination
25.740	Accommodation of Persons with Special Needs
25.745	Special Test Dates
25.750	Conditions of Testing
25.755	Voiding of Scores
25.760	Passing Score
25.765	Individual Test Score Reports
25.770	Re-scoring
25.775	Institution Test Score Reports
25.780	Fees

## SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section	
25.800	Professional Development Required
25.805	Continuing Professional Development Options
25.810	State Priorities
25.815	Submission and Review of the Plan (Repealed)
25.820	Review of Approved Plan (Repealed)
25.825	Progress Toward Completion (Repealed)
25.830	Application for Renewal of Certificate(s)
25.832	Validity and Renewal of Master Certificates
25.835	Review of and Recommendation Regarding Application for Renewal
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

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 25.855 Approval of Illinois Providers
- 25.860 Out-of-State Providers
- 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
- 25.875 Continuing Professional Development Units (CPDUs)
- 25.880 "Valid and Exempt" Certificates; Proportionate Reduction; Part-Time Teaching Funding; Expenses (Repealed)
- 25.885

SUBPART K: REQUIREMENTS FOR RECEIPT OF  
THE STANDARD TEACHING CERTIFICATE

## Section

- 25.900 Applicability of Requirements in this Subpart
- 25.905 Choices Available to Holders of Initial Certificates
- 25.910 Requirements for Induction and Mentoring
- 25.915 Requirements for Coursework on the Assessment of One's Own Performance
- 25.920 Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS)
- 25.925 Requirements Related to Advanced Degrees and Related Coursework
- 25.930 Requirements for Continuing Professional Development Units (CPDUs)
- 25.935 Additional Activities for Which CPDUs May Be Earned
- 25.940 Examination
- 25.942 Requirements for Additional Options
- 25.945 Procedural Requirements
  
- 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

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; 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. 10068, effective June 30, 2005; amended at 29 Ill. Reg. 12374, effective July 28, 2005; emergency amendment at 29 Ill. Reg. 14547, effective September 16, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 15831, effective October 3, 2005.

## SUBPART A: DEFINITIONS

**Section 25.10 Definition of Terms Used in This Part (Repealed)**

~~American Government: The study of the process of control and administration of public policy in the United States, focusing especially on the origins, structure and interactions of the nation's political institutions. Coursework must explicitly include study of the United States Constitution and the federal government~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~system.~~

~~American History: The study of the peoples, cultures and events which have contributed to the development of the United States. Coursework must include a chronological account of the origins and development of the United States with emphasis on the contributions of different cultures and political systems.~~

~~Anthropology: The study of the distribution, origin, classification and relationships of humanity. Coursework includes archaeology, physical anthropology and socio-cultural anthropology.~~

~~Biological Science: The study of the structure, function, growth, origin, evolution and distribution of living organisms, including coursework in biology, botany, and zoology.~~

~~Communication Skills: The study of the theory and practice of exchanging thoughts, messages and information with others in both oral and written form, including the principles governing oral and written discourse and skills in oral and written expression in English. Coursework includes the areas of rhetoric, speech communication, and composition.~~

~~Oral Communication: Coursework includes Public Speaking, Forensics, Oral Reading, Discussion Principles, Parliamentary Law, Oral Interpretation.~~

~~Written Communication: Coursework includes Exposition, Creative Writing, Composition, Technical Writing, Business Communication.~~

~~Cultural Geography: The study of humanity's relationship with the environment and the effects of geography on human social systems. Coursework includes ethnogeography, human migration, resource management and policy, geopolitical systems, organization of inter- and intra-urban systems.~~

~~Economics: The study of the science of production, distribution and consumption of goods and services. Coursework includes macro-economics, micro-economics and econometrics.~~

~~Endorsement: The written notation entered upon the face of a teaching certificate designating the specific subjects which an individual is qualified to teach.~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~English: The study of the word formation, syntax and semantics of the English language, focusing primarily and explicitly on its historical development and including a systematic description and analysis of English. Coursework includes English grammar, literature, and composition.~~

~~Fine Arts: The study of artistic expression in the areas of art, dance, music, and theatre. Coursework includes history, theory and studio.~~

~~Foreign Language: The study of a language other than English. Coursework includes composition, conversation, culture, literature and laboratory.~~

~~Health: The study of the dynamic interaction and interdependence among an individual's physical well-being, mental and emotional reactions, and the social setting in which the individual exists. Coursework includes personal health, mental and emotional health, prevention and control of disease, nutrition, substance use and abuse, accident prevention and safety, community health, environmental health, and family life education.~~

~~History: The study of systematic written or visual accounts of events affecting nations, institutions, or peoples. Coursework includes ancient, medieval and modern history.~~

~~Humanities: The study of subjects concerned with humans and their culture, including history, literature, philosophy, religion, and the visual, musical and theatrical arts. Coursework includes the history, analysis and understanding of imaginative art forms and the study of languages.~~

~~Language Arts: Reading, oral and written expression, grammar, spelling, handwriting, literature for children, and other literature as is commonly found in the courses of study in the elementary schools will be accepted.~~

~~Linguistics: The study of the nature and structure of human language. Coursework includes phonology, phonetics, morphology, syntax, dialectology, language typology, semantics, psycholinguistics, and sociolinguistics.~~

~~Literature: The study of imaginative or creative writing in prose or verse, especially of traditionally recognized artistic value, including coursework devoted primarily and explicitly to study of literary texts.~~

~~Mathematics: The study of numbers, their form, arrangement and associated~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~relationships, with coursework focusing on the history, structure, and philosophy of mathematics, as well as mathematics topics such as symbolic logic; axiomatics; discrete mathematics; set and number theory; linear and abstract algebra; plane, solid and analytic geometry; calculus; analysis; probability and statistics; and topology. Coursework for individuals seeking Early Childhood or Elementary certification should primarily and explicitly focus on the study of number systems (whole, integer, rational and real), intuitive geometry, measurement, probability and statistics, and elementary concepts of calculator and computer usage in mathematics.~~

~~Non-Western or Third-World Culture: The study of social, political and cultural development in Third-World cultures. Coursework includes the study of the people and cultures of Asia, Africa, and Central and South America.~~

~~Philosophy: The study of systematization or organization, and criticism of knowledge. Coursework includes the general categories or aesthetics, epistemology, ethics, logic, metaphysics, religion and numerous subcategories.~~

~~Physical Development: The study of the psychomotor domain with emphasis on the potential and limitations of mind and body. Coursework includes maintenance of physical health and physical fitness, motor skill acquisition, and injury prevention and control.~~

~~Physical Science: The study of the history, philosophy and methodologies used to describe the physical universe, including coursework in astronomy, chemistry, earth science, physics, geology and physical geography.~~

~~Political Science: The study of the structure and processes of political systems, including the development of public policy. Coursework includes political systems, governmental structures, public law, public administration and political culture.~~

~~Psychology: The study of mental processes and animal and human behavior. Coursework includes the areas of individual and group psychology.~~

~~Semester Hour: The basis for calculating college work shall be the semester hour, which is one recitation or lecture period not less than fifty minutes in length, or an equivalent laboratory period, each week, for at least sixteen weeks.~~

~~Social Science: The study of human achievement, including the development,~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~history and character of social, cultural and political organizations, and of methodologies used to describe and interpret these areas. Social Science includes coursework in the areas of anthropology, cultural and political geography, economics, political science, sociology, and psychology.~~

~~Sociology: The study of the development, structure, function and interaction of human groups. Coursework includes social organizations, social psychology, crime, delinquency and deviancy, population and human ecology, social inequalities, social movements.~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

## SUBPART B: CERTIFICATES

**Section 25.11 New Certificates (February 15, 2000)**

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

- a) Holders of certain ~~current~~ Illinois teaching certificates received, or shall receive, corresponding standard teaching certificates ~~when they next renew any of their current certificates. Certificates subject to exchange are listed in Appendix C to this Part; see also Sections 25.400 and 25.450 of this Part.~~1)Certificates subject to exchange are listed in Appendix C to this Part. 2)No certificate holder shall be penalized in the exchange of certificates. Each endorsement held by a certificate holder prior to February 15, 2000, shall be recorded on the appropriate certificate received pursuant to this subsection (a). Qualifications accepted for particular teaching assignments prior to February 15, 2000, shall continue to be acceptable for those assignments, unless Section 25.100(1) of this Part applies. b) Out-of-state candidates who qualify for Illinois teaching certificates pursuant to Section 25.425 of this Part and who pass the applicable examinations (see Section 25.720 of this Part) shall receive either initial or standard teaching certificates, and, except as provided in subsection (a)(3)(b)(3) of this Section, those who receive initial certificates shall be subject to the requirements of subsection (c)(d) of this Section in terms of their subsequent receipt of standard teaching certificates. An out-of-state applicant who does not qualify for an initial or standard certificate

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

may qualify to receive a provisional certificate subject to the provisions of Section 21-10 of the School Code [105 ILCS 5/21-10].

- 1) *Standard certificates will be issued to candidates who present evidence of at least four years of teaching experience on a valid certificate issued by a state, territory, or possession of the United States.* (Section 21-2(b-5) of the School Code [105 ILCS 5/21-2(b-5)])
- 2) Initial certificates will be issued to qualified candidates with fewer than four years of teaching experience.
  - A) A recipient of an initial certificate pursuant to this subsection ~~(a)(2)(b)(2)~~ shall be eligible to apply for a comparable standard certificate when he or she has accumulated a total of four years' teaching experience on a valid certificate, including the time taught outside Illinois.
  - B) Pursuant to Section 21-2(b-5) of the School Code, the 12 semester hours of graduate-level coursework needed to complete the option discussed in Section 25.905(d) of this Part and the 60 continuing professional development units (CPDUs) needed to complete the option discussed in Section 25.905(e) of this Part *shall be reduced in proportion to the amount of teaching time a candidate needs to accumulate in Illinois in order to complete four years of teaching.* The number of hours or CPDUs required shall be reduced by one-fourth for each full year of teaching completed outside Illinois.
- 3) *The requirements of Subpart K of this Part shall not apply to an individual who holds a second-tier certificate from another state.* (Section 21-2(b-5) of the School Code) A "second-tier certificate" is one that is issued after a teacher has:
  - A) held a prerequisite teaching certificate that was valid for the same area or areas of assignment, other than an emergency, provisional, or substitute certificate; and
  - B) met specified additional requirements for professional development or induction to the profession of teaching.
- 4) Certificates will be endorsed in accordance with the provisions of Sections

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

25.100 and 25.425 of this Part.

- ~~b)~~e) A candidate completing an approved Illinois teacher preparation program ~~on or after February 15, 2000,~~ may qualify for an initial teaching certificate by passing the applicable examinations ~~as set forth in Section 25.20, 25.30, 25.40, or 25.80 of this Part, or in~~ Section 25.22, 25.32, 25.42, or 25.82 of this Part, as applicable.
- ~~c)~~d) An individual who has completed four years of teaching on an initial certificate (or on another certificate that was issued in conjunction with an initial certificate) may qualify for a comparable standard certificate as set forth in Subpart K of this Part.
- 1) All endorsements shall be carried forward from an initial to the comparable standard certificate.
  - 2) *A holder of an initial certificate who has not completed four years of teaching within four years may renew and register the certificate for additional four-year periods without limitation.* (Section 21-14(b) of the School Code [105 ILCS 5/21-14(b)])
  - 3) A candidate who has taught for four years on an initial certificate but has not met the requirements of Subpart K of this Part may not receive another comparable initial teaching certificate. For example, a holder of an initial elementary certificate will not be eligible to receive another initial elementary certificate. *However, such an individual may receive a reinstated certificate, valid for one year, during which he or she may complete the option chosen as a means of qualifying for the standard teaching certificate.* (Section 21-14(b) of the School Code) No initial certificate-holder may receive a reinstated certificate more than once pursuant to this subsection ~~(c)(3)(d)(3)~~.
  - 4) When an individual completes four years of teaching experience on an initial certificate, that certificate shall become invalid on the following June 30.
- ~~d)~~e) A holder of an Illinois teaching certificate who has teaching experience on a valid certificate as required by Section 21-11.2 of the School Code [105 ILCS 5/21-11.2] may receive an additional certificate of another type as set forth in Section 25.37 of this Part, unless the additional certificate is to be issued based on comparable out-of-state certification. Once an individual has received a standard

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

teaching certificate, any other subsequently issued early childhood, elementary, secondary, special K-12, or special preschool-age 21 certificate shall also be a standard certificate, with the exception of any master certificate for which the individual also qualifies.

e)† "Four years of teaching experience" means the equivalent of four years' full-time employment, i.e., eight semesters of scheduled full-time teaching, which may, however, be accumulated in any combination of increments. That is, it need not be accumulated through full-time teaching. To permit timely processing of applications for standard certificates, the State Superintendent of Education may accept applications from individuals who are at least midway through their final semester of required teaching experience, provided that each such individual submits a letter that otherwise meets the requirements of subsection (fg) of this Section but indicates that:

- 1) the individual has completed 3½ years of teaching plus the required portion of the final semester; and
- 2) the representative of the employing entity knows of no reason why the individual will not complete four years of teaching experience during the then-current semester.

fg) "Evidence of teaching experience" means a letter signed by the chief administrator or other designated official of the employing school district or nonpublic school documenting the nature and duration of the candidate's teaching. A letter signed by an official of the state education agency in another state may be substituted for an employer's letter when the latter cannot be secured. Experience gained while teaching in a home school shall not be applicable to the fulfillment of this requirement.

g)h) For purposes of this Section, "valid certificate" means a certificate equivalent to an Illinois master, standard, initial, or provisional early childhood, elementary, secondary, or special certificate.

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

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.15 Standards for Certain Certificates (Repealed)**

- a) ~~The standards that shall apply beginning October 1, 2003, to each candidate seeking an initial early childhood, elementary, secondary, or special teaching certificate shall be as set forth in Standards for All Illinois Teachers (23 Ill. Adm. Code 24).~~
- b) ~~The standards that shall apply beginning October 1, 2003, to each candidate seeking an administrative certificate shall be as set forth in Standards for Administrative Certification (23 Ill. Adm. Code 29).~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.20 Requirements for the Elementary Certificate (Repealed)**

~~This Section is replaced by Section 25.22 of this Part.~~

- a) ~~Each applicant shall:
  - 1) ~~have completed an approved Illinois teacher preparation program for the elementary certificate (see Subpart C of this Part); or~~
  - 2) ~~have completed a comparable program in another state or country or hold an elementary or comparable certificate issued by another state or country (see Sections 25.425 and 25.495 of this Part); or~~
  - 3) ~~hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code [105 ILCS 5/21-11.2], and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (d) of this Section or has not completed the semester hours of study listed in this subsection (a)(3), remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.~~~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

B)	<del>Methods and techniques of teaching on the elementary level</del>	2
C)	<del>History and/or philosophy of education</del>	2
D)	<del>Methods of teaching reading</del>	2
E)	<del>Coursework addressing <i>the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled</i> (Section 21-2a of the School Code [105 ILCS 5/21-2a])</del>	
F)	<del>Pre-student teaching clinical experiences equivalent to 100 clock hours</del>	
G)	<del>Student teaching (grades K-9)</del>	5
H)	<del>Electives to total 16 semester hours</del>	3

- b) ~~Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants with teaching experience at the K-9 level, as verified by the employer, need not complete pre-student teaching clinical experience.~~
- e) ~~Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.~~
- d) ~~Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the elementary certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of subject matter knowledge shall be based upon the applicable standards set forth in 23 Ill. Adm. Code 26 (Standards for Certification in Early Childhood Education and in Elementary Education).~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.22 Requirements for the Elementary Certificate (2004) (Repealed)**

- a) Each applicant shall:
- 1) ~~have completed an approved Illinois teacher preparation program for the elementary certificate, including coursework addressing *the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled* (Section 21-2a of the School Code [105 ILCS 5/21-2a]) (see Subpart C of this Part); or~~
  - 2) ~~have completed a comparable program in another state or country or hold an elementary or comparable certificate issued by another state or country (see Section 25.425 of this Part); or~~
  - 3) ~~hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation under Section 21-11.2 of the School Code [105 ILCS 5/21-11.2], and complete such additional coursework and/or experiences as may be required pursuant to Section 25.37 of this Part.~~
- b) ~~Each applicant shall have completed 32 semester hours in elementary education or a major in the field, as identified by the accredited institution on the individual's official transcript.~~
- c) ~~Each applicant shall have completed pre-student teaching field experiences (see Section 25.610 of this Part). However, applicants with teaching experience at the K-9 level, as verified by the employer, need not complete pre-student teaching clinical experience, except as may be required under Section 25.37 of this Part.~~
- d) ~~Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part. However, applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience, except as may be required under Section 25.37 of this Part.~~
- e) ~~Each applicant shall be required to pass the tests required for the certificate as specified in Section 25.720 of this Part.~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- f) ~~Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code [105 ILCS 5/21-10].~~
- g) ~~The requirements of this Section shall not apply to an elementary certificate that is issued along with a secondary certificate in place of a special certificate as provided in Appendix C to this Part.~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.25 Requirements for "Full" Certification**

The requirements of this Section shall apply to the issuance of early childhood, elementary, secondary, special K-12, and special preschool-age 21 certificates.

- a) Each applicant shall:
  - 1) have completed an approved Illinois teacher preparation program for the type of certificate sought, including coursework addressing *the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled* (Section 21-2a of the School Code [105 ILCS 5/21-2a]) (see Subpart C of this Part); or
  - 2) have completed a comparable program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part); or
  - 3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation under Section 21-11.2 of the School Code [105 ILCS 5/21-11.2], and complete such additional coursework and/or experiences as may be required pursuant to Section 25.37 of this Part.
- b) Each applicant shall have completed 32 semester hours, or a major as identified by the accredited institution on the individual's official transcript, in early childhood education, elementary education, or a field of specialization, as applicable to the type of certificate sought.
- c) Each applicant shall have completed pre-student teaching field experiences at the grade level(s) and in the area of specialization relevant to the certificate sought (see Section 25.610 of this Part). However, applicants with teaching experience at the applicable level, as verified by the employer, need not complete pre-student

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

teaching field experience, except as may be required under Section 25.37 of this Part.

- d) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part. However, applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience, except as may be required under Section 25.37 of this Part.
- e) Each applicant shall be required to pass the tests required for the certificate as specified in Section 25.720 of this Part.
- f) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code [105 ILCS 5/21-10].

(Source: Added at 29 Ill. Reg. 15831, effective October 3, 2005)

### **Section 25.30 Requirements for the Secondary Certificate (Repealed)**

This Section is replaced by Section 25.32 of this Part.

- a) Each applicant shall:
- 1) have completed an approved Illinois teacher preparation program for the secondary certificate (see Subpart C of this Part); or
  - 2) have completed a comparable program in another state or country or hold a secondary or comparable certificate issued by another state or country (see Sections 25.425 and 25.495 of this Part); or
  - 3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code, and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (e) of this Section or has not completed the semester hours of study listed in this subsection (a)(3), remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.
- A) Educational psychology, including human growth and development 2

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- |    |  |              |
|----|--|--------------|
| B) | <del>Methods and techniques of teaching on the secondary level or in a teaching field</del>  | <del>2</del> |
| C) | <del>History and/or philosophy of education</del>  | <del>2</del> |
| D) | <del>Coursework addressing <i>the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled</i> (Section 21-2a of the School Code [105 ILCS 5/21-2a])</del> |              |
| E) | <del>Pre-student teaching clinical experiences equivalent to 100 clock hours</del>   |              |
| F) | <del>Student teaching (grades 6-12)</del>  | <del>5</del> |
| G) | <del>Electives to total 16 semester hours</del>  | <del>5</del> |
- b) ~~Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants with teaching experience at the 6-12 level, as verified by the employer, need not complete pre-student teaching clinical experience.~~
- e) ~~Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.~~
- d) ~~One major area of specialization, totaling 32 semester hours or as otherwise identified by the accredited institution on the individual's official transcript, shall be required.~~
- e) ~~Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the secondary certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~subject matter knowledge shall be based upon the applicable standards set forth in 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields).~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.32 Requirements for the Secondary Certificate (2004) (Repealed)**

- a) ~~Each applicant shall:~~
- ~~1) have completed an approved Illinois teacher preparation program for the secondary certificate, including coursework addressing *the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled* (Section 21-2a of the School Code) (see Subpart C of this Part); or~~
  - ~~2) have completed a comparable program in another state or country or hold a secondary or comparable certificate issued by another state or country (see Section 25.425 of this Part); or~~
  - ~~3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation under Section 21-11.2 of the School Code, and complete such additional coursework and/or experiences as may be required pursuant to Section 25.37 of this Part.~~
- b) ~~Each applicant shall have completed pre-student teaching field experiences (see Section 25.610 of this Part). However, applicants with teaching experience at the 6-12 level, as verified by the employer, need not complete pre-student teaching field experience, except as may be required under Section 25.37 of this Part.~~
- e) ~~Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part. However, applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience, except as may be required under Section 25.37 of this Part.~~
- d) ~~A total of 32 semester hours in an area of specialization, or a major as identified by the accredited institution on the individual's official transcript, shall be required.~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- e) ~~Each applicant shall be required to pass the tests required for the certificate as specified in Section 25.720 of this Part.~~
- f) ~~Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.~~
- g) ~~The requirements of this Section shall not apply to a secondary certificate that is issued along with an elementary certificate in place of a special certificate as provided in Appendix C to this Part.~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies (Repealed)**

~~The provisions of this Section shall apply until replaced by Section 25.37 of this Part when an individual who already holds one or more Illinois teaching certificates wishes to receive an additional certificate pursuant to Section 21-11.2 of the School Code.~~

- a) ~~The applicant shall submit to the State Board of Education, through the office of a regional superintendent of schools:~~
  - 1) ~~a completed application form;~~
  - 2) ~~an official transcript of any college credits not already on file with the Certification Board;~~
  - 3) ~~a letter, signed by the superintendent of the employing district or other authorized official, documenting at least three months' full-time teaching experience on a valid Illinois elementary, secondary, special, or early childhood certificate; and~~
  - 4) ~~the application fee required by Section 21-12 of the School Code.~~
- b) ~~A deficiency statement shall be issued when an applicant does not qualify for the requested certificate. An applicant who receives a deficiency statement shall present it to an institution that operates a teacher preparation program approved pursuant to Subpart C of this Part. With the assistance of the State Board of Education, the institution shall:~~
  - 1) ~~compare the applicant's deficiency to the coursework it offers that~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~corresponds to the NCATE standards for professional education (see Section 25.115 of this Part) or that addresses the content area, as applicable; and~~

- ~~2) advise the applicant as to the coursework needed to remedy the deficiency.~~
- ~~e) An applicant may remove deficiencies and qualify for the certificate on the original fee, provided that he or she completes the requirements and passes the applicable tests in keeping with Sections 25.427 and 25.720 of this Part.~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.40 Requirements for the Special Certificate (Repealed)**

~~This Section is replaced by Section 25.42 of this Part.~~

- a) Each applicant shall:
- ~~1) have completed an approved Illinois teacher preparation program for the special certificate (see Subpart C of this Part); or~~
  - ~~2) have completed a comparable program in another state or country or hold a special or comparable certificate issued by another state or country (see Sections 25.425 and 25.495 of this Part); or~~
  - ~~3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code, and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (e) of this Section or has not completed the semester hours of study listed in this subsection (a)(3), remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.~~
    - A) Educational Psychology, including Human Growth and Development 2
    - B) Methods and Techniques of Teaching in the area of specialization 2
    - C) History and/or Philosophy of Education 2

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- ~~D) Pre-student Teaching Clinical Experiences at the Elementary and Secondary Levels Equivalent to 100 Clock Hours in the Area of Specialization~~
- ~~E) Coursework addressing the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled (Section 21-2a of the School Code [105 ILCS 5/21-2a])~~
- ~~F) Student Teaching in Area of Specialization and at the grade level of the certificate 5~~
- ~~G) Electives to Total 16 Semester Hours (may include additional coursework in the areas enumerated in this subsection (a)(3) and/or in guidance, tests and measurements, methods of teaching reading, and instructional materials) 5~~
- b) Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants with teaching experience in the field of specialization, as verified by the employer, need not complete pre-student teaching clinical experience.
- c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.
- d) One major area of specialization, totaling 32 semester hours or as otherwise identified by the accredited institution on the individual's official transcript, shall be required.
- e) Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the special certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~subject matter knowledge shall be based upon the relevant standards set forth in 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields).~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.42 Requirements for the Special Certificate (2004) (Repealed)**

- a) ~~Each applicant shall:~~
- ~~1) have completed an approved Illinois teacher preparation program for the special certificate, including coursework addressing *the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled* (Section 21-2a of the School Code) (see Subpart C of this Part); or~~
  - ~~2) have completed a comparable program in another state or country or hold a special or comparable certificate issued by another state or country (see Section 25.425 of this Part); or~~
  - ~~3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation under Section 21-11.2 of the School Code, and complete such additional coursework and/or experiences as may be required pursuant to Section 25.37 of this Part.~~
- b) ~~Each applicant shall have completed pre-student teaching field experiences (see Section 25.610 of this Part). However, applicants with teaching experience in the field of specialization, as verified by the employer, need not complete pre-student teaching field experience, except as may be required under Section 25.37 of this Part.~~
- c) ~~Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part. However, applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience, except as may be required under Section 25.37 of this Part.~~
- d) ~~A total of 32 semester hours in an area of specialization, or a major as identified by the accredited institution on the individual's official transcript, shall be required.~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- e) ~~Each applicant shall be required to pass the tests required for the certificate as specified in Section 25.720 of this Part.~~
- f) ~~Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.80 Requirements for the Early Childhood Certificate (Repealed)**

~~This Section is replaced by Section 25.82 of this Part.~~

- a) ~~Each applicant shall:
 
  - 1) ~~have completed an approved Illinois teacher preparation program for the early childhood certificate (see Subpart C of this Part); or~~
  - 2) ~~have completed a comparable program in another state or country or hold an early childhood or comparable certificate issued by another state or country (see Sections 25.425 and 25.495 of this Part); or~~
  - 3) ~~hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code, and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (d) of this Section or has not completed the semester hours of study listed in this subsection (a)(3), remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.~~
    - A) ~~Child growth and development with emphasis on the young child~~ 3
    - B) ~~History and philosophy of early childhood education~~ 3
    - C) ~~Types of instructional methods, including types of activity/learning centers, individualization, educational play, and media and their utilization in extending the child's understanding of art, music, literature, reading instruction,~~~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

	<del>mathematics, natural and social science</del>	4
D)	<del>Methods of teaching reading, with emphasis on the young child</del>	2
E)	<del>Techniques and methodologies of teaching language arts, mathematics, science and social studies at the primary level</del>	4
F)	<del>The development and acquisition of language in young children</del>	2
G)	<del>Child, family and community relationships</del>	3
H)	<del>Coursework addressing <i>the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled</i> (Section 21-2a of the School Code)</del>	
I)	<del>Pre-student teaching clinical experiences equivalent to 100 clock hours, including experience with infants/toddlers, preschool/kindergarten children, and primary school students</del>	
J)	<del>Student teaching</del>	
K)	<del>Electives in professional education</del>	3
b)	<del>Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants with teaching experience at the PreK-3 level, as verified by the employer, need not complete pre-student teaching clinical experience.</del>	
e)	<del>Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.</del>	

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- d) ~~Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the early childhood certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of subject matter knowledge shall be based upon the applicable standards set forth in 23 Ill. Adm. Code 26 (Standards for Certification in Early Childhood Education and in Elementary Education).~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.82 Requirements for the Early Childhood Certificate (2004) (Repealed)**

- a) ~~Each applicant shall:~~
- ~~1) have completed an approved Illinois teacher preparation program for the early childhood certificate, including coursework addressing *the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled* (Section 21-2a of the School Code) (see Subpart C of this Part); or~~
  - ~~2) have completed a comparable program in another state or country or hold an early childhood or comparable certificate issued by another state or country (see Section 25.425 of this Part); or~~
  - ~~3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation under Section 21-11.2 of the School Code, and complete such additional coursework and/or experiences as may be required pursuant to Section 25.37 of this Part.~~
- b) ~~Each applicant shall have completed pre-student teaching field experiences (see Section 25.610 of this Part). However, applicants with teaching experience at the PreK-3 level, as verified by the employer, need not complete pre-student teaching field experience, except as may be required under Section 25.37 of this Part.~~
- e) ~~Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part. However, applicants presenting the required credit in student teaching and evidence of teaching experience, as~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~verified by the employer, need not complete another student teaching experience, except as may be required under Section 25.37 of this Part.~~

- ~~d) Each applicant shall have completed 32 semester hours in early childhood education or a major in the field, as identified by the accredited institution on the individual's official transcript.~~
- ~~e) Each applicant shall be required to pass the tests required for the certificate as specified in Section 25.720 of this Part.~~
- ~~f) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

### **Section 25.85 Special Provisions for Endorsement in Foreign Language for Individuals Currently Certified**

The provisions of this Section shall apply when individuals who hold Illinois certification in one or more fields wish to teach a foreign language but either lack certification appropriate to the grade level of the assignment or have not completed 20 hours of coursework as required to obtain an endorsement in the language (see 23 Ill. Adm. Code 1.730(h)).

- a) The provisions of this subsection (a) shall apply to each individual who holds a certificate endorsed for a particular language but whose certification does not extend to other grade levels as needed for an available assignment. (Example: A holder of a secondary (6-12) certificate endorsed for French who wishes to teach French in the fourth grade.)
  - 1) An individual to whom this subsection (a) applies may receive an endorsement valid for teaching the specified language at the remaining grade levels ~~by, provided that he or she applies for the endorsement on or before December 31, 2003.~~ ~~2) Beginning January 1, 2004, an individual to whom this subsection (a) applies may receive an endorsement valid for teaching the specified language at the remaining grade levels by:~~
    - A) submitting the required application for the endorsement, and
    - B) passing the assessment of professional teaching relevant to the remaining grade levels.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- ~~2)3)~~ With regard to major teaching assignments (i.e., at least 50 percent of the school day) in departmentalized grades 5 through 8, the requirements of 23 Ill. Adm. Code 1.720 (Minimum Requirements for Teachers of Middle Grades) shall apply to any individual who has not passed an assessment of professional teaching relevant to a certificate other than the early childhood certificate.
- b) The provisions of this subsection (b) shall apply to each individual who holds an [early childhood](#), elementary, secondary, special K-12, or special preschool-age 21 certificate and wishes to teach a language in which he or she has not completed 20 semester hours of coursework. (Example: A holder of a secondary (6-12) certificate endorsed for mathematics who wishes to teach Korean.)
- 1) In order to qualify under this subsection (b), an individual shall submit an application for an endorsement in the specified language at the grade levels of his or her certificate and shall be required to have passed the test relative to that language as listed in Section 25.710 of this Part or, if the language is not listed in that Section, another test identified by the State Board of Education. If the language is listed more than once in that Section, the required test shall be the test not listed under "Transitional Bilingual Education". (Example: Spanish)-
- 2) An individual who has received an endorsement pursuant to this subsection (b) may receive an endorsement for other grade levels as provided in subsection (a)(1) ~~or (a)(2)~~ of this Section.

(Source: Amended at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.99 Endorsing Teaching Certificates [\(Repealed\)](#)**

~~This Section is replaced by Section 25.100 of this Part. Elementary and secondary teaching certificates will be endorsed with the subject areas a person is qualified to teach upon demonstration that the coursework presented for examination meets the requirements set forth in 23 Ill. Adm. Code 1: Subpart G, Staff Qualifications (Public Schools Evaluation, Recognition and Supervision).~~

- a) ~~Coursework presented for endorsement shall be counted toward a specific subject qualification if the course content meets the standards established for the subject as listed in Subpart G of 23 Ill. Adm. Code 1.~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- b) ~~Coursework presented for endorsement will be counted in each subject area to which it applies.~~
- e) ~~Applicants for certificates presenting a 32 semester hour major field of specialization, for which qualifications are not specified in Subpart G of 23 Ill. Adm. Code 1, shall have the certificate endorsed with that major field of specialization.~~
- d) ~~Applicants for certification who have completed approved programs or who qualify for certification by transcript evaluation shall be evaluated for all endorsement areas and issued a certificate with all endorsements for which they qualify in accordance with subsections (a) and (b) of this Section.~~
- e) ~~Individuals seeking to endorse previously issued certificates or obtain additional endorsements may apply for such endorsements, on forms provided 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) ~~Applications must be submitted through the office of a Regional Superintendent of Schools and accompanied by a \$30 nonrefundable fee made payable to the State Teacher Certification Board.~~
  - 2) ~~Applicants qualifying for an endorsement shall receive a duplicate of their original certificate with the endorsement and date of the endorsement affixed.~~
  - 3) ~~Deficiency statements shall be issued when an applicant does not qualify for the requested endorsements. Applicants may remove their deficiencies and qualify for endorsements on their original fee, provided that they qualify within one year after the date of the deficiency statement. Subsequent requests for the same endorsement(s) shall be accompanied with another fee.~~
- f) ~~An individual who chooses to "split" a special or special preschool age 21 certificate and receive both an elementary and a secondary certificate instead, as provided in Section 21-4 of the School Code [105 ILCS 5/21-4] and Appendix C to this Part, may qualify for endorsement in "self-contained general education" on the elementary certificate by presenting evidence of having completed the coursework described in 23 Ill. Adm. Code 1.710 (Minimum Requirements for~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~Elementary Teachers). Such an individual shall also be required to pass the subject matter knowledge test for elementary education and, if he or she has not already passed the test of basic skills and received a certificate based on it, that test as well.~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL EDUCATORS IN THE STATE OF ILLINOIS

**Section 25.140 ~~Transitional~~ Requirements for Educational Unit Assessment Systems**

~~Each~~In keeping with the timeline described in this Section, each educational unit shall be required to establish and maintain an assessment system for collecting and analyzing information on applicants' qualifications, candidates' and graduates' performance, and the unit's operations for the purpose of evaluating and improving the unit and its programs. ~~Each educational unit shall make the transition prescribed in this Section in developing that system. The progress of each educational unit shall be reviewed against the benchmarks described in this Section as applicable to the timing of its Accreditation Review. In each instance, the required information shall be presented in a format prescribed by the State Board of Education.~~

- a) The assessment system shall describe the unit's design for collecting, analyzing, summarizing, and using information from the assessments of candidates, including measures that provide evidence of candidates' proficiency with respect to professional, State, and institutional standards.
- b) The assessment system shall be designed to collect information that enables the unit and its programs to:
  - 1) make decisions about candidates' qualifications and performance at the time of admission to the program, at appropriate transition points (including entry to and exit from clinical practice), and at program completion.
  - 2) demonstrate that admission requirements are related to candidates' success.
  - 3) use the results from assessments of candidates to evaluate and make improvements in the unit and its programs, courses, teaching, and field and clinical experiences.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 4) use the results of assessments of unit operations (e.g., faculty evaluations, graduate surveys, employer surveys) to evaluate and make improvements in the unit and its programs, courses, teaching, and field and clinical experiences.
- c) The assessment system shall identify the major assessments that are used by the unit and the programs and at what points during the unit's programs these assessments of candidates' performance occur.
- d) At the time of each unit's accreditation review, the unit shall present the performance data it has collected and analyzed since its last review, including the results of State certification testing, along with evidence that:
  - 1) The unit's assessment system is being implemented, evaluated, and refined;
  - 2) Performance assessments are being tested for accuracy, consistency, and fairness; and
  - 3) Data on candidates' performance from internal assessments as well as external measurements have been compiled and are being used to improve the unit and its programs.
- a) ~~Fifth-Year Review in Spring of 2002~~

~~Each unit shall present the performance data it currently collects, including the results of State certification testing, along with a plan for its assessment system.~~

  - 1) ~~The plan shall describe the unit's design for collecting, analyzing, summarizing, and using information gleaned from assessments of candidates, including measures that will provide evidence of candidates' proficiency with respect to professional, State, and institutional standards.~~
  - 2) ~~The plan shall provide for the collection of information enabling the unit to:~~
    - A) ~~make decisions about candidates' qualifications and performance at the time of admission to the program, at appropriate transition points (including entry to and exit from clinical practice), and at program completion;~~
    - B) ~~demonstrate that admissions requirements are related to candidates'~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

success;

- C) ~~use the results from assessments of candidates to evaluate and make improvements in the unit and its programs, courses, teaching, and field and clinical experiences; and~~
- D) ~~use results from assessments of unit operations (e.g., faculty evaluations, graduate surveys, employee surveys) to evaluate and make improvements in the unit and its programs, courses, teaching, and field and clinical experiences.~~

- 3) ~~The plan shall identify the types of assessments that will be used by the unit and at what points during the unit's programs the major assessments of candidates' performance will occur. The plan shall also indicate how this information will be provided to candidates.~~
- 4) ~~The plan shall include multiple types of assessment (e.g., reflections, observations, teaching demonstrations, analytic work, candidates' projects).~~
- 5) ~~The plan shall include provision for information from both internal and external sources.~~

b) ~~Fifth-Year Review in Fall of 2002 or Spring of 2003~~

~~Each unit shall present the performance data it currently collects, including the results of State certification testing, along with evidence that:~~

- 1) ~~It has begun to implement the plan for its assessment system that is required pursuant to subsection (a)(1) of this Section;~~
- 2) ~~Internal assessments based on professional, State, and institutional standards have been developed, and efforts are under way to develop methods for evaluating them in terms of their accuracy, consistency, and fairness; and~~
- 3) ~~Systematic compilation of the data available from internal assessments has been initiated.~~

e) ~~Accreditation Review in Fall of 2003 or Spring of 2004~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~Each unit shall present the performance data it currently collects, including the results of State certification testing, along with evidence that:~~

- ~~1) The unit is using internal performance assessments to identify the competence of all candidates.~~
  - ~~2) A system is in place for testing the accuracy, consistency, and fairness of internal assessments.~~
  - ~~3) Systematic management and analysis of data on candidates' performance have begun.~~
- d) ~~Accreditation Review After Spring of 2004~~

~~Each unit shall present the performance data it currently collects, including the results of State certification testing, along with evidence that:~~

- ~~1) The unit's assessment system is being implemented, evaluated, and refined.~~
- ~~2) Performance assessments are being tested for accuracy, consistency, and fairness.~~
- ~~3) Data on candidates' performance from internal assessments as well as external measurements have been compiled and are being used to improve the unit's programs.~~

(Source: Amended at 29 Ill. Reg. 15831, effective October 3, 2005)

## SUBPART D: SCHOOL SERVICE PERSONNEL

**Section 25.210 Requirements for the Certification of School Social Workers (Repealed)**

~~This Section is replaced by Section 25.215 of this Part.~~

- a) ~~Effective January 1, 1996, the school social work endorsement will be issued only to persons holding a master's or higher degree in social work, including a minimum of 55 graduate level semester hours of coursework, supervised field experience, and school social work internship, from a graduate school of social~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~work accredited by the Council on Social Work Education.~~

- b) ~~School social workers must hold a school service personnel certificate based on completion of an approved program that provides consideration across the curriculum to racial, cultural, gender, and ethnic diversity, as well as an examination of the social worker's professional code of ethics.~~

- e) ~~Required Content Areas and Courses~~

	<del>Graduate Level Hours Required</del>
1) <del>Human Behavior and the Social Environment</del>	<del>4</del>
2) <del>Social Welfare Policy</del>	<del>4</del>
3) <del>Social Work Theory, Methods, and Practice, including Individual, Family, Group, Consultation, and Community Intervention Methods</del>	<del>2</del>
4) <del>Research Methodology</del>	<del>2</del>
5) <del>Characteristics of Exceptional Children</del>	<del>2</del>
6) <del>Social Work Practice in the Public Schools, including:</del>	<del>2</del>
A) <del>Interventive Methods with Individuals, Families, and Groups, and consultation with school personnel and the school community</del>	
B) <del>School Laws, Rules, and Regulations, and Public Policy Pertaining to School Social Work Practice</del>	
C) <del>Organizational and Administrative Concepts and Processes Related to Schools</del>	

- d) ~~Supervised Field Experience  
School social workers must complete a supervised field experience comprising a minimum of 400 contact hours that are supervised by a field instructor holding a master's or higher degree in social work.~~

- e) ~~School social workers must complete a school social work internship comprising~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~a minimum of 600 contact hours in a school setting.~~

- 1) ~~The internship must be supervised by a field instructor holding a master's or higher degree in social work and a school service personnel certificate endorsed for school social work, or equivalent certification.~~
- 2) ~~The internship must provide for the development and demonstration of professional skills, including, but not limited to:~~
  - A) ~~Communication, interviewing, and observation skills~~
  - B) ~~Social Developmental, Adaptive Behavior, and Cultural Background assessments~~
  - C) ~~Effective intervention with culturally diverse populations~~
  - D) ~~Home School Community liaison~~
  - E) ~~Application of theory to specific practice modalities—~~
    - ~~Crisis Intervention~~
    - ~~Prevention and Early Intervention~~
    - ~~Consultation~~
    - ~~Collaboration and Participation~~
    - ~~Multidisciplinary Team Work~~
    - ~~Case Management~~
    - ~~Individual, Group, and Family Intervention~~
    - ~~Community Resource Development~~
    - ~~Advocacy~~
  - F) ~~Evaluation of Practice~~
  - G) ~~Evaluation of Program~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.220 Requirements for the Certification of Guidance Personnel (Repealed)**

~~The requirements contained in subsections (a) and (b) of this Section shall remain in force through August 31, 1993. Thereafter, the requirements set forth in subsections (c), (d), and (e) of~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~this Section shall take effect until this Section is replaced by Section 25.225 of this Part.~~

- a) Requirements:
  - 1) ~~Guidance specialists must hold or be qualified for a standard teaching certificate.~~
  - 2) ~~Guidance specialists must hold a master's degree.~~
  - 3) ~~Guidance specialists must have completed an approved program in guidance from a recognized college or university consisting of 32 semester hours of coursework. An approved program shall include supervised school-based practicum experience. Coursework should be from the eight areas of competency listed below. Appropriate courses in the areas listed in subsections (A), (B), (C), (D), (E) and (F) below are a minimum requirement. Not more than six semester hours shall be acceptable at the undergraduate level.~~
    - A) ~~Principles and techniques of guidance.~~
    - B) ~~Appraisal techniques.~~
    - C) ~~Human growth and development.~~
    - D) ~~Principles and practices in counseling.~~
    - E) ~~Occupational, educational, personal and social information.~~
    - F) ~~Mental hygiene and/or personality dynamics.~~
    - G) ~~Organization of guidance services.~~
    - H) ~~Research.~~
- b) ~~All Counselors who presently hold a specialist's certificate would be eligible to obtain a School Service Personnel Certificate with a Guidance Specialist endorsement.~~
- c) ~~Guidance specialists must hold or be qualified for a standard teaching certificate.~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- d) ~~Guidance specialists must hold a master's degree from a recognized teacher education institution.~~
- e) ~~Guidance specialists must hold a school service personnel certificate based on completion of an approved program in guidance from a recognized college or university, consisting of 39 semester hours of coursework at the graduate level. Courses in all of the following content areas are required, and the required credit hours may be earned through completion of titled courses, seminars, or practica covering the areas described.~~
- 1) ~~Human Growth and Development (3 Hours)  
Includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels. Emphasis is placed on psychological, sociological, and physiological approaches. Also included are such areas as human behavior (normal and abnormal), personality theory, and learning theory.~~
  - 2) ~~Social and Cultural Foundations (3 Hours)  
Includes studies of change, ethnic groups, subcultures, changing roles of women, sexism, urban and rural societies, population patterns, cultural mores, use of leisure time, and differing life patterns. Such disciplines as the behavioral sciences, economics, and political science are involved.~~
  - 3) ~~The Helping Relationship (6 Hours)  
Includes philosophic bases of helping relationships; counseling theory, supervised practice, and application; consultation theory, supervised practice, and application; and an emphasis on development of counselor and client (or consultee) self-awareness and self-understanding.~~
  - 4) ~~Groups (3 Hours)  
Includes theory and types of groups as well as descriptions of group practices, methods, dynamics, and facilitative skills. This area also includes supervised practice.~~
  - 5) ~~Life Style and Career Development (3 Hours)  
Includes such areas as vocational choice theory, relationship between career choice and life style, sources of occupational and educational information, computerized guidance services, financial aid, college admissions, approaches to career decision-making processes, and career development exploration techniques.~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 6) **Appraisal of the Individual (3 Hours)**  
Includes the development of a framework for understanding the individual, including methods of data gathering and interpretation, individual and group testing, case study approaches, and the study of individual differences. Ethnic, cultural, and gender related factors are also considered.
- 7) **Research and Evaluation (3 Hours)**  
Includes such areas as statistics, research design, and the development of research and demonstration proposals. It also includes understanding legislation relating to the development of research, programs, and demonstration proposals, as well as the development and evaluation of program objectives.
- 8) **Professional Orientation (3 Hours)**  
Includes goals and objectives of professional organizations, code of ethics, legal considerations, standards of preparation, certification, licensing, and role identity of counselors and other school service personnel.
- 9) **Environmental Studies (6 Hours)**  
Includes the study of the school environment in which the student is planning to work. This area encompasses history, philosophy, trends, purposes, ethics, legal aspects, standards, and roles within the institution. Issues such as chemical dependency, sexuality, and the effects of single-parent homes and blended families must be covered, as well as the needs of special populations, such as bilingual children or children with physical or mental disabilities.
- 10) **Supervised Experiences (6 Hours)**
  - A) Appropriate supervised experiences provide for the integration and application of knowledge and skills gained in didactic study.
    - i) Supervised experiences must take place in settings that are compatible with the career goal of becoming a school counselor.
    - ii) Supervised experiences must include observation and direct work with individuals and groups within an appropriate

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~work setting.~~

- ~~iii) Supervised experiences must provide opportunities for professional relationships with staff members in the work settings.~~
- ~~B) Supervised experiences must include laboratory, practicum, and internship activities with an appropriate, school-aged population.~~
- ~~C) Laboratory experiences, providing both observation and participation in specific activities, must be offered throughout the preparatory program.~~
- ~~D) At least 3 semester hours must be earned in a supervised counseling practicum providing interaction with individuals and groups of an appropriate, school-aged population. The practicum must include a minimum of 100 clock hours, 40 hours of which must involve direct service work with school-aged children.~~
- ~~E) At least 3 semester hours must be earned in a postpracticum internship that provides an actual on-the-job experience in a school setting. The internship must be a sustained, continuous, structured and supervised experience lasting for a substantial period of time in which the candidate engages in the performance of various aspects of the counseling role and is gradually introduced to the full range of responsibilities associated with that role.~~
  - ~~i) The internship shall be waived for an applicant who holds a comparable out-of-state school service personnel certificate and has had two years' experience as a school counselor.~~
  - ~~ii) For applicants with less than two years of teaching experience, the internship must include a minimum of 600 clock hours, 240 hours of which must involve direct service with an appropriate clientele.~~
  - ~~iii) For applicants with two or more years of teaching experience, the internship must include a minimum of 300 clock hours, 200 of which must involve direct service contact with an appropriate clientele.~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- iv) ~~"Appropriate clientele" means school-aged children, parents, teachers, and other parties interested in students' welfare.~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.230 Requirements for the Certification of School Psychologists (Repealed)**

~~This Section is replaced by Section 25.235 of this Part.~~

~~Educational Requirements:~~

- a) ~~Must have graduated with a master's degree or higher degree in psychology or educational psychology with specialization in school psychology, including a minimum of 60 semester hours of coursework, field experiences, and internship at the graduate level. All academic work listed in subsection (b) of this Section is required and may be met through completion of titled courses, seminars, or practica. The requirements designated by asterisks must be met at the graduate level, while completion of the other areas is acceptable at either the graduate or the undergraduate level. Graduate credit may also be earned for academic work in related fields such as special education and educational psychology.~~

b) Content Areas and Courses	Graduate Semester Hours
1) Educational Foundations	3
A) Exceptional individuals	
B) Regular and/or Special Education Methods	
C) Foundations/Supervision/Administration of Regular and/or Special Education*	
2) Psychological Foundations	9
A) Learning/Cognitive Processes*	
B) Child/Developmental Psychology*	

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- |    |  |   |
|----|--|---|
| C) | <del>Child Psychopathology/Behaviorally Disturbed</del>                                      |   |
| D) | <del>Biological Bases of Behavior (e.g., neurological, physiological, and biochemical)</del> |   |
| E) | <del>Personality</del>   |   |
| 3) | <del>Professional School Psychology</del>  | 2 |
|    | <del>School Psychology*</del>  |   |
| 4) | <del>Assessment (Ages 0-21)</del>  | 8 |
| A) | <del>Individual Nondiscriminatory Intellectual Assessment*</del>                             |   |
| B) | <del>Nondiscriminatory Personality Assessment (Personal/Social/Adaptive Behaviors)*</del>    |   |
| C) | <del>Nondiscriminatory Psychoeducational Assessment*</del>                                   |   |
| 5) | <del>Intervention (from 2 of the following)</del>  | 6 |
| A) | <del>Behavior Management/Modification</del>  |   |
| B) | <del>Counseling and/or Psychotherapeutic Methods</del>                                       |   |
| C) | <del>Consultation</del>  |   |
| 6) | <del>Statistics/Measurement/Research</del>   | 3 |
| A) | <del>Statistical Methods</del>   |   |
| B) | <del>Research Methods</del>  |   |

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 6) ~~Psychological Measurement/Tests and Measurement~~
- 7) ~~Field Experiences (must include a minimum of 250 clock hours in a school setting and/or child study center)~~ 2
- ~~Practicum\*~~
- 8) ~~Internship~~ 4  
~~The internship shall be a full school year in duration and include at least 1200 clock hours under the direction of an intern supervisor as defined in Section 25.610 of this Part.~~
- e) ~~Must have had at least one year of supervised professional psychological experience with children of school age, preferably in a school setting and under the supervision of an individual qualified as a supervising psychologist.~~
- 1) ~~Interpretation of Terms~~
- A) ~~"One year" means a school year as defined by Section 10-19 of the School Code [105 ILCS 5/10-19]. Periods of less than three consecutive months may not be included.~~
- B) ~~"Full time" means full time as defined by the board of education in the system in which the individual is employed but in no case less than 25 hours per week.~~
- C) ~~"Supervised experience" means full time work, acquired after the satisfactory completion of all academic requirements except thesis and/or internship for the master's degree or higher degree with school children of all ages, including work with exceptional children under the supervision of a school psychologist or other psychologist who would qualify as a school psychologist and who has had a minimum of three years of experience in the psychological assessment of children of school age.~~
- 2) ~~Additional Qualifications Required~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- A) ~~Proficiency in individual psychological examination of children including educational diagnostic techniques, ability to plan and carry out a diagnosis adequate for each particular case; ability to handle staff conferences, interpret data, and write adequate reports; proficiency in counseling and other functions that may be needed to supplement the psychological assessment of children.~~
- B) ~~Ability and willingness to work according to high standards of competence and comply with the code of ethics of recognized professional associations.~~
- C) ~~Good character, good health, citizen of the United States and at least 19 years of age, in accordance with Section 21-1 of the School Code [105 ILCS 5/21-1].~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.240 Standard for School Nurse Endorsement (Repealed)**

~~This Section is replaced by Section 25.245 of this Part.~~

- a) ~~Baccalaureate degree.~~
- b) ~~Licensed as a registered professional nurse in Illinois.~~
- c) ~~A total minimum of 30 undergraduate or graduate semester hours selected from the following list. Starred areas are mandatory.~~
  - 1) ~~Introduction to Public Health Nursing Theory and Practice\*~~
  - 2) ~~Human Growth and Development\*~~
  - 3) ~~Introduction to Community Health Problems\*~~
  - 4) ~~Educational Psychology\*~~
  - 5) ~~Introductory Sociology\*~~
  - 6) ~~Educational Foundations\*~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 7) ~~The Exceptional Child\*~~
- 8) ~~Nutrition~~
- 9) ~~Communicative Skills~~
- 10) ~~Social Case Skills~~
- 11) ~~Mental Health~~
- 12) ~~School Administration~~
- 13) ~~Guidance and Counseling~~
- 14) ~~Curriculum Design~~
- 15) ~~Health Education~~
- 16) ~~Diversified Occupations—Health Careers~~
- 17) ~~Child or Adolescent Psychology~~
- d) ~~One year internship under supervision of a fully qualified school nurse or two years of successful experience as a school nurse prior to effective date of this endorsement.~~
- e) ~~Nurses presently holding a Standard Teacher Nurse Consultant Certificate shall, upon application, be issued a School Service Personnel Certificate with a School Nurse endorsement if they are certified prior to the effective date of this endorsement.~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.252 Certification of Non-Teaching Speech-Language Pathologists**

Certain individuals may qualify for a school service personnel certificate with a non-teaching speech-language pathologist's endorsement, as provided in Section 14-1.09b of the School Code [105 ILCS 5/14-1.09b].

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- a) Each applicant shall hold one of the licenses identified in Section 14-1.09b(b)(1) of the School Code [105 ILCS 5/14-1.09b(b)(1)].
- b) Each applicant shall hold a master's or doctoral degree earned through completion of a program that meets the requirements of Section 14-1.09b(b)(2) of the School Code [105 ILCS 5/14-1.09b(b)(2)].
- c) ~~Each applicant shall meet the requirements of Section 14-1.09b(b)(3) of the School Code [105 ILCS 5/14-1.09b(b)(3)] by:~~
- ~~1) having completed an Illinois program approved pursuant to Subpart C of this Part that leads to certification as a speech language pathologist; or~~
  - ~~2) having completed a program in another state or country that is comparable to the Illinois programs described in subsection (c)(1) of this Section or holding a comparable certificate issued by another state or country (see Section 25.425 of this Part); or~~
  - ~~3) having completed an Illinois program of preparation in speech language pathology that was not approved pursuant to Subpart C of this Part but was offered by a regionally accredited institution (see also subsection (d) of this Section); or~~
  - ~~4) having completed a program in another state or country that is comparable to the Illinois programs described in subsection (c)(3) of this Section (see also subsection (d) of this Section).~~
- ~~d) Each applicant shall have met the requirements of Section 14-1.09b(b)(3) of the School Code [105 ILCS 5/14-1.09b(b)(3)]. For purposes of subsection (c) of this Section,~~
- ~~1) A program of study that meets the content-area standards for speech-language pathologists approved by the State Board of Education in consultation with the State Teacher Certification Board is a relevant preparation program that has been approved pursuant to Subpart C of this Part.~~
  - ~~2) A comparable out-of-state program is one that leads to qualification as either a teaching or a non-teaching speech-language pathologist, ~~and~~~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 3) Aa comparable out-of-state certificate is one authorizing employment in the public schools in either capacity.
- 4) The required 150 clock hours of supervised, school-based professional experience shall consist of activities related to the aspects of practice that are addressed in the content-area standards for speech-language pathologists (see the policies of the State Board of Education, posted at [www.isbe.net/rules](http://www.isbe.net/rules), related to certification in special education under the federal court order of February 27, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al.) with respect to:
- A) planning and intervention;
  - B) the learning environment;
  - C) service delivery;
  - D) professional conduct and ethics; and
  - E) facilitation and advocacy.
- 5) The required evidence of completion for the 150 clock hours of supervised, school-based professional experience shall be a letter signed by the chief administrator or other designated official of the employing school district or nonpublic school documenting the nature and duration of the individual's experience with students with disabilities in a school setting. This letter shall indicate how the experience related to the knowledge and/or performance aspects of each of the standards identified in subsection (c)(4) of this Section.
- e) ~~Prior to submitting an application to the State Board of Education, an applicant who wishes to qualify for the school service personnel certificate based on the requirements of subsection (c)(3) or (c)(4) of this Section and whose professional preparation was completed prior to July 1, 2002, shall submit his or her transcripts and descriptive material for each relevant course completed to an Illinois institution that offers a program of preparation for speech language pathologists that is approved pursuant to Subpart C of this Part.~~
- 1) ~~Professional personnel of the institution familiar with its approved program shall review the evidence submitted by the applicant and may~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~request such additional information as may be needed in order to determine whether he or she has completed:~~

- ~~A) coursework leading to an understanding of the needs of students with various disabilities and an awareness of appropriate procedures for directing learning; and~~
  - ~~B) a supervised field experience involving diagnostic and therapeutic work with school-aged children leading to an understanding of the specific problems, methods, and procedures relevant to serving school-aged children.~~
- 2) ~~If the individual has completed coursework and field experience fulfilling the requirements of subsection (e)(1) of this Section, the institution shall issue a letter of recommendation for the certificate, which shall be submitted to the State Board of Education along with the individual's application.~~
- 3) ~~If the individual lacks required coursework and/or field experience, the institution shall identify the courses and/or practica it offers that the individual must complete in order to qualify for the certificate. Upon the individual's successful completion of any such requirements, the institution shall recommend the individual for certification.~~
- f) ~~Prior to submitting an application to the State Board of Education, an applicant who wishes to qualify for the school service personnel certificate based on the requirements of subsection (c)(3) or (c)(4) of this Section and whose professional preparation was completed on or after July 1, 2002, shall submit his or her transcripts and descriptive material for each relevant course completed to an Illinois institution that offers a program of preparation for speech-language pathologists that is approved pursuant to Subpart C of this Part.~~
- 1) ~~Professional personnel of the institution familiar with its approved program shall analyze the applicant's preparation and may request such additional information as may be needed to determine whether the individual has achieved an understanding of the aspects of practice addressed in the content area standards for speech-language pathologists (see the policies of the State Board of Education related to certification in special education under the federal court order of February 27, 2001, in~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al.) with respect to:~~

- ~~A) planning and intervention;~~
- ~~B) the learning environment;~~
- ~~C) service delivery;~~
- ~~D) professional conduct and ethics; and~~
- ~~E) facilitation and advocacy.~~

- ~~2) If the individual's preparation has covered the aspects enumerated in subsection (f)(1) of this Section, the institution shall issue a letter of recommendation for the certificate, which the individual shall submit to the State Board of Education along with his or her application.~~
- ~~3) If the individual's preparation has not covered all the aspects enumerated in subsection (f)(1) of this Section, the institution shall identify the coursework and/or field experience that the applicant must complete in order to do so. Upon the individual's successful completion of any such coursework or field experience, the institution shall issue a letter of recommendation for the certificate.~~

- dg) 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 ~~if its passage would be required for receipt of a standard certificate pursuant to~~ Section ~~25.720~~25.720(a) of this Part.
- eh) 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. 15831, effective October 3, 2005)

**Section 25.255 Interim Certification of Speech-Language Pathologist Interns**

An individual who has met the requirements of Section 14-1.09b(b)(1) and (b)(2) of the School Code and who wishes to participate in an internship enabling him or her to complete the

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

supervised, school-based professional experience described in Section 14-1.09b(b)(3) of the School Code may obtain interim certification as a speech-language pathologist intern.

- a) Each applicant for this certification shall be in good health and of sound moral character and shall be a citizen of the United States or be legally present in the United States and possess legal authorization for employment.
- b) Each applicant shall submit an application to the State Board of Education along with:
  - 1) the application fee required by Section 21-12 of the School Code;
  - 2) evidence that he or she meets the licensing requirements of Section 14-1.09b(b)(1) of the School Code; and
  - 3) evidence that he or she holds an advanced degree in conformance with Section 14-1.09b(b)(2) of the School Code.
- c) Interim certification as a speech-language pathologist intern shall be valid for three years, subject to Section 21-22 of the School Code, and shall not be renewable.

(Source: Added at 29 Ill. Reg. 15831, effective October 3, 2005)

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

**Section 25.322 General Supervisory Endorsement (Repealed)**

- a) ~~Until July 1, 2003, this endorsement shall be required for supervisors, curriculum directors and other similar or related positions as indicated in 23 Ill. Adm. Code 1. Appendix B. Beginning July 1, 2003, this endorsement shall no longer be issued, and each individual newly assuming any such position who does not already hold the general supervisory endorsement shall be required to hold either the general administrative or the superintendent's endorsement.~~
- b) ~~Minimum Requirements of Graduate-Level Study~~
  - 1) ~~Areas of Study~~ ~~Semester Hours~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- |    |   |     |
|----|---|-----|
| A) | <del>Curriculum</del>   | 3   |
| B) | <del>Educational Research</del>   | 3   |
|    | <del>Work in areas (A) and (B) combined must total eight (8) semester hours.</del>  | 8   |
| C) | <del>Supervision and Staff Development</del>  | 8-9 |
|    | <del>Must include work that provides knowledge of:</del>  |     |
|    | <del>i) instructional leadership;</del>   |     |
|    | <del>ii) program and staff evaluation; and</del>  |     |
|    | <del>iii) program and staff development.</del>  |     |
| D) | <del>Schools and Public Policy</del>  | 8-9 |
|    | <del>Must include work that provides knowledge of:</del>  |     |
|    | <del>i) parent/teacher communication; and</del>   |     |
|    | <del>ii) parent involvement in schools.</del>   |     |
| E) | <del>Clinical Experience appropriate to the endorsement or prior experience in a role requiring this endorsement while holding a certificate of comparable validity.</del>      |     |
| 2) | <del>Two years of full-time teaching experience or school service personnel experience as specified in Section 21-7.1(e)(1) of the School Code [105 ILCS 5/21.7.1(e)(1)].</del> |     |

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.333 General Administrative Endorsement (Repealed)**

~~This Section is replaced by Section 25.335 of this Part.~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

a) ~~This endorsement is required for the following positions: principal, assistant principal, assistant or associate superintendent, and other similar or related positions as indicated in 23 Ill. Adm. Code 1. Appendix B.~~

b) ~~Minimum Requirements of Graduate Level Study~~

1)	Areas of Study	Semester Hours
----	----------------	----------------

A)	Instructional Leadership	12
----	--------------------------	----

~~Must include work which provides skills in:~~

~~i) promoting academic achievement;~~

~~ii) implementing school improvement;~~

~~iii) long range planning;~~

~~iv) program evaluation; and~~

~~v) personnel evaluation.~~

B)	Management of Public Schools	9
----	------------------------------	---

~~Must include work which provides skills in:~~

~~i) personnel management;~~

~~ii) school governance;~~

~~iii) school law;~~

~~iv) school finance; and~~

~~v) interpersonal communication.~~

C)	Schools and Public Policy	4-6
----	---------------------------	-----

~~Must include work which provides skills in:~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- i) ~~establishing effective school/community communication and involvement; and~~
- ii) ~~analysis of political and social context of schools.~~
- D) ~~Clinical Experience appropriate to the endorsement or prior experience in a role requiring this endorsement while holding a certificate of comparable validity.~~
- 2) ~~Two years of full-time teaching experience or school service personnel experience.~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.344 Chief School Business Official Endorsement (Repealed)**

~~This Section is replaced by Section 25.345 of this Part.~~

- a) ~~This endorsement is required for chief school business officials.~~
- b) ~~Minimum Requirements of Graduate Level Study~~

1)	Areas of Study	Semester Hours
A)	School Business Management <del>Must include work in data processing.</del>	12
B)	School Organization and Administration <del>Must include work in school/community relations, personnel management, and organizational planning and development.</del>	3
C)	School Finance and Fiscal Planning	6
D)	Clinical Experiences appropriate to the	

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~endorsement or prior experience while holding a certificate of comparable validity.~~

- 2) ~~Two years' school business management experience.~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.355 Superintendent Endorsement (Repealed)**

~~This Section is replaced by Section 25.360 of this Part.~~

- a) ~~This endorsement is required for superintendents of school districts.~~

- b) ~~Minimum Requirements of Graduate Level Study~~

1) Areas of Study	Semester Hours
A) <del>Governance of Public Schools Must include work in intergovernmental relationships in education and school/community relationships.</del>	<del>6</del>
B) <del>Management of Public Schools Must include work in school improvement (i.e., the modification of curriculum and practice based upon research in effective teaching and learning) in addition to that required for the general administrative endorsement.</del>	<del>6</del>
C) <del>Educational Planning Must include work in organizational development.</del>	<del>6</del>
D) <del>Additional graduate credit</del>	<del>12</del>
E) <del>Clinical Experiences appropriate to the endorsement or prior experience in a role requiring this endorsement while holding a certificate of comparable validity.</del>	

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 2) ~~Two years' school supervisory or administrative experience and possession of the general supervisory or general administrative certificate or comparable out-of-state certificate.~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

## SUBPART F: GENERAL PROVISIONS

**Section 25.420 Psychology Accepted as Professional Education (Repealed)**

~~The following courses are accepted as professional education: Child Psychology, Psychology of Learning, Mental Hygiene, Child Growth and Development, and Adolescent Psychology.~~

(Source: Repealed at 29 Ill. Reg. 15831, effective October 3, 2005)

## SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

**Section 25.705 Purpose – Severability**

- a) This Subpart establishes procedures and requirements for the Illinois Certification Testing System, as required by Section 21-1a of ~~the~~The School Code [105 ILCS 5/21-1a]~~(Ill. Rev. Stat. 1985, ch. 122, par. 21-1a)~~.
- b) If any provision of this Subpart or application thereof to any person or circumstance is held invalid, ~~its~~such invalidity shall not affect other provisions or applications of this Subpart ~~that~~which can be given effect without the invalid provision or application, and to this end the provisions of this Subpart are declared to be severable.

(Source: Amended at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.710 Definitions**

For the purposes of this Subpart, the following definitions apply:

"Passing raw score" is the minimum number of multiple choice items that must be answered correctly on a given test or the combination of required correct responses to multiple choice items and required numerical value of constructed responses.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

"Passing score" is the minimum scaled score a person must obtain in order to pass a test.

"Re-scoring" means the process of reviewing an examinee's answers and the scores assigned to them to confirm that a test score reported to an examinee is the score earned by him or her.

"Retake" is the opportunity for a person who has taken a test of the Illinois Certification Testing System at one test administration to take the test in the same area as given at subsequent administrations.

"Scaled score" is the person's test score after the mathematical transformation of the number of test items the person answered correctly to a scale of numbers on which the minimum score, the maximum score, and the passing score are set. Through May 31, 2006, for ~~For~~ the tests of subject matter knowledge and language proficiency, the minimum scaled score is 0, the maximum score 100, and passing score 70. Beginning in June 2006, for the tests of subject matter knowledge (content-area tests) and language proficiency, the minimum scaled score is 100, the maximum score 300, and the passing score 240. For the assessment of professional teaching, the basic skills test, and any new content-area test first administered after December 31, 2002, the minimum scaled score is 100, the maximum score 300, and the passing score 240.

"Subarea score" is the scaled score for the subset of test items on a subject matter test or content-area test which measures specific content, and the "subarea score" is the scaled score for each subset of test items on the basic skills test which measures specific content in reading comprehension, writing, language arts, and mathematics.

"Test" or "Tests" refers to the test of basic skills, the assessment of professional teaching, the language proficiency tests, and the tests of subject matter knowledge (or "content-area tests") for the Illinois Certification Testing System. Through June 30, 2004, these tests are:

- Agriculture
- Art (K-12)
- Art (6-12)
- Assessment of Professional Teaching – Early Childhood
- Assessment of Professional Teaching – Elementary
- Assessment of Professional Teaching – Secondary

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

Assessment of Professional Teaching – Special  
Basic Skills

Language Arts

Mathematics

Reading Comprehension

Writing

Biological Science

Blind and Partially Sighted

Business/Marketing/Management

Chemistry

Chief School Business Official

Computer Science

Dance

Deaf and Hard of Hearing

Early Childhood

Educable Mentally Handicapped

Elementary/Middle Grades (K-9)

English

English as a Second Language

English Language Proficiency

French

General Administrative

General Science

General Supervisory (available through June 30, 2003)

German

Guidance

Health

Health Occupations

Hebrew

History

Family and Consumer Sciences

Industrial Technology Education

Italian

Latin

Learning Disabilities

Mathematics

Media

Music (K-12)

Music (6-12)

Physical Education (K-12)

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

Physical Education (6-12)  
Physically Handicapped  
Physical Science  
Physics  
Reading  
Russian  
School Nurse  
School Psychology  
School Social Work  
Social/Emotional Disorders  
Social Science  
Spanish  
Speech  
Speech and Language Impaired  
Superintendent  
Theatre Arts  
Trainable Mentally Handicapped  
Transitional Bilingual Education  
Arabic  
Cantonese  
Greek  
Gujarati  
Hindi  
Japanese  
Korean  
Lao  
Mandarin  
Polish  
Russian  
Spanish  
Urdu  
Vietnamese

Beginning July 1, 2004, the Illinois Certification Testing System shall consist of the following tests in addition to the content-area tests applicable to certification in special education:

Agricultural Education  
Assessment of Professional Teaching  
Early Childhood

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

Elementary  
Secondary  
Special  
Basic Skills  
Business, Marketing, and Computer Education  
Chief School Business Official  
Dance  
Director of Special Education (required beginning July 1, 2005)  
Drama/Theatre Arts  
Early Childhood  
Elementary/Middle Grades (K-9)  
English Language Arts  
English Language Proficiency  
English as a New Language  
Family and Consumer Sciences  
Foreign Languages  
    Chinese (Cantonese or Mandarin)  
    French  
    German  
    Hebrew  
    Italian  
    Japanese  
    Korean  
    Latin  
    Russian  
    Spanish  
General Administrative  
Guidance (through June 30, 2005)  
Health Education  
Health Careers  
Library Information Specialist  
Mathematics  
Music  
Physical Education  
Reading Teacher  
Reading Specialist  
School Counselor (beginning July 1, 2005)  
School Nurse  
School Psychologist  
School Social Worker

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

## Sciences

Biology

Chemistry

Earth and Space Science

Environmental Science

Physics

## Social Sciences

Economics

Geography

History

Political Science

Psychology

Sociology and Anthropology

## Superintendent

Technology Education

Technology Specialist

Transitional Bilingual Education – Language Proficiency

Arabic

Cantonese

Greek

Gujarati

Hindi

Japanese

Korean

Lao

Mandarin

Polish

Russian

Spanish

Urdu

Vietnamese

## Visual Arts

"Test items" are specific questions asked on a test that require a person either to select the correct response from those alternative responses provided or to produce a written response.

"Test objective" is a statement of the behavior or performance measured by test items.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.728 Use of Test Results by Institutions of Higher Education**

- a) Beginning with the 2002-2003 academic year, each institution shall use the Illinois Certification Testing System's test of basic skills to satisfy the requirement of Section 21-2b of the School Code [105 ILCS 5/21-2b] – Teacher Education Program Entrance.
- b) Until the beginning of the 2004-2005 academic year, an institution shall have the option of using an Illinois Certification Testing System subject matter test as a requirement for completion of a teacher education program approved pursuant to Subpart C of this Part or for candidates' progression among the components of a program.
- c) Beginning with the 2004-2005 academic year, each institution shall use the content-area tests in the disciplines relevant to individuals' program completion~~student teaching~~ as provided in Section 21-1a(d) of the School Code.
- d) An institution shall have the option of using the Illinois Certification Testing System's assessment of professional teaching as a requirement for completion of a teacher education program or for candidates' progression among the components of a program.
- e) In using any test that forms part of the Illinois Certification Testing System, institutions shall abide by all the rules governing the Testing System set forth in this Subpart, including, but not limited to, passing score, registration, and fees; and shall make no requirement for the use or administration of this test beyond those set forth in this Subpart.
- f) Institutions shall be responsible for informing their students of all requirements related to taking the tests and for providing students with registration materials and any other pertinent information in a timely manner. Neither the State Board of Education nor its testing contractor shall assume responsibility for any candidate's inability to progress through or complete an approved program because of failure to take one or more certification tests in a timely manner.

(Source: Amended at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.730 Registration**

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~Information~~ ~~Registration materials and information~~ about the tests and registration will be available from the State Board of Education, 100 North First Street, Springfield, Illinois 62777-0001, and, ~~beginning October 1, 2002,~~ at www.isbe.net.

- a) An individual's registration must be either received by the testing contractor chosen by the State Board of Education on or before the registration deadline or must be postmarked by the United States Postal Service on or before the registration deadline and received by the testing contractor by the late registration deadline as specified in Section 25.732 of this Part. An individual's registration must include the following:
  - 1) Registrant's name, mailing address, both daytime and evening telephone numbers, Social Security number, date of birth, gender, and ethnicity;
  - 2) Name and identification number of teststest(s);
  - 3) Test date and first and second test site identification numbers;
  - 4) ~~Name of Illinois teacher preparation institution attended, if applicable, and status within that institution;~~ 5) An assurance that the registrant will abide by all the conditions of testing set forth in Section 25.750 of this Part;
  - 56) An assurance that the registrant has not had and will not seek access to any secure test materials, either prior to or after the test date; and
  - 67) The registrant's signature, which shall signify that the facts and assurances presented are true to the best of the registrant's knowledge and that the registrant agrees to abide by the testing conditions.
- b) The testing contractor will acknowledge receipt of registrations within four weeks after their receipt.
- c) An individual may amend or cancel his or her registration by submitting a properly completed change notice to the testing contractor. The change notice must be received by the testing contractor on or before the late registration deadline as specified in Section 25.732 of this Part. Changes that may be made by an individual to his or her registration are:
  - 1) changing the test site or test date;

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 2) adding a test or tests; and
  - 3) deleting a test or tests.
- d) All requests for changes to a registration, except for deletion of a test or tests, must be accompanied by payment of the appropriate fee.
  - e) An individual who cancels her or his registration in accordance with this Section, including meeting the specified deadline, will receive a partial refund. An individual who cancels his or her registration other than in strict accordance with this Section, or who is absent from the test administration, will receive no refund or credit of any kind.
  - f) The registration deadline for each test administration will be six calendar weeks prior to the test administration date.
  - g) The State Board of Education may issue a fee credit to an individual who is absent from a test administration for which he or she was registered because of a medical emergency or death, provided that:
    - 1) a written request is received by the State Board of Education no later than six months from the date of the missed test administration, and
    - 2) a written statement from a member of the medical profession or funeral home documenting the reason for the absence accompanies the request.

(Source: Amended at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.760 Passing Score**

- a) The passing raw score will be established for each test by the State Board of Education, in consultation with the State Teacher Certification Board, based upon the professional judgments and recommendations of committees of Illinois educators about the acceptable, minimal level of performance for entry-level educators in Illinois classrooms.
- b) Through May 31, 2006, the raw score for each test of subject matter knowledge and for each language proficiency test shall be transformed to a scaled score ranging from 0 to 100, with 70 established as the passing score. The

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

passing raw score shall always be equal to a scaled score of 70. The following formula shall be used to transform raw scores to scaled scores, where MAX means the maximum raw score, CUT means the passing raw score and X means the number of multiple choice items correctly answered or the number of holistic score points assigned to a constructed-response item or section, as applicable:

- 1) If X is greater than or equal to CUT, then the scaled score is  $70 + 30 [(X - CUT)/(MAX - CUT)]$ .
  - 2) If X is less than CUT, then the scaled score is  $70X/CUT$ .
- c) The raw score for the basic skills test and the assessment of professional teaching, and for new subject matter knowledge tests first administered after December 31, 2002, shall be transformed to a scaled score ranging from 100 to 300, with 240 established as the passing score. Beginning June 1, 2006, the raw score for each test that forms part of the Illinois Certification Testing System shall be transferred to a scaled score ranging from 100 to 300, with 240 established as the passing score. The passing raw score shall always be equal to a scaled score of 240. The following formula shall be used to transform raw scores to scaled scores, where MAX means the maximum raw score, CUT means the passing raw score and X means the number of multiple choice items correctly answered or the number of holistic score points assigned to a constructed-response item or section, as applicable:
- 1) If X is greater than or equal to CUT, then the scaled score is  $240 + 60 [(X - CUT)/(MAX - CUT)]$ .
  - 2) If X is less than CUT, then the scaled score is  $100 + 140X/CUT$ .
- d) Scaled scores are rounded to the nearest integer except between 69 and 70 and between 239 and 240. To ensure that a score just below passing is not equated with a scaled score of 70 or 240, scaled scores between 69 and 70 will be considered 69, and scaled scores between 239 and 240 will be considered 239.
- e) In order to pass the basic skills test, a person must receive a passing score on the test as a whole and must also receive at least the minimum acceptable score in each of the subareas of reading, writing, grammar and language arts, and mathematics, at the same time.

(Source: Amended at 29 Ill. Reg. 15831, effective October 3, 2005)

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

**Section 25.765 Individual Test Score Reports**

- a) The State Board of Education will report each individual's test ~~score~~score(s) only to:
- 1) the individual candidate earning such ~~score~~score(s);
  - 2) the Illinois teacher education institutions and community colleges to which the candidate requested the scores be sent~~institution the candidate either attended or seeks to attend~~; and
  - 3) any other institution, entity, or person authorized or required by law~~the community college attended by the candidate, if the candidate approves such reporting.~~
- b) The score report released to each individual by the State Board of Education will:
- 1) indicate the test date and whether or not the person has passed the test; and
  - 2) report the person's total score and subarea scores as scaled scores.
- c) No test scores will be released via facsimile or over the telephone.
- d) A person shall have the right to request additional copies of his or her score report, subject to payment of the required fee.

(Source: Amended at 29 Ill. Reg. 15831, effective October 3, 2005)

**Section 25.775 Institution Test Score Reports**

After each test administration, a report will be provided to each Illinois teacher preparation institution having one or more applicants taking the ~~test~~test(s). This report will include: ~~a) aggregate information on pass/fail status, total scores, and subarea scores for all examinees who requested that their scores be sent to~~from the institution, and for the ~~State~~state as a whole for each test; ~~b) aggregate information on pass/fail status, total scores, and subarea scores by gender and race, for all examinees from the institution and for the state as a whole, for each test.~~

(Source: Amended at 29 Ill. Reg. 15831, effective October 3, 2005)

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

SUBPART K: REQUIREMENTS FOR RECEIPT OF  
THE STANDARD TEACHING CERTIFICATE**Section 25.905 Choices Available to Holders of Initial Certificates**

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

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

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- h) *Receive a post-baccalaureate, education-related professional development certificate issued by an Illinois institution of higher education in accordance with Section 25.942 of this Part;*
- i) *Complete all required activities in pursuit of certification by the National Board for Professional Teaching Standards (see Section 25.942 of this Part); or*
- j) *Receive a subsequent certificate or an additional endorsement (see Section 25.942 of this Part).*

(Source: Amended at 29 Ill. Reg. 15831, effective October 3, 2005)

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Evaluation of Certified School District Employees in Contractual Continued Service
- 2) Code Citation: 23 Ill. Adm. Code 50
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
50.10	Repeal
50.20	Repeal
50.30	Repeal
50.40	Repeal
50.50	Repeal
50.55	Repeal
50.60	Repeal
50.70	Repeal
50.80	Repeal
- 4) Statutory Authority: 105 ILCS 5/24A-7
- 5) Effective Date of Repealer: October 3, 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: June 3, 2005; 29 Ill. Reg. 8003
- 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 agreements letter was issued.
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any other amendments pending on this Part? No

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Repealer: In the course of our comprehensive review of rules, we have determined that much of the existing text of several existing Parts is not needed in rules at all, because it either repeats statutory language or is couched as recommendations rather than requirements. The necessary substantive provisions from these Parts that need to be retained can readily be subsumed within Part 1 (Public Schools Evaluation, Recognition and Supervision).

The needed material from Part 50 will be placed into Section 1.320 via amendments that are being adopted concurrently with this repealer.

- 16) Information and questions regarding this adopted repealer shall be directed to:

Donna Luallen  
Accountability Division  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001

(217) 782-2948

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
180.10	Amendment
180.30	Amendment
180.50	Amendment
180.60	Amendment
180.70	Amendment
180.100	Repeal
180.110	Repeal
180.120	Amendment
180.200	Amendment
180.230	Amendment
180.250	Amendment
180.260	Repeal
180.270	Repeal
180.280	Repeal
180.300	Amendment
180.310	Amendment
180.320	Amendment
180.340	Amendment
180.420	Amendment
180.500	Amendment
180.510	Repeal
180.520	Repeal
180.540	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.12, 2-3.25, and 17-2.11
- 5) Effective Date of Amendments: October 3, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. The amendments do contain incorporations by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act. Please see the new provisions of Section 180.60 as well as existing language in Section 180.540(d).

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 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: June 3, 2005; 29 Ill. Reg. 8016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: A reference to the 2003 International Mechanical Code was added to Section 180.60, and subsection (a) of that Section was reformatted to make the relationship among the International Building Code and its subcodes clearer.
- Several statutory provisions that were removed from the text of the proposed rulemaking rather than repeat statutory text were restored for clarity in Section 180.500 (c)(d) and (e), as well as in Sections 180.310 and 180.410 (b).
- Nonsubstantive technical and formatting corrections were also made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The present set of changes results mainly from the comprehensive review of the agency's rules. The rules are being updated to incorporate by reference the current edition of the International Building Code instead of the 1996 BOCA Code. They are also being streamlined to the extent possible to eliminate unnecessary requirements or those that are adequately covered by statute or applicable standards. Examples include making it possible for one application to cover several variances; deleting the requirements for the district facility inventory; elimination of the explicit requirements for plans and specifications; and deletion of some of the existing detail addressing sprinkler systems. Finally, technical corrections and updating have been incorporated as necessary.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Deb Vespa  
School Business and Support Services

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001

(217) 785-8779

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER d: CONSTRUCTION AND BUILDING MAINTENANCE

PART 180

HEALTH/LIFE SAFETY CODE FOR PUBLIC SCHOOLS

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: RECORDKEEPING REQUIREMENTS

Section

- 180.100 District Facility Records Required ([Repealed](#))
- 180.110 District Facility Inventory ([Repealed](#))
- 180.120 Safety Reference Plans

SUBPART C: CONSTRUCTION AND LIKE ACTIVITIES

Section

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

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART D: INSPECTIONS

Section	
180.300	Regional Superintendent's Annual Building Inspection
180.310	Decennial Inspections
180.320	Safety Survey Report
180.330	Local Board Action
180.340	Approval of Safety Survey Reports

## SUBPART E: ADDRESSING VIOLATIONS

Section	
180.400	Violations
180.410	Unsafe Conditions
180.420	Temporary Closing and Condemnation

## SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

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

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

SOURCE: Adopted at 19 Ill. Reg. 5004, effective March 24, 1995; amended at 22 Ill. Reg. 12514, effective July 6, 1998; amended at 29 Ill. Reg. 15904, effective October 3, 2005.

## SUBPART A: GENERAL PROVISIONS

**Section 180.10 Purpose and Scope**

- a) The purpose of this Part is to establish minimum standards for public school facilities which will protect the health, safety, and general welfare of the pupils, school personnel, and others who use them.
- b) The requirements set forth in this Part shall apply to all Illinois public school

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

districts except those governed by Article 34 of the School Code. The facilities of districts governed by Article 34 are subject to the requirements of ~~Section~~Sections 180.250 ~~through 180.280~~ of this Part (see Section 22-23 of the School Code [105 ILCS 5/22-23]) and in all other respects shall comply with local building codes.

(Source: Amended at 29 Ill. Reg. 15904, effective October 3, 2005)

**Section 180.30 Definitions**

"Annual Inspection" means the inspection conducted annually by a regional superintendent of all the public schools under his or her jurisdiction as required by Section 3-14.21 of the School Code.

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

American Gas Association Laboratories

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

Engineering Experiment Station, Ohio State University

Factory Mutual Laboratories (Factory Mutual Engineering Division)

Forest Products Laboratory, U.S. Department of Agriculture

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

Southwest Research Institute

Underwriters' Laboratories, Inc.

Underwriters' Laboratories of Canada

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

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

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

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

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

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

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

"Engineer" means an engineer licensed to practice in Illinois under either the Illinois Professional Engineering Practice Act of 1989 [225 ILCS 325] or the Structural Engineering Licensing Act of 1989 [225 ILCS 340] and the applicable administrative rules of the Department of Professional Regulation (68 Ill. Adm. Code 1380 or 68 Ill. Adm. Code 1480, respectively).

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

"Vehicular Facility" means a vehicular structure that is mounted on a

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

chassis and wheels, subject to transportation from place to place along normally traveled streets, roads, and highways, and subject to occupancy and use virtually immediately upon arrival at its destination.

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

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

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

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

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

Removal of or change in a required means of egress;

Rearrangement of parts affecting exit requirements;

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

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

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

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

"School Building" or "School" means a building occupied in whole or in part by public school students or intended for occupancy by such students.

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

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

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

(Source: Amended at 29 Ill. Reg. 15904, effective October 3, 2005)

**Section 180.50 Responsibilities of Regional Superintendent**

- a) The regional superintendent shall enforce the provisions of this Part and shall act on any question relative to the installation, alteration, repair, maintenance or operation of facilities owned, operated, or used by school districts within or subject to his or her jurisdiction.
- b) The regional superintendent shall receive applications and issue permits for the occupancy, construction, substantial alteration, repair, remodeling, renovation, demolition, movement, or change in use of facilities owned, operated, or used by school districts as required by this Part, including applications for authority to raise or use fire prevention and safety funds.
- c) The regional superintendent shall issue all necessary notices and orders to ensure compliance with this Part.
- d) The regional superintendent shall make or cause to be made all inspections required by Sections 3-14.21 and 3-14.22 of the School Code. All reports of such inspections and any test results shall be in writing. The regional superintendent is authorized, if he or she deems necessary, to engage expert opinion.
- e) Whenever inspections are necessary by any other department or agency, the regional superintendent shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other responsible departments or agencies for

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

the purpose of eliminating conflicting orders before any are issued.

- f) The regional superintendent shall keep official records of applications received, permits and certificates issued, reports of inspections, and notices and orders issued. Such records shall be retained as long as the facilities to which they relate remain in existence.
- g) The regional superintendent shall report annually to the State Board of Education on or before October 1, summarizing all of the transactions relating to the administration and enforcement of this Part for the fiscal year ended on the preceding June 30. ~~This~~<sup>Such</sup> report shall be prepared on forms supplied by the State Board of Education.
- h) The regional superintendent and his or her designees shall carry proper identification when inspecting structures or premises in the performance of duties required by this Part.
- i) The regional superintendent and his or her designees are authorized to enter the structure or premises of any facility owned, operated or used by a school district in order to conduct the inspections necessary to ensure compliance with this Part. Prior to entering a space not otherwise open to the public, the regional superintendent shall make a reasonable effort to locate a responsible party, present proper identification, and request entry.

(Source: Amended at 29 Ill. Reg. 15904, effective October 3, 2005)

**Section 180.60 Applicability**

- a) ~~Except as provided in subsection (b) of this Section, every~~ Every facility other than a vehicular facility shall conform to the ~~standards identified in this subsection (a) and "BOCA National Building Code"~~ standards identified in this subsection (a) and "BOCA National Building Code" published by the ~~International Code Council, Inc., Building Officials and Code Administrators (1996; 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795), as modified by subsections (a) through (d) of this Section,~~ International Code Council, Inc., Building Officials and Code Administrators (1996; 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795), ~~as modified by subsections (a) through (d) of this Section,~~ unless a variance or waiver is obtained pursuant to Section 180.70 of this Part or use of a temporary facility is authorized pursuant to Section 180.230 of this Part. No later amendments to or editions of these standards are incorporated by this ~~Section~~ rule. The effective date called for in Section ~~3410.23408.2~~ of the ~~International~~ BOCA National Building Code shall be the effective date ~~shown for~~ of this ~~Section 180.60~~ Part. ~~The IBC~~ BOCA permits a facility constructed prior to its effective date to be maintained in compliance

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

with the building code that previously applied to the facility, and provides separate provisions governing the alteration, repair, change of occupancy, replacement of component parts or systems, and enlargement of an existing facility. (IBC, Section 102.6(BOCA, Section 102.2; Chapter 34) The applicable standards shall be the 2003 International Building Code (IBC) and its subcodes as follows:

- 1) the 2003 International Energy Conservation Code (IECC);
- 2) the 2003 International Fire Code (IFC), excluding Chapter 4;
- 3) the 2003 International Fuel Gas Code (IFGC);
- 4) the 2003 International Mechanical Code (IMC); and
- 5) the 2003 International Property Maintenance Code (IPMC).

b) The applicability of the codes listed in subsection (a) of this Section shall be limited as set forth in this subsection (b).

- 1)a) The administrative provisions of this Part shall apply instead of the administrative provisions contained in Sections 101.4.4, 103-108, 110-113, and 115-101, 103-114, 116 and 118-121 of Chapter 1 of the InternationalBOCA National Building Code.
- 2)b) The Illinois Accessibility Code (71 Ill. Adm. Code 400) shall apply instead of the accessibility provisions set forth in Chapter 11 of the InternationalBOCA National Building Code.
- 3)e) The requirements set forth in the Illinois Plumbing Code (77 Ill. Adm. Code 890) shall apply instead of those expressed in Section 101.4.4 of Chapter 1 and the BOCA National Plumbing Code incorporated in Chapter 35 of the InternationalBOCA National Building Code.
- 4)d) The requirements set forth in the Illinois State Fire Marshal's rules titled Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120) shall apply instead of those expressed in the Boiler and Pressure Vessel Safety Code (ASME 9889) published by the American Society of Mechanical Engineers and incorporated in Chapter 35 of the InternationalBOCA National Building Code.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 29 Ill. Reg. 15904, effective October 3, 2005)

**Section 180.70 Variances and Waivers**

- a) When a requirement or standard set forth in any code incorporated by Section 180.60~~herein~~ cannot be satisfied, a school board may apply for a waiver of that requirement or standard pursuant to Section 2-3.25g of the School Code and the State Board's rules at 23 Ill. Adm. Code 1.100.
- b) Except as limited by subsection (b)(3) of this Section, when a requirement or standard set forth in any code incorporated herein can be satisfied by an alternative means, a school board (or the district superintendent, if such authority is delegated by the school board) may apply for a variance as defined in Section 180.30 of this Part.
  - 1) The affected facility must have been surveyed by a licensed design professional.
  - 2) The architect or engineer conducting the survey shall certify and document in what particular respects the proposed alternative provides performance or protection equal or superior to that provided by the code requirement(s) from which a variance is sought.
  - 3) The requirements relative to sprinkler systems set forth in SectionSections 180.250 through 180.280 of this Part may not be varied pursuant to this subsection (b). Waivers or modifications of those requirements may only be requested pursuant to Section 2-3.25g of the School Code and the State Board's rules at 23 Ill. Adm. Code 1.100.
- c) Procedure for Obtaining Variances
  - 1) An authorized representative of the~~The~~ board of education shall complete and submit an application for approval of a variance to the State Superintendent through the regional superintendent.
  - 2) An application shall ~~be submitted for each variance sought for a particular facility, and shall:~~
    - A) Describe the variance or variances being sought;

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- B) Identify the board of education seeking the variance, the basis upon which it is seeking the variance, and the facility for which ~~each~~ the variance is being sought;
- C) Attest that the variance is being submitted pursuant to authority granted by the board of education;
- D) Indicate the date upon which the board of education adopted a resolution to seek the variance;
- E)~~D)~~ Indicate the specific rule from which ~~each~~ a variance is sought;
- F)~~E)~~ Include, by attachment, the ~~statements~~ statement(s), supporting documents, and certification of the architect or engineer who surveyed the facility; and
- G)~~F)~~ Be signed by an authorized representative of the board~~the president and secretary of the board of education and the district superintendent.~~
- 3) Upon receipt of an application for approval of a variance or variances, the regional superintendent shall record the identifying information, the date of submission, and the subject rule or rules in his or her records and forward the application, his or her recommendation regarding each variance's~~its~~ approval, and supporting materials to the State Superintendent.
- 4) Upon receipt of the application for approval of a variance or variances, the State Superintendent may appoint a technical review panel which will review the application and supporting materials, recommend approval or denial of ~~each~~ the variance, and recommend any special conditions under which approval should be granted.
- 5) For each requested variance, the~~The~~ State Superintendent shall issue either a letter indicating approval, the date, and any special conditions, or a letter of denial. He or she shall return the application, supporting materials, and letter of approval or denial to the regional superintendent for processing and forwarding to the board of education.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 6) Upon receipt of the State Superintendent's decision, the regional superintendent shall amend his or her records to reflect the conditions and particulars of approval, if approved; or proceed with enforcement of the code if disapproved; and forward the documents to the district originating the application for implementation.
- d) Variances shall be subject to review and revocation:
- 1) In conjunction with any substantial repair, alteration, new construction, or change in use that may affect the conditions upon which the variance was granted;
  - 2) If material facts upon which the variance was based change or are found to be false or erroneous;
  - 3) In the course of review and approval of the next decennial survey conducted in accordance with Subpart D of this Part; or
  - 4) When a code is amended to incorporate the substance of a variance.

(Source: Amended at 29 Ill. Reg. 15904, effective October 3, 2005)

## SUBPART B: RECORDKEEPING REQUIREMENTS

**Section 180.100 District Facility Records Required (Repealed)**

~~Each school board shall establish and maintain a facility inventory system encompassing all facilities as defined in Section 180.30 of this Part, whether owned by the school district or not owned by the district but used for school purposes.~~

(Source: Repealed at 29 Ill. Reg. 15904, effective October 3, 2005)

**Section 180.110 District Facility Inventory (Repealed)**

- a) ~~Within two years after the effective date of this Part, or as soon after that date as a district initiates a facility transaction (see subsection (b) below), whichever occurs first, each school board shall prepare, adopt, and submit to the regional superintendent and the State Superintendent of Education a District Facility Inventory on forms to be supplied by the State Board of Education.~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- b) ~~The District Facility Inventory shall be amended whenever a facility transaction is complete, i.e., whenever construction or any like activity is carried out, whenever any facility is acquired, newly leased, sold, or demolished, and whenever a lease is not renewed. Such amendments shall be submitted to the regional superintendent and State Superintendent within 60 calendar days after completion of such transactions.~~

(Source: Repealed at 29 Ill. Reg. 15904, effective October 3, 2005)

**Section 180.120 Safety Reference Plans**

Safety reference plans are the "as-built" drawings of a facility, updated after each construction project to include the applicable items required under this Section. These plans shall be updated to reflect all additions, alterations, and other changes to these facilities that affect the arrangement, use, rated capacity, student capacity, or other information required to be shown thereon. They shall serve as a means of indicating the safety-related conditions of a facility, as an aid in developing emergency exit plans, and in other circumstances where reference to overall layouts is necessary.

- a) Each local school board shall maintain up-to-date safety reference plans for all facilities owned or used by the district for any school purpose. However, replacement of lost or destroyed safety reference plans will not be required if the regional superintendent determines that such replacement would be overly expensive or burdensome. Each set of safety reference plans shall include:
- 1) A site plan meeting the requirements of subsection (e) of this Section;
  - 2) Schematic floor plans as described in subsection (f) of this Section;
  - 3) An attic plan meeting the requirements of subsection (h) of this Section, if required pursuant to subsection (g) of this Section; and
  - 4) Such additional drawings and/or schedules as may be necessary to effectively describe the nature and operational characteristics of the facility in question.
- b) Safety reference plans shall be drawn to scale, using a medium suitable for reproduction and revision. Each safety reference plan and any revision thereto shall be titled, dated, signed, and certified by the architect or engineer responsible for its preparation.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- c) Two complete sets of safety reference plans shall be provided for each facility, one to be kept by the board of education in a safe place and one to be kept on the site to which it applies.
- d) Whenever safety reference plans are completed or ~~updated~~~~up-dated~~, they shall be submitted to the regional superintendent for review and approval.
- e) Each site plan shall be drawn to a scale sufficient to show the required information clearly and legibly, and shall include a legend. The site plan shall include the location and identification of:
- 1) Highways, boulevards, avenues, or streets bordering the site;
  - 2) Each building or other structure on the site;
  - 3) Each building located on adjacent property less than 75 feet away from a school building;
  - 4) Public fire hydrants and municipal fire alarm boxes adjacent to or on the site;
  - 5) Utility supply services (water, gas, electricity, etc.) leading into the site and into each building or other structure, their size, and the location of shut-offs for each such service;
  - 6) Primary walkways, fire lanes, and bus loading and unloading zones;
  - 7) Play areas and automobile parking areas, and the surfacing material of each;
  - 8) Landscaping or other materials or areas on the site that might impede ingress or egress;
  - 9) Fences and gates, and their respective heights;
  - 10) Elevation with respect to sea level and location with respect to floodways and floodplains; and
  - 11) Unusual terrain.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- f) Each schematic floor plan shall be drawn for one floor of a building, to a scale sufficient to show the required information clearly and legibly, and shall include a legend. Each floor plan shall include the following information.
- 1) Identification of each fire area shown on the Plan, and a statement establishing the height in stories, construction type, protection classification and Plan classification of each such fire area.
  - 2) The elevation of each floor level with respect to the floor level of the lowest street floor. The street-floor plan shall show the difference in elevation between its floor level and the grade level outside at each point of ingress-egress from the building to a point 12 feet from the building line.
  - 3) The location of all existing or proposed partitions and walls, the identification of those partitions and walls required to have a fire resistance rating, and the rating so required.
  - 4) The identification of each room and space as to its occupancy and use.
  - 5) The designation of the rated population capacity and student enrollment capacity for each floor and each occupied room or space thereon.
  - 6) The identification of the areas protected or proposed to be protected by a sprinkler and/or fire detection system.
  - 7) The location, arrangement and width of each stairway, ramp, fire resistive passageway, fire escape and slide escape which serves as a required means of exit, and of each corridor, passageway, primary egress aisle or balcony which provides the required path of travel to each such exit.
  - 8) The location, direction of swing, width, type, and, where required, fire rating of each door located in the path of travel to a required exit or serving as part of a required exit.
  - 9) The locations of vertical openings and the existing or proposed protection for such openings.
  - 10) The existing or proposed locations of fire alarm boxes, fire alarm horns

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

and lights, exit lights, emergency lighting, and fire alarm control panel.

- 11) The location of primary air distributing or recirculating fans and designation of the areas served by each such fan.
- 12) Location and identification of fuel burning equipment (both permanent and moveable).
- 13) On the basement plan, or lowest street floor plan if no basement exists, the location and height of service tunnels and under-floor crawl spaces along with the existing or proposed method of separating such tunnel and spaces from adjacent occupied spaces.

g) A plan shall be included for each attic:

- 1) ~~That~~Which is used, or can be used, for storage purposes; or
- 2) ~~That~~Which is of combustible construction and used as an open-plenum chamber; or
- 3) ~~That~~Which has an average clear height from the top of the ceiling below to the underside of the roof joists or slab (if no joists exist) of more than 42 inches.

h) Each attic plan shall show:

- 1) The construction of the roof and ceiling;
- 2) The slope of the roof and such other details as necessary to illustrate the size and arrangement of the attic;
- 3) Access doors, ducts and other openings into the attic and existing or proposed protection for such openings;
- 4) Existing or proposed fire-stopping for subdividing attics;
- 5) The existing or proposed automatic protection (sprinkler or fire detection) and the area to be protected.

(Source: Amended at 29 Ill. Reg. 15904, effective October 3, 2005)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: CONSTRUCTION AND LIKE ACTIVITIES

**Section 180.200 Application for Building Permit**

No construction or other, like activity as defined in Section 180.30 of this Part shall begin until a building permit has been obtained pursuant to the following provisions.

- a) The school board shall file an Application for a Building Permit ("application") with the regional superintendent having jurisdiction over the board of education in question, on a form prescribed by the regional superintendent. If the board is not the owner, the board shall attach an affidavit from the owner indicating the owner's consent for the proposed work.
- b) The completed application shall be accompanied by two copies of all relevant construction documents.

1) Plans and specifications submitted as part of an application shall be prepared by or under the supervision of an architect or engineer. They shall bear the stamp of, and the following certification signed by, the responsible architect or engineer:

"I hereby certify that these plans and specifications were prepared under my supervision and to the best of my knowledge comply with (here insert the code or codes, including the edition, upon which the plans and specifications were drawn), as well as the applicable requirements of 23 Ill. Adm. Code 180.

These plans and specifications consist of the following:

(here list the plates or sheets constituting the plans & specifications)

(Seal) by \_\_\_\_\_  
(Architect/Engineer Signature)

\_\_\_\_\_  
(Date Signed)

\_\_\_\_\_  
(Lic. # and Exp. Date)"

~~1) Plans shall be drawn to scale and be based upon the "Architectural~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~Graphics Standards" published by the American Institute of Architects (1988; 1735 New York Avenue, NW, Washington, D.C. 20006). No later amendments to or editions of these standards are incorporated by this rule.~~

- 2) ~~Specifications shall, to the greatest extent possible, be written in conformance with the Construction Specifications Institute's "Master format" published by John Wiley and Sons, Inc. (1988; 601 Madison Street, Alexandria, Virginia 22314), or the "Uniform at II" published by the American Society for Testing and Materials (1993; 1916 Race Street, Philadelphia, Pennsylvania 19103-1187). No later amendments to or editions of these standards are incorporated by this rule.~~
- 2)3) Whenever reference is made in plans or specifications to this Part or the codes incorporated by [Section 180.60](#) ~~reference herein~~, such reference shall identify the specific edition, section and subsection(s) applicable to the subject in question.
- c) Upon receipt of an application, the regional superintendent shall record the date of submission by the school board and assign a unique identification number to said application. This identification number shall be used on all building permits issued pursuant to the application.
- d) If the proposed work involves the installation of a closed, prefabricated mechanical system (e.g., a window air conditioner or heating, ventilating, air conditioning (HVAC) unit), the regional superintendent shall not issue a building permit until he or she has reviewed an evaluation report on [thatsueh](#) system from an approved inspection agency and verified that the report supports the use of the mechanical system in question as proposed.

(Source: Amended at 29 Ill. Reg. 15904, effective October 3, 2005)

**Section 180.230 Certificate of Occupancy**

A certificate of occupancy shall be obtained prior to any occupancy of a facility, including a vehicular facility.

- a) **General Certificate of Occupancy**  
When the work covered by a building permit is complete or a facility complies with the requirements of this Part, and upon presentation of accurate safety reference plans for the facility certified by an architect or engineer to be in

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

compliance with this Part (see Section 180.120 of this Part), the regional superintendent shall issue a general certificate of occupancy.

- b) Certificate of Partial Occupancy  
When requested to do so, a regional superintendent shall issue a certificate of partial occupancy before completion of the entire work covered by a permit, provided that his or her inspection indicates that some area(s) can be occupied safely prior to full completion.
- c) Certificate of Occupancy for a Temporary Facility  
~~When Effective July 1, 1998, a regional superintendent, when~~ requested to do so, [a regional superintendent](#) shall issue a one-year certificate of occupancy for a temporary facility, allowing use of a facility ~~that~~~~which~~ does not comply with all the requirements of this Part, provided that all the following requirements are met.
- 1) Use of the facility is necessary to meet a temporary need of the school district, as verified by the regional superintendent.
  - 2) The school board presents a plan either for replacement of the temporary facility with a facility meeting the requirements of this Part or for the elimination of the temporary need upon which the request is based. The school board's plan includes positive action to accomplish this end within a specified period of time, during which the certificate may be annually renewed.
  - 3) The facility has been surveyed by a licensed design professional, whose report is attached identifying the ~~respects~~~~respect(s)~~ in which the facility fails to comply with the requirements of this Part and certifying that such noncompliance does not jeopardize the general health and safety of the students and others who occupy the facility.
  - 4) If the facility is a premanufactured unit such as a mobile home, trailer unit, or other, similar structure, the application shall include evidence that all of the following conditions exist:
    - A) The facility has received the seal of approval issued by the Illinois Department of Public Health pursuant to the Manufactured Housing and Mobile Home Safety Act [430 ILCS 115];
    - B) The facility is anchored as specified in [the Illinois Mobile Home](#)

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

Tiedown Act [210 ILCS 120]"Manufactured Home Installations (NCSBCS/ANSI A225.1)," published by the National Conference of States on Building Codes and Standards, Inc. (1994; 505 Huntmar Park Drive, Suite 210, Herndon, Virginia 22070);

- C) The facility is separated from other buildings by the distance required pursuant to the standards referenced in Section 180.60 of this PartBOCA National Building Code; and
  - D) The facility is connected to the fire alarm system and intercom or telephone system of a nearby school building, if such a system is present.
- d) Certificate of Occupancy for a Vehicular Facility  
When requested to do so, a regional superintendent shall issue a certificate of occupancy for a vehicular facility, provided that the facility meets the requirements of Section 180.80(a) and (b) of this Part.

(Source: Amended at 29 Ill. Reg. 15904, effective October 3, 2005)

**Section 180.250 Sprinkler Systems**

This Section sets and Sections 180.260, 180.270, and 180.280 of this Part set forth the requirements and standards for sprinkler systems installed in school buildings pursuant to the provisions of Section 22-23 of the School Code. *The requirements set forth in this Section herein shall apply to the school board, board of education, board of school directors, board of school inspectors, or other governing body of each school district in this State, including special charter districts and districts organized under Article 34.* (Section 22-23 of the School Code)

a) Applicability

- 1) In determining whether school construction affects "one or more areas of a school building that cumulatively are equal to 50% or more of the square footage of the school building" (Section 22-23 of the School Code), each separate "fire area" as defined in the building code incorporated by Section 180.60 of this Part shall be considered as a separate building.
- 2) "School construction" means any of the activities enumerated in Section 22-23 of the School Code, when the affected building is occupied in whole

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

or part by public school students or is intended for occupancy by such students.

- b) Standards for Sprinkler Systems  
Sprinkler systems shall conform to the requirements set forth in the International Building Code (see Section 180.60).

(Source: Amended at 29 Ill. Reg. 15904, effective October 3, 2005)

**Section 180.260 Sprinkler System Requirements and Applicability (Repealed)**

- a) ~~No school construction shall be commenced in any school district unless sprinkler systems are required by the plans for such construction (Section 22-23 of the School Code).~~
- b) ~~"School construction" means any of the activities enumerated in Section 22-23 of the School Code, when the affected building is occupied in whole or part by public school students or is intended for occupancy by such students.~~

(Source: Repealed at 29 Ill. Reg. 15904, effective October 3, 2005)

**Section 180.270 Standards for Sprinkler Systems (Repealed)**

~~Sprinkler system plans shall conform to the requirements set forth in the "Standard for the Installation of Sprinkler Systems" (NFPA 13; 1994) and, where alternative protection is necessary, plans for such protection shall conform to the requirements set forth in "Dry Chemical Extinguishing Systems" (NFPA 17; 1994), both published by the National Fire Protection Association, 1 Battery March Park, Quincy, Massachusetts 02269-9101. (No later amendments to or editions of these standards are incorporated by this Section.)~~

(Source: Repealed at 29 Ill. Reg. 15904, effective October 3, 2005)

**Section 180.280 Standards for Sprinkler System Plans and Specifications (Repealed)**

- a) ~~Preliminary plans and specifications submitted as part of applications for building permits shall define the extent, arrangement, and quality of the work described therein.~~
- b) ~~Preliminary plans and specifications shall be prepared by or under the supervision of an architect or engineer licensed to practice in Illinois, and shall bear the stamp~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~of and a certificate signed by the responsible architect or engineer, which shall have the following form: Architect's or Engineer's Certificate~~

~~"I hereby certify that these plans and specifications for the installation of a sprinkler system, including any alternative forms of protection, were prepared under my supervision and, to the best of my knowledge, comply with the requirements identified in 23 Ill. Adm. Code 180.260 and 180.270. These plans and specifications consist of the following:~~

~~(architect or engineer to list contents)~~

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature and Stamp)"

(Source: Repealed at 29 Ill. Reg. 15904, effective October 3, 2005)

## SUBPART D: INSPECTIONS

**Section 180.300 Regional Superintendent's Annual Building Inspection**

~~In complying with the requirement for annual inspections set forth in Section 3-14.21 of the School Code, the regional superintendent shall record~~*The regional superintendent shall annually inspect all public schools under his or her supervision, recording* the results of ~~annual~~*such* inspections on forms provided by the State Board of Education. ~~(Section 3-14.21 of the School Code.)~~ The requirements of this Section 180.300 shall also apply to all other facilities owned or used for school purposes by a school district subject to this Part.

- a) The regional superintendent shall visit each facility and shall issue any necessary ~~notices~~*notice(s)* of violations within 10 calendar days and specify the corrective actions to be taken, as provided in Section 180.400(b) of this Part.
- b) Following each inspection, the regional superintendent shall prepare ~~for the local board of education~~ a written report of the results ~~within the time allotted under Section 3-14.21 of the School Code~~ on a form supplied by the State Board of Education. ~~This report shall be submitted to the Board of Education by July 30 following the school year for which the inspections were conducted. (Section 3-14.21 of the School Code.)~~ The report shall also be submitted to the State Superintendent of Education, in writing or by such electronic means as the State Superintendent may authorize, and shall include the regional superintendent's approval or disapproval of any extension of time requested by the local board

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

pursuant to Section 2-3.12 of the School Code. The recommendations of the regional superintendent shall be considered approved by the State Superintendent unless the regional superintendent receives notification to the contrary within 60 calendar days after submission of his or her report.

- c) Upon submission of the regional superintendent's first annual report after the effective date of this Part, each school board will be required to have a certificate of occupancy for each of its facilities and to maintain these certificates in the district's administrative office.

(Source: Amended at 29 Ill. Reg. 15904, effective October 3, 2005)

**Section 180.310 Decennial Inspections**

Each school board subject to this Part shall have its school buildings surveyed in conformance with Section 2-3.12 of the School Code. ~~Within two years after September 23, 1983, and no~~ No less often than every ten years ~~thereafter~~, each school board subject to this Part shall have its school buildings surveyed by a licensed design professional in conformance with the provisions of ~~this Section.~~ (Section 2-3.12 of the School Code.)

- a) In the course of his or her on-site ~~inspections~~ inspection(s), the architect or engineer shall check the accuracy of the safety reference plans, verify the information shown on the facility inventory records, and make such corrections as are necessary.
- b) The design professional conducting the survey shall prepare a safety survey report conforming to the requirements of Section 2- 3.12 of the School Code and including the materials specified in Section 180.320 of this Part.

(Source: Amended at 29 Ill. Reg. 15904, effective October 3, 2005)

**Section 180.320 Safety Survey Report**

The safety survey report shall include for each facility either: the following documents and forms, which may be communicated electronically when such communication is authorized by the State Superintendent of Education.

- a) a Certificate of Compliance, if the survey revealed no violations of applicable requirements; or A sketch map showing district boundaries and the locations of all facilities.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- b) ~~a violation and recommendation schedule on a form provided by the State Board of Education. A sketch showing facilities on each site owned or used by the district for school purposes.~~
- e) ~~For each facility, either~~
  - 1) ~~A Certificate of Compliance, if the survey revealed no violations of applicable requirements; or~~
  - 2) ~~A violation and recommendation schedule on a form provided by the State Board of Education.~~

(Source: Amended at 29 Ill. Reg. 15904, effective October 3, 2005)

**Section 180.340 Approval of Safety Survey Reports**

- a) If the regional superintendent finds that the Safety Survey Report and relevant floor plans are complete and correct, he or she shall approve the report; if the regional superintendent finds that the report and floor plans are incomplete or contain errors, he or she shall so notify the board of education in writing. If the district fails to correct the errors or omissions, the regional superintendent shall disapprove the report. In either case, the regional superintendent shall forward the report and any floor plans to the State Superintendent for approval or disapproval.
- b) If the State Superintendent finds that the safety survey report is incomplete or contains errors, he or she shall so notify the board of education in writing. If the district fails to correct the errors or omissions, the State Superintendent shall disapprove the report and return the material to the regional superintendent for return to the board of education.
- c) The State Superintendent shall approve or disapprove the report within 90 days ~~after~~<sup>of</sup> its submission by the regional superintendent. If he or she approves the report, he or she shall issue a Certificate of Approval.
- d) Upon receipt of the State Superintendent's certificate, the regional superintendent shall issue such orders as are necessary to effect any recommendations contained in the safety survey report.
- e) ~~School board action in response to approved safety survey reports shall conform~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~to the requirements of Section 2-3.12 of the School Code.~~

- ~~f) Failure to submit accurate and complete safety survey reports as required shall subject a school district to the recognition provisions of 23 Ill. Adm. Code 1-~~
- ~~g) Submission of Other Survey Reports~~
- 1) If, after having received approval of a safety survey report from the State Superintendent and before submission of the next required safety survey report, a board of education is ordered to have a complete or partial resurvey of its facility~~(ies)~~ conducted pursuant to Section 180.400 of this Part, it shall submit an updated report reflecting the results of said resurvey.
  - 2) The report shall be submitted to the regional superintendent and the State Superintendent for approval or disapproval in the same manner as for a safety survey report resulting from a decennial inspection.

(Source: Amended at 29 Ill. Reg. 15904, effective October 3, 2005)

## SUBPART E: ADDRESSING VIOLATIONS

**Section 180.420 Temporary Closing and Condemnation**

- a) If, in the opinion of the regional superintendent, a facility or part of a facility poses an imminent threat to the health or safety of its occupants, the regional superintendent shall temporarily close ~~thatsaid~~ facility or part of the facility pending determination of the extent of the hazard and order it evacuated immediately.
  - 1) The regional superintendent shall cause to be posted at each entrance to ~~the affectedsueh~~ facility a notice reading as follows: "This Facility is Unsafe and its Occupancy has been Prohibited by the Regional Superintendent."
  - 2) Notice of the closing shall also be served on the school district superintendent.
  - 3) No person shall enter a facility so closed, except for the purpose of inspecting, repairing, or demolishing it.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- b) *The regional superintendent shall request that the facility or part of the facility be inspected by appropriate personnel from either the Department of Public Health, the State Fire Marshal, or the State Board of Education, depending upon the circumstances. ~~The officials~~ ~~Such official(s)~~ shall inspect the facility or part of the facility in question; state, in writing, whether the facility is unsafe, unsanitary, or unfit for occupancy; and indicate the reasons for their conclusions. (Section 3-14.22 of the School Code.) ~~The~~This report of the inspection required shall be submitted to the regional superintendent as soon as possible.*
- c) Upon receipt of this report, the regional superintendent shall:
- 1) Lift the closing order, if the report indicates that the facility is not unsafe, unsanitary, or unfit for occupancy; or
  - 2) Issue a condemnation order, if the report indicates ~~this~~such to be warranted, and include the listing of particulars contained in the report ~~required of the inspection conducted~~ pursuant to subsection (b) of this Section.

(Source: Amended at 29 Ill. Reg. 15904, effective October 3, 2005)

## SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

**Section 180.500 Request for Authorization**

- a) A school board desiring to use fire prevention and safety funds shall submit to the regional superintendent, using a format prescribed on forms supplied by the State Board of Education, a Request for Authorization ("request"). The request shall consist of a Statement of Facts and Assurances and a Summary of Financing Requirements and shall be accompanied by the following documents, prepared and certified by a licensed design professional:
- 1) ~~A sketch map showing district boundaries and the locations of all facilities, and~~
  - 2) ~~A sketch showing facilities on each site involved in the request, and~~
  - 3) ~~Schematic floor plans or other drawings necessary to show and describe the facility in question and the nature of the work to be done, and~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 4) ~~a Schedule of Violations~~A Violation and Recommendation Schedule including a brief description of each violation and the recommended correction;~~;~~ and
- ~~2)5)~~ a Schedule of Recommended Work Items and~~A Statement of~~ Estimated Costs.
- b) ~~If the request is submitted within one year after approval of the district's most recent safety survey report and that report remains accurate, any of the documents contained in that report may be used to meet the comparable requirements of subsections (a)(1) through (a)(5) above.~~
- e) Fire prevention and safety financing shall only be approved if:
- 1) the district has levied at its maximum authorized rate for its operations and maintenance fund for the most recent year for which tax rates are available; and
  - 2) the district does not have sufficient unrestricted funds (as defined in 23 Ill. Adm. Code 110, Table B) in its operations and maintenance fund and/or its fire prevention and safety fund to pay for the necessary work.
- ~~c)d)~~ If the regional superintendent finds that the request is complete and approvable, he or she shall so certify and forward the request with such certification to the State Superintendent of Education. If the regional superintendent disapproves the request, he or she shall so certify and return the request with such certification to the local board. *The regional superintendent shall approve or disapprove each request within three months after its submission by a local board.*
- ~~d)e)~~ *A board of education whose request is not acted upon within three months may submit the request to the State Superintendent for review. (Section 17- 2.11 of the School Code)*
- ~~e)f)~~ Except under emergency circumstances as provided for in Section 180.530 of this Part, *a regional superintendent shall not grant approval to use fire prevention and safety funds for any work which has already been initiated, without the prior express authorization of the State Superintendent. (Section 17-2.11 of the School Code [105 ILCS 17-2.11])*

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- ~~f)g)~~ If the State Superintendent finds that a request is complete and approvable, he or she shall so certify and return the approved request with such certification to the regional superintendent.
- ~~g)h)~~ Upon receipt of an approved request from the State Superintendent, the regional superintendent shall issue an order to implement the request and forward the request and the order to the originating school board.

(Source: Amended at 29 Ill. Reg. 15904, effective October 3, 2005)

**Section 180.510 Initiation of Work (Repealed)**

~~Initiation and conduct of construction or other, like activities for which the use of fire prevention and safety financing has been approved shall be subject to the procedural requirements set forth in Subpart C of this Part.~~

(Source: Repealed at 29 Ill. Reg. 15904, effective October 3, 2005)

**Section 180.520 Accounting for Fire Prevention and Safety Funds (Repealed)**

~~Funds received and expended for fire prevention and safety purposes shall be accounted for pursuant to the applicable provisions of the Program Accounting Manual (23 Ill. Adm. Code 110).~~

(Source: Repealed at 29 Ill. Reg. 15904, effective October 3, 2005)

**Section 180.540 Cost Estimates**

- a) Administration and implementation of this Subpart require that many costs be estimated and certified as a prerequisite to approval of proposed work or determination of the applicability of particular rules. The following standards and procedures are to be used where certification of cost estimates is required.
- b) All cost estimates shall be based upon published price guides such as those compiled by R. S. Means Company, Inc., Frank Walker Company, and McGraw-Hill Cost Information Systems.
- 1) The source of the cost figures shall be specifically identified by title, publisher, and period of effectiveness.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 2) The cost factors to be used shall be the mean or median costs published for such construction nationally.
  - 3) These raw cost estimates shall be adjusted by applying the appropriate inflation factors, size adjustment factors, and regional cost adjustment factors.
  - 4) The estimate shall be based upon the work to be performed as described in the violation and recommendation schedule.
  - 5) The estimate shall specify the unit or units of measure, the quantity of such units necessary, and the unit cost installed.
  - 6) A total of estimated costs must be provided, along with a general breakdown.
  - 7) The resulting figure shall be referred to as the Adjusted Gross Estimated Cost.
- c) Estimates of the replacement cost of a school shall be based upon the cost of constructing a new building of equal size, serving like grades, and for the same programmatic purposes as the facility to be replaced. The procedure is as follows.
- 1) Determine the type of school to be built based upon its classification as reflected in the most recent Fall Enrollment and Housing Report filed with the State Board of Education.
  - 2) Determine the size of the school to be built, based upon the square footage of the school to be replaced.
  - 3) Multiply the square footage of the school to be built by the appropriate square-foot cost factor.
    - A) The published cost factor for elementary schools shall be used for preschools, kindergartens, and elementary schools.
    - B) The published cost factor for junior high/middle schools shall be used for schools housing various combinations of grades 5 through 9.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- C) The published cost factor for high schools shall be used for schools housing combinations of grades 9 through 12.
- 4) The resulting figure shall be referred to as the Adjusted Gross Estimated Replacement Cost of the school.
- d) For purposes of estimating costs related to energy conservation measures, the procedures outlined in "ASTM Standards on Building Economics, ~~Fifth~~~~Second~~ Edition," published by the American Society for Testing and Materials (~~2004~~~~1993~~; 1916 Race Street, Philadelphia, Pennsylvania 19103-1187), shall be used. No later amendments to or editions of these standards are incorporated by this rule.
- 1) In addition, the ~~source~~~~source(s)~~ of heating degree days, cooling degree days, and energy consumption data, and the basis for determining the efficiency of existing systems and equipment and their useful lifetimes shall be noted.
- 2) Where Fire Prevention and Safety Funds are to be used to finance all or part of energy conservation measures, the payback period calculations must show that payback can be achieved over the useful lifetime of the proposed measure or ~~20~~~~10~~ years, whichever is less.

(Source: Amended at 29 Ill. Reg. 15904, effective October 3, 2005)

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Driver Education
- 2) Code Citation: 23 Ill. Adm. Code 252
- 3) 

<u>Section Number:</u>	<u>Adopted Action:</u>
252.10	Amendment
252.20	Amendment
252.25	Amendment
252.30	Amendment
252.40	Amendment
- 4) Statutory Authority: 105 ILCS 5/27-23 and 27-24 through 27-24.8
- 5) Effective Date of Amendments: October 3, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? The rules do not contain an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.
- 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: May 6, 2005; 29 Ill. Reg. 6181
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 252.20(c)(4), the word "facility" has been changed to "driving range". Section 252.30(g) has been deleted in light of P.A. 94-440, which eliminated the need for the documentation of districts' costs for driver education as the basis for their claims for reimbursement.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: These amendments result from the comprehensive review of the agency's rules. Part 252 is being streamlined to eliminate unnecessary requirements and definitions, matters adequately covered by statute, and some duplicate statements. In addition, Section 252.20 is being reorganized to clarify certain points having to do with the obligation of school districts to offer driver education to all eligible students, and Section 252.40 is being revised to account for the time actually needed for a driver's license to be restored to good standing.

Finally, the recent enactment of P.A. 94-440 (SB 1734) has eliminated the need for the documentation of districts' costs for driver education that was previously required. Section 252.30(g) of the rules has been deleted in order to eliminate the burden of paperwork it has imposed.

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

Name: Tim Imler  
Funding and Disbursements Division  
Address: Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001  
Telephone: (217) 782-5256

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

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER g: SPECIAL COURSES OF STUDY

## PART 252

## DRIVER EDUCATION

## Section

252.10	Definitions
252.20	Administration and Procedures
252.25	Eligibility of Students
252.30	The Terms of Reimbursement for Public School Participation in the Program
252.40	Driver Education <del>Personnel</del> Teacher Requirements
252.50	Commercial Schools (Transferred)

AUTHORITY: Implementing and authorized by Section 27-23 of the School Code and the Driver Education Act [105 ILCS 5/27-23 and 27-24 through 27-24.8].

SOURCE: Adopted September 4, 1975; codified at 8 Ill. Reg. 1585; emergency amendment at 9 Ill. Reg. 15558, effective October 1, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 12922, effective July 22, 1986; Section 252.50 transferred to 92 Ill. Adm. Code 1060.240 (Secretary of State) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver License Law [625 ILCS 5/6-411] at 11 Ill. Reg. 1631; amended at 18 Ill. Reg. 16307, effective October 25, 1994; amended at 22 Ill. Reg. 7577, effective April 17, 1998; amended at 26 Ill. Reg. 10476, effective July 1, 2002; amended at 28 Ill. Reg. 15481, effective November 22, 2004; amended at 29 Ill. Reg. 15936, effective October 3, 2005.

**Section 252.10 Definitions**

"Approved Driver Education Course" is any driver education course approved by the State Superintendent of Education as meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-23 and 27-24] and the requirements of this Part.

"Classroom Instruction" is that part of the driver education course consisting of learning experiences centered in the classroom ~~that not only utilize effective teaching methods such as lecture, discussion, and audiovisual aids, but also make ample use of field exercises and traffic studies.~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

"Combination Laboratory Program" is a type of program in which the multiple-car, driving simulation, and practice driving instruction are combined into one closely correlated program.

~~"Comprehensive Driver Education Program" is a program in which courses of instruction are available to all residents of the district, including beginning drivers of all ages and other drivers in need of additional instruction.~~

"Declaration of Intent" is a student's application for enrollment in a complete driver education course.

"Driver Education Course" as used in this Part consists of all those learning experiences provided by a school or school district for the purpose of helping students learn to use motor vehicles safely and efficiently. ~~Driver~~~~Such driver~~ education courses must include classroom and laboratory instruction as a unified course (see Section 252.20(c)(1) of this Part).

"Driving Range" is an off-street driving facility on which a number of cars can be used simultaneously for student driving experience. Road surfaces at least 24 feet wide are required for driving ranges. The areas ~~shall~~~~should~~ include the following:

space for development of fundamental skills;

intersections, curves, and grades; and

lane markings and signs.

"Driving Simulators" are electromechanical devices designed to represent the driver's compartment of the automobile through which student behavioral responses and manipulative procedures can be practiced and evaluated.

"Driving Simulation Instruction" is a type of laboratory instruction employing several driving simulator units and programmed films to reproduce phenomena likely to occur in actual driving performance. The learners are confronted with sensory conditions similar to the actual task and are required to make responses applicable to the task and monitored by the teacher.

"Dual-Control Car" is a motor vehicle ~~that~~~~which~~ has special safety and instructional equipment in addition to the regular legally prescribed equipment

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

(see 625 ILCS 5/Ch. 12). Such equipment shall consist of a second foot brake positioned for use by the instructor, an outside rearview mirror on the right side of the vehicle, and a sign identifying the vehicle as a driver education car (see Section ~~252.20(d)~~[252.20\(d\)\(6\)](#) of this Part).

"Integrated Program" is a driver education course in which the sequence and time span of the classroom and laboratory instruction are organized in such a way as to allow for maximum transfer of training.

"Laboratory Instruction" is ~~the~~[that](#) part of the driver education course ~~that~~[which](#) provides students with practice driving experiences and opportunities for other driving experiences under real or simulated conditions.

"Multiple-Car Instruction" is a type of laboratory instruction ~~that~~[which](#) enables one teacher, positioned outside multiple vehicles and using electronic or oral communication, to instruct and supervise several students simultaneously, each of whom is operating a vehicle on an off-street driving range designed specifically for such instruction.

"Observation Time" refers to that time during which a student is riding in the back seat of a dual-control car observing instructions of the teacher and procedures and techniques of the driver who is practice driving.

"Practice Driving" is ~~the~~[that](#) part of laboratory instruction ~~that~~[which](#) provides learning experiences for the student as an operator behind-the-wheel of a dual-control car in traffic on public highways ~~under the direct supervision of a qualified driver education teacher instructing from the front seat of the automobile.~~

~~"Psychophysical Equipment" consists of testing devices used to demonstrate varying abilities related to vision, reaction time.~~

(Source: Amended at 29 Ill. Reg. 15936, effective October 3, 2005)

**Section 252.20 Administration and Procedures**

- a) Availability of the Course – Sections 27-23 and 27-24.2 of the School Code [105 ILCS 5/27-23 and 27-24.2] are consistent in that under both Sections the public school district offering courses in grades nine through twelve must provide the driver education course for any legal resident of the district between the ages of

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

15 and 21 years who requests the course, provided such resident is eligible as set forth in Sections 27-23 and 27-24.2. All eligible students who reside in a school district must be provided an equal opportunity to enroll in driver education, and school districts are obligated to make the driver education course available within a reasonable length of time after each individual's declaration of intent is made. A "reasonable length of time" shall be determined based on the student's individual needs and the school district's ability to meet those needs, provided that the course must be offered within 12 months after the declaration of intent.

- 1) Public school districts that include high schools must provide the approved driver education course for all eligible students of the district who attend a nonpublic independent, parochial, or private school that does not offer the course.
- 2) Nonpublic independent, parochial, or private schools may offer an approved driver education course at their own expense. The course must be complete to meet the requirements for certification of students.
- 3) Public school districts that include high schools must provide the driver education course for all eligible Illinois students, regardless of the district of their residence, who attend a nonpublic school ~~an independent, parochial, or private school which is~~ located within that school district's boundaries when application is made by the administrators of the nonpublic independent, parochial, or private school. Such an application shall constitute a declaration of intent by the affected student or students. *By April 1, the nonpublic school shall notify the district offering the course of the names and district numbers of the nonresident students desiring to take such a course the next school year. The district offering ~~the~~ such course shall notify the district of residence of those students affected by April 15. (Section 27-24.4 of the School Code)*
- 4) An eligible student may elect to enroll in an approved driver education course at a commercial school at his or her expense.
- 5) ~~School districts are obligated to make the driver education course available within a reasonable length of time after a request has been filed. (Reasonable length of time is based on a student's individual needs and the school district's ability to meet the student's needs.)~~

- b) When to Offer the Course – Any school district that includes one or more high

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

schools offering an approved driver education course must offer both portions of the course during the school day and may offer either or both portions of the course at other times.

1) ~~The driver education course may not be offered only during the summer months or extended school days.~~ 2) Enrollment in a driver education course must be closed at the inception of the course, except as provided in subsection ~~(b)(2)(b)(3)~~ of this Section. Another course may be started when enrollment warrants.

~~2)3)~~ A student who transfers to a new school after the inception of the driver education course at that school may be allowed to enroll in the course under the following conditions.

A) The driver education program in which the student was enrolled at the previous school offered 30 clock hours of classroom instruction and 6 clock hours of practice driving.

B) The length of time the student previously participated in the driver education course (~~prior~~previous to his or her transfer) is sufficient to allow the student to complete the course at the new school within the time during which~~the timeframe that~~ it is offered.

C) The new school has received verification, either by mail or in an electronic format, of the student's previous participation in the driver education program (i.e., length of time in the course, grade(s) received). The verification shall be placed in the student's temporary school record as defined in 23 Ill. Adm. Code 375.75.

c) Program Organization – Approved driver education courses must be organized according to the standards established in the Driver Education Act [105 ILCS 5/27-23 through 27-24.8] and this Part.

1) ~~Any student who is enrolled in a driver education course should receive classroom and laboratory instruction at the same school or public school district.~~

2) ~~When circumstances make it necessary or beneficial for a student to receive laboratory instruction from a school other than that from which he or she received classroom instruction, official verification of satisfactory~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~completion of the classroom portion and parental consent must be on file in the office of the management or the chief school officer of a school or public school district before laboratory instruction only shall be given. Examples of such circumstances are listed below.~~

- A) ~~A student changes the district of his or her residence after classroom completion.~~
  - B) ~~A student is a resident of the district but attends an approved school outside of the State of Illinois.~~
  - C) ~~A student changes residence from another state to Illinois after completion of a comparable course and reciprocity is established. Reciprocity is established if the other state's driver education course requires at least 30 clock hours of classroom instruction and 6 clock hours of practice driving.~~
  - D) ~~A school in Illinois is dissolved, has lost its license to operate, or the driver education course being offered is no longer approved.~~
  - E) ~~A student is in attendance at a private school other than in the student's district of residence.~~
- 3) ~~A minimum of 30 clock hours of classroom instruction must be completed by each student.~~
  - 4) ~~The length of each instructional period shall not exceed 90 minutes.~~
  - 5) The classroom and laboratory instruction each must be scheduled regularly throughout a period of not less than six complete weeks (four weeks allowable in summer programs and for schools using block scheduling).
  - 2)6) Laboratory instruction shall not begin until the student has started classroom instruction; however, a student may be enrolled in the laboratory and classroom portions of the program on a concurrent basis.
  - 7) ~~Laboratory instruction may be taught during an extended school day.~~
  - 8) Each student shall have a valid instructional permit issued pursuant to

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~Section 6-103 of the Illinois Motor Vehicle Code [625 ILCS 5/6-103] when engaged in practice driving instruction.~~

- ~~3)9)~~ The law requires each student to complete a minimum of six clock hours of practice driving instruction or its equivalent. At least one but not more than three student observers must be in the car during practice driving on public streets. At least one hour of observation time is required for each hour of practice driving.
- ~~4)10)~~ Two hours of multiple-car instruction may be provided in lieu of one hour of practice driving in a dual-control car, provided that the driving range facility shall ~~consist of a minimum of 80,000 square feet and~~ provide the following elements for learning experiences: basic driving maneuvers; basic problems of traffic flow and conflict; procedural and perceptual decision-making~~decision-making~~. A minimum of two hours must be in a dual-control car under traffic conditions.
- ~~5)11)~~ Four hours of driving simulation instruction may be provided in lieu of one hour of practice driving, with driving simulation being used as a replacement for no more than three clock hours of practice driving. Driving simulation and practice driving must be concurrent or consecutive.
- ~~6)12)~~ Laboratory instruction ~~that~~which employs a combination laboratory program, as defined in Section 252.10 of this Part, may be authorized on an annual basis provided it meets the following standards:
- A) two clock hours of multiple-car instruction are provided in lieu of each clock hour of practice driving, with such instruction being used as a replacement for no more than four clock hours of practice driving;
  - B) four clock hours of driving simulation are provided in lieu of each clock hour of practice driving, with driving simulation being used as a replacement for no more than three clock hours of practice driving; and
  - C) no less than one clock hour of practice driving is provided.
- ~~7)13)~~ *School districts may adopt a policy to permit proficiency examinations for*

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

*the practice driving phase of the driver education course at any time after a student completes 3 hours of practice driving under ~~the~~ direct individual instruction ~~of a qualified driver education teacher~~ [105 ILCS 5/27-24.3].*

The instruction provided to students under a policy adopted by the local school board pursuant to this authority must comply with the definition of "Practice Driving" in Section 252.10 of this Part and with subsection (d) of this Section, and the examination given to students after their completion of at least three clock hours of practice driving instruction must:

- A) be the same as the examination given at the completion of six hours of practice driving; and
- B) include an assessment of each student's ability to make proper decisions in varying levels of traffic; and to execute these decisions in a smooth, safe, and efficient manner.

8)14) Satisfactory driver education course completion denotes that each student has the minimum competencies that meet course objectives and is eligible for the Illinois Graduated Driver's License upon meeting all of the requirements of 625 ILCS 5/6-107.

9)15) Integrated program course completion dates of both parts must be scheduled to coincide insofar as possible.

d) ~~Enrollment—All eligible students who reside in a public school district must be provided an equal opportunity to enroll in the driver education course.~~

1) ~~The local school district of which an eligible student is a resident has the responsibility of providing the approved driver education course when requested by the student.~~

2) ~~A public school student's declaration of intent is considered made at the time of regular registration.~~

3) ~~Other eligible residents of the district are considered to have made a declaration of intent when the course is requested on an individual basis from the public high school. Such request must be honored within a reasonable length of time as defined in subsection (a)(5) of this Section.~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 4) ~~An independent, parochial, or private school administrator may request the approved driver education course for any eligible student, who resides in Illinois, from the public school district in which the nonpublic school is located.~~
- 5) ~~Administrators and teachers of State approved high school driver education programs shall not acquire an interest in, teach in, or solicit for a commercial driver education school.~~
- 6) Dual-Control Cars – The driver education car is to be used for instructional purposes. A school district may not use the driver education car for purposes other than ~~those that which is~~ designated by agreement or contract. Automobiles used for on-street driver education purposes must display a printed sign ~~that which~~ measures at least 18 inches in width and nine inches in height. It must not obstruct vision through the rearview mirror or interfere with the operation of safety devices. The lettering, which must be a minimum of two inches in height, must be black on a school bus yellow background. The instructor shall occupy the front passenger seat.
- e)7) Contracting – In fulfilling the requirements of the Driver Education Act, a public school district must either offer the course in its own school or must provide the course for its students, and any other legal residents of the school district who request the course, through a joint agreement with another public school district or through the provisions of cooperative school district programs.
- 1)A) Schools offering an approved driver education program shall not contract for the course from any individual or driving school agency.
- 2)B) Inasmuch as commercial driver education schools are not allowed, through the Motor Vehicle Act, to contract with another commercial school, contracting between two or more commercial driver education schools to provide the approved driver education course for youth is also prohibited.
- 8) ~~Students, as individuals, have the options of applying for the course at the high school district of their residence or of purchasing the course from a commercial school.~~

(Source: Amended at 29 Ill. Reg. 15936, effective October 3, 2005)

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

**Section 252.25 Eligibility of Students**

- a) Pursuant to Sections 27-23 and 27-24.2 of the School Code, no student shall be permitted to enroll in a driver education course provided by a public school district or a nonpublic school unless he or she has either:
  - 1) received a passing grade in at least 8 courses during the previous 2 semesters or, in the case of block scheduling that reduces the number of courses taken per semester, in at least half the courses taken during the previous 2 semesters; or
  - 2) received a waiver of this requirement from the superintendent of the public school district or the chief administrator of the nonpublic school in which the student is or will be enrolled full time during the semester for which enrollment in driver education is sought.
- b) Courses
  - 1) For the purposes of this Section, a "course" means a sequence of instructional activities or unit of schoolwork for which a grade is given and listed in a student's academic transcript.
  - 2) For the purpose of determining eligibility under this Section, any coursework completed by a student during a summer term falling within the twelve-month period immediately preceding the beginning of the semester for which enrollment in driver education is sought shall be counted towards the 8 courses for which passing grades are needed.
- c) Waivers
  - 1) If in the sole judgment of the public school district superintendent or nonpublic school chief administrator of the school in which the student is or will be enrolled full-time during the semester for which enrollment in driver education is sought, waiver of the requirement set forth in subsection (a)(1) of this Section would be in the best interest of a student who has requested enrollment in driver education, the superintendent or chief school administrator may waive the requirement for that student.
  - 2) A record of any waiver granted pursuant to this subsection (c) shall be entered into the affected student's temporary student record as defined in

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

23 Ill. Adm. Code 375.75, or its equivalent in the case of a nonpublic high school.

## d) Verification of Eligibility

- 1) Each public school district or nonpublic school offering driver education shall be responsible for verifying the eligibility of all students seeking enrollment in such courses.
- 2) ~~Commercial driving schools and students wishing to enroll in them shall be subject to all applicable provisions of the Secretary of State's rules for Commercial Driver Training Schools (92 Ill. Adm. Code 1060).~~
- 3) Public school districts and nonpublic schools offering driver education shall establish procedures for verifying the eligibility of students enrolled there full time when eligibility is based upon the records created by, or transferred to, such schools. If the public school district or nonpublic school previously attended by a student fails to transfer records in time to permit the student's enrollment in driver education, then unofficial records or a ~~signed sworn~~ statement from the parent or guardian of the student shall be used to certify eligibility.
- 3)4) When a student requests enrollment in driver education coursework offered by an entity other than the school district or nonpublic school he or she attends, the school district or nonpublic school offering such coursework shall be responsible for requesting confirmation of the student's eligibility pursuant to this Section.
  - A) Confirmation may be obtained either in writing, ~~by telephone,~~ or via electronic means addressed to the official records custodian designated by the school pursuant to Section 4(a) of the Illinois School Student Records Act [105 ILCS 10/4(a)], ~~provided that a notation is entered in the student's temporary record describing how and when confirmation was secured and identifying the official who provided the information, with his or her title.~~
  - B) The response shall indicate only whether or not the student is eligible and shall not indicate what grades a student received or whether the student received a waiver.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- C) Failure of a school district or nonpublic school to respond to a request for eligibility verification within 15 calendar days shall be construed as a positive response and the student in question shall be considered eligible for driver education. The requesting school district or nonpublic school shall inform the sending district or nonpublic school, in writing, of the attempts made to verify eligibility and the lack of response. This notification shall indicate that, in the absence of a response, the student is considered to be eligible provided that a signed statement by the student's parent or guardian is on file. A copy of the notification shall be placed in the student's temporary record.
- D) A student enrolled in a home school who wishes to enroll in driver education offered by a public school district or nonpublic school shall present, and each such entity shall accept as verification of the student's eligibility, a signed, ~~notarized~~ statement stipulating:
- i) that the student is enrolled in a home school;
  - ii) that he or she is eligible pursuant to subsection (a) of this Section; and
  - iii) that the signature presented is that of the individual who administers the school attended by the student.

(Source: Amended at 29 Ill. Reg. 15936, effective October 3, 2005)

**Section 252.30 The Terms of Reimbursement for Public School Participation in the Program**

- a) Claims for Reimbursement – *These shall be made under oath or affirmation of the chief school administrator for the district employed by the school board or authorized driver education personnel employed by the school board* [105 ILCS 5/27-24.6].
  - 1) Reimbursement shall be determined in accordance with the provisions of Sections 27-24.4 and 27-24.5 of the School Code [105 ILCS 5/27-24.4 and 27-24.5]. If the local school board establishes a policy permitting students to take a proficiency examination after at least 3 clock hours of practice driving (see Section 252.20(c)(13) of this Part), and the student(s)

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

successfully complete the examinations, the claim for reimbursement will include this fact. However, reimbursement for students who fail the proficiency examination may be claimed only upon their completion of 6 clock hours of practice driving.

- 2) *The State shall not reimburse any district for any student enrolled in the driver education course who has repeated any part of the course more than once, who did not meet the age requirements of the Act or was otherwise ineligible during the period in which he or she was enrolled in the course (Section 27-24.5 of the School Code).*~~The State shall not reimburse any district for any student enrolled in the driver education course who has repeated any part of the course more than once, who did not meet the age requirements of the Act or was otherwise ineligible during the period in which he or she was enrolled in the course,~~ or who did not hold a valid instruction permit during the laboratory instruction, or any district that did not adequately publicize and provide the course in a reasonable time after requested.
- 3) If the sum appropriated from the driver education fund is insufficient to pay all claims submitted each year, the amount payable to each district shall be proportionately reduced.
- 4) *The school district that is the residence of an eligible pupil who attends a nonpublic school in another district that has furnished the driver education course shall reimburse the district offering the course the difference between the actual per capita cost of giving the course the previous school year and the amount reimbursed by the State (Section 27-24.4 of the School Code)*~~The school district that is the residence of an eligible pupil who attends a nonpublic school in another district that has furnished the driver education course shall reimburse the district offering the course the difference between the actual per capita cost of giving the course the previous school year and the amount reimbursed by the State.~~ *This arrangement shall also apply in the case of tuition students who receive driver education from the districts where they are enrolled rather than from their respective districts of residence.*
- 5) The district may charge a reasonable fee – not to exceed the amount specified in Section 27-23 of the School Code – to students who participate in a driver education course approved in accordance with this Part. *No other fee or portion thereof shall be charged to students and*

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

~~attributed~~~~This fee shall supersede any other fee(s) or portion thereof charged to students and attributable~~ to the driver education course. As used in this Part, "reasonable fee" means a fee calculated by dividing the sum of documented annual district costs for items such as instructional materials (if not included in the district's textbook rental fee), the cost of driver education cars, car maintenance costs, fuel, and insurance by the number of students participating in the driver education course. The district's costs used in this calculation shall not include any portion of the salaries or benefits of school district personnel. For purposes of this calculation, the cost of driver education cars that are purchased by the district shall be amortized over a five-year period, and the cost of leasing cars shall be included in the fee calculation in the year such costs are incurred.

6) ~~No fee shall include any portion of the costs for school district personnel salaries and benefits.~~

7) The driver education fee shall be waived with respect to any student who applies pursuant to this subsection and who is eligible for free lunches or breakfasts pursuant to the School Free Lunch Program Act [105 ILCS 125/4], and with respect to other students in accordance with the district's policy adopted in accordance with Section 1.245 ("Waiver of School Fees") of the rules of the State Board of Education (see 23 Ill. Adm. Code 1, Public Schools Evaluation, Recognition and Supervision).

b) ~~Tuition Student—The district of residence will pay the entire per capita cost of such instruction to the other school and make claim for State reimbursement for such student.~~

e) Transfer Student – For any transfer student as defined in Section 252.20(b)(3) of this Part, reimbursement shall be claimed only by the school district to which the student has transferred.

c)d) Cooperative School Programs – In fulfilling the ~~reimbursable~~ requirements for reimbursement, a school district must provide an approved driver education course or participate in a special education cooperative or be part of an approved joint school agreement with another public school district.

d)e) Records – Daily attendance records shall be kept by the teachers in the manner prescribed in Section 27-24.6 of the School Code and are to be used to certify

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

claims made under the Act.

- 1) Records must be maintained by the school to substantiate daily lessons, time behind the wheel, observation time, other laboratory experiences and periodic as well as final evaluation of each student. Also recorded shall be the beginning and ending dates of classroom and laboratory instruction. Students are to be identified by their instructional permit number, name, address and other personal information.
- 2) Such records are to be on file in the office of the driver education supervisor, principal, or other manager at the time reimbursement and/or certification is requested.
- 3) Driver education participation records are to be kept and be readily available for a period of not less than three years.
- 4) All records are subject to yearly audit by State auditors.

e) Public School District Participation Agreement – Prior approval affirms continuous approval as long as the school continues to maintain standards established in the Driver Education Act and this Part.

g) ~~Driver Education Cost Accounting—Records of all expenses incurred in the operation of a reimbursable driver education program must be maintained by school officials to substantiate claims for reimbursement. Actual school expenditures for administration, supervision, instruction, instructional supplies, inservice training for teachers, operation of equipment, buildings, and other special construction (provided a schedule is on file) may be used to determine the actual per capita cost.~~

(Source: Amended at 29 Ill. Reg. 15936, effective October 3, 2005)

**Section 252.40 Driver Education Personnel~~Teacher~~ Requirements**

- a) ~~Approved Teachers—Persons authorized by the State Superintendent of Education to conduct an approved driver education course.~~ Qualifications of Teachers~~Teacher Preparation~~ – All persons who teach a driver education course, whether which is reimbursable or nonreimbursable, must meet applicable standards of this subsection ~~(a) be qualified according to the minimum standards.~~

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) A driver education instructor who teaches in a public school district shall hold a secondary teaching certificate and either have an endorsement for safety and driver education or meet the requirements of 23 Ill. Adm. Code 1.730(q).
  - 2) A driver education instructor who teaches in a nonpublic school is not required to be certified but must hold a baccalaureate degree, or equivalent as determined by the employing school, and meet the requirements of 23 Ill. Adm. Code 1.730(q).
  - 3) A driver education instructor who teaches in either a public school district or in a nonpublic school must:
    - A) possess good physical health as determined in accordance with Section 24-5 of the School Code [105 ILCS 5/24-5]; and
    - B) hold a valid driver's license in good standing. For the purposes of this subsection ~~(a)(3)(B)(b)(3)(B)~~, a driver's license shall not be considered valid and in good standing if it is revoked, suspended, expired or cancelled as described in Sections 6-201 through 6-209 of the Illinois Driver Licensing Law [625 ILCS 5/6-201 through 6-209] or if restrictions have been placed on driving privileges through either a restricted driving permit (see 625 ILCS 5/6-205) or judicial driving permit (see 625 ILCS 5/6-206.1).
  - 4) Additional requirements will not be retroactive as pertaining to those qualified under standards applicable prior to September 1, 1962, so long as they continue to teach driver education in the same district, except in the event the method of instruction has been changed to include simulation and/or multiple-car laboratory instruction. (See 23 Ill. Adm. Code 1.730(q).) The prescribed additional requirements effective July 1, 1969, must be met.
  - 5) When schools have a department chairman or a person designated to supervise the driver education program, this person must ~~meet the minimum State requirements and~~ be qualified ~~to teach driver education,~~ as described in this Section.
- b)e) Invalid Driver's License – The State Board of Education, using information provided by the Secretary of State, shall on a regular basis provide to school

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

districts and nonpublic schools employing driver education instructors a list of driver education instructors who are in possession of an invalid driver's license as described in subsection ~~(a)(3)(B)(b)(3)(B)~~ of this Section.

- 1) After receiving the list, the school district or nonpublic school shall inform each of the instructors in writing of the Secretary of State's determination that he or she is in possession of an invalid license and that he or she has no more than five school days to provide evidence to the school district or nonpublic school disputing the determination.
  - 2) If the initial determination is found to be correct (i.e., the instructor's license is not valid), then the driver education instructor shall be removed from the driver education program immediately.
  - 3) A driver education instructor who is removed from his or her teaching position due to an invalid license shall not be allowed to teach in a driver education program for three years following the reinstatement of a valid driver's license.
  - 4) For the purposes of this subsection ~~(b)(e)~~, a driver education instructor shall not be subject to the three-year suspension described in subsection ~~(b)(3) of this Section(e)(3)~~ if:
    - A) the invalid license is restored to good standing ~~within 30 days after receiving notice that the license is invalid~~, and
    - B) the reason that the license was invalidated is due to a non-serious violation not related to driving ability or performance (e.g., failure to renew a license, violation of EPA emission standards, failure to pay traffic fines, not possessing a mandatory insurance card).
- c) Administrators and teachers of State-approved high school driver education programs shall not acquire an interest in, teach in, or solicit for a commercial driver education school.

(Source: Amended at 29 Ill. Reg. 15936, effective October 3, 2005)

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Comprehensive Health Education
- 2) Code Citation: 23 Ill. Adm. Code 253
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
253.10	Repeal
253.20	Repeal
253.30	Repeal
253.40	Repeal
253.50	Repeal
253.60	Repeal
253.70	Repeal
253.80	Repeal
- 4) Statutory Authority: 105 ILCS 110/6
- 5) Effective Date of Repealer: October 3, 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: June 3, 2005; 29 Ill. Reg. 8053
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference(s) 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 agreements letter was issued.
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any other repealers pending on this Part? No

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Repealer: In the course of our comprehensive review of rules, we have determined that much of the existing text of several existing Parts is not needed in rules at all, because it either repeats statutory language or is couched as recommendations rather than requirements. The necessary substantive provisions from these Parts that need to be retained can readily be subsumed within Part 1 (Public Schools Evaluation, Recognition and Supervision).

The needed material from Part 253 has been placed into Section 1.420(n) via concurrent amendments to Part 1.

- 16) Information and questions regarding this adopted repealer shall be directed to:

Dana Kinley  
Curriculum and Instruction Division  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001

(217) 557-7323

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Health Examinations and Immunizations
- 2) Code Citation: 23 Ill. Adm. Code 625
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
625.10	Repeal
625.20	Repeal
625.30	Repeal
625.40	Repeal
625.50	Repeal
625.60	Repeal
625.70	Repeal
625.80	Repeal
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Repealer: October 3, 2005
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer 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: June 3, 2005; 29 Ill. Reg. 8062
- 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? No changes were requested by JCAR, and no agreements letter was issued.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any other amendments pending on this Part? No

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Repealer: In the course of our comprehensive review of rules, we have determined that much of the existing text of several existing Parts is not needed in rules at all because it either repeats statutory language or is couched as recommendations rather than requirements. The necessary substantive provisions from these Parts that need to be retained can readily be subsumed within Part 1 (Public Schools Evaluation, Recognition and Supervision).

The needed material from Part 625 has been placed into Section 1.530 via concurrent amendments to Part 1.

- 16) Information and questions regarding this adopted repealer shall be directed to:

Donna Luallen  
Accountability Division  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001

(217) 782-2948

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Individualized Plan for Employment (IPE)
- 2) Code Citation: 89 Ill. Adm. Code 572
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
572.30	Amendment
572.50	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].
- 5) Effective date of amendments: October 7, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal published in the Illinois Register: 10/15/04; 28 Ill. Reg. 13699
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between proposal and final version:

In Section 572.30, added a subsection (c) label before the last paragraph and added "that" after services in the second sentence.

In Section 572.50(d), added "subsection" before "(c)".
- 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
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of Amendments: This rulemaking was promulgated due to recommendations made by the Rehabilitation Services Administration (RSA). RSA has recommended adding language regarding Substantial Services.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield, Illinois 62762

217/785-9772

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

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 572  
INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)

## Section

572.10	General Applicability
572.20	Commencement of the IPE
572.30	Purpose of the IPE
572.40	Coordination of the IPE with an Individualized Educational Program (IEP)
572.50	IPE Development and Content
572.60	Format of the IPE
572.70	Services to Families
572.80	IPE Amendments
572.90	Notice of Changes to the IPE
572.100	Case File Documentation
572.110	Review of IPE
572.200	Reporting of Customer Participation

**AUTHORITY:** Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

**SOURCE:** Adopted at 9 Ill. Reg. 8801, effective June 10, 1985; amended at 11 Ill. Reg. 5144, effective March 17, 1987; amended at 14 Ill. Reg. 18561, effective November 5, 1990; amended at 15 Ill. Reg. 17367, effective November 19, 1991; emergency amendments at 17 Ill. Reg. 11770, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20438, effective November 15, 1993; amended at 19 Ill. Reg. 7963, effective June 2, 1995; amended at 20 Ill. Reg. 6311, effective April 18, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1656, effective January 20, 1999; amended at 23 Ill. Reg. 12631, effective September 29, 1999; amended at 29 Ill. Reg. 15959, effective October 7, 2005.

**Section 572.30 Purpose of the IPE**

- a) The IPE is a non-binding agreement between the customer and DHS-ORS that outlines the nature and scope of vocational rehabilitation services to be provided to the customer to meet the established objectives that are related to the customer's vocational goal.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- b) The IPE identifies the program of services that will assist the individual to achieve an employment objective consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choices.
- c) [The IPE will provide the customer with substantial services. Substantial services are defined as services that, provided in the context of the counseling relationship, collectively and significantly contribute to the achievement of an employment outcome consistent with the informed choice of the individual.](#)

(Source: Amended at 29 Ill. Reg. 15959, effective October 7, 2005)

**Section 572.50 IPE Development and Content**

- a) The IPE must be developed, agreed to and signed by the customer, or, as appropriate, the customer's parent, family member, guardian, advocate, or authorized representative, and approved and signed by the counselor. The IPE shall be developed and implemented in a manner that affords the customer the opportunity to exercise informed choice in selecting an employment outcome, the specific vocational services to be provided, the provider of the services and the methods used to provide services.
- b) The IPE must contain the following:
- 1) a statement of the specific employment outcome that is chosen by the customer based on the assessment of rehabilitation needs (89 Ill. Adm. Code 553.100), including an assessment of the customer's career interests. The goal shall be, to the maximum extent possible, an employment outcome in an integrated setting;
  - 2) timelines for the initiation of the services and for the achievement of the employment outcome;
  - 3) the customer's rights and remedies, including filing of an appeal under 89 Ill. Adm. Code 510;
  - 4) a description of the Client Assistance Program (CAP), its services, and how to contact CAP;

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 5) a statement of the specific VR services to be provided;
- 6) identification of the entity or entities that will provide VR services to the customer and how the customer will receive the specific services, including comparable benefits (e.g., by attending an on-site training program, by office visits to a medical services provider, etc.). This shall include a statement describing how service shall be provided or arranged through cooperative agreements with other service providers;
- 7) how progress toward achieving the employment outcome will be evaluated;
- 8) an assessment, and a reassessment prior to case closure, of the expected need for post-employment services. If post-employment services are to be provided, the IPE must include a description of the terms and conditions for the provision of any post-employment services, including the anticipated duration of those services; and
- 9) a description of the terms and conditions under which services will be provided to the customer in the most integrated setting possible.

c) The IPE must be developed as soon as possible, but no later than 90 days after the customer is determined eligible for the VR program, except when the customer is a high school student receiving transition services, in which case the IPE must be developed no later than the last semester of the year in which the student is expected to leave school.

d) In unusual circumstances, the Chief of the Bureau of Field Services or the Bureau of Blind Services may grant an exception to the timeline in subsection (c) upon request and when an appropriate justification is provided by the counselor with acknowledgement from the customer.

(Source: Amended at 29 Ill. Reg. 15959, effective October 7, 2005)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Closure of a Rehabilitation Case
- 2) Code Citation: 89 Ill. Adm. Code 595
- 3) Section Number: 595.40                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].
- 5) Effective date of amendment: October 7, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the Illinois Register: October 15, 2004; 28 Ill. Reg. 13704
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 595.40 (a)(3) added "that" after services in the second sentence and added "," and the end of the sentence.
- 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 amendment replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendment: This rulemaking was promulgated due to recommendations made by the Rehabilitation Services Administration (RSA). RSA has recommended adding language regarding Substantial Services.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield, Illinois 62762

217/785-9772

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

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

## TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 595  
CLOSURE OF A REHABILITATION CASE

## Section

595.10	General Applicability
595.20	Closure Prior to Determination of Eligibility
595.30	Non-Rehabilitation Closure
595.40	Closure of a Customer Who has Achieved the Employment Outcome of the IPE
595.50	Employment Outcomes

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

SOURCE: Adopted at 27 Ill. Reg. 12621, effective July 21, 2003; amended at 29 Ill. Reg. 15964, effective October 7, 2005.

**Section 595.40 Closure of a Customer Who has Achieved the Employment Outcome of the IPE**

A determination that the customer has achieved an employment outcome must meet all the following criteria:

- a) The customer has achieved the employment outcome described in the customer's IPE and the employment outcome ~~is~~:
  - 1) is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choices; ~~and~~
  - 2) is in the most integrated setting possible, consistent with the customer's informed choice; ~~and~~
  - 3) includes substantial services to the customer. Substantial services are defined as services that, provided in the context of the counseling relationship, collectively and significantly contribute to the achievement of an employment outcome consistent with the informed choice of the individual;

---

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- b) The customer has maintained the employment outcome for an appropriate period of time, not less than 90 days, necessary to ensure the stability of the employment outcome after closure, and no longer needs VR services;
- c) At the end of this appropriate period, the customer and the qualified rehabilitation counselor employed by DHS-ORS consider the employment outcome to be satisfactory and agree that the customer is performing well on the job; and
- d) The customer is informed of the availability of post-employment services.

(Source: Amended at 29 Ill. Reg. 15964, effective October 7, 2005)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Number: Adopted Action:  
1040.111 New Section
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)], Section 11-908(a-1) of the Illinois Vehicle Code [625 ILCS 5/11-908(a-1)].
- 5) Effective Date of Amendment: October 7, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including 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: 29 Ill. Reg. 7194; May 20, 2005
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: Grammatical, punctuation and nonsubstantive technical changes were made as agreed upon with JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1040.32	Amendment	29 Ill. Reg. 5933; April 29, 2005
1040.109	New Section	29 Ill. Reg. 5933; April 29, 2005
1040.35	Amendment	29 Ill. Reg. 6884; May 13, 2005
1040.42	Amendment	29 Ill. Reg. 12231; August 5, 2005
1040.33	Amendment	29 Ill. Reg. 12340; August 12, 2005

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 15) Summary of Purpose of Amendment: The rulemaking is pursuant to Public Act 92-872 that was passed into law effective January 3, 2003, allowing the suspension of a driver's license for failure to yield the right-of-way upon entering a construction or maintenance zone when workers are present.

Information and questions regarding this adopted amendment shall be directed to:

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

(217) 785-1441

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

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

## PART 1040

## CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

## Section

1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.29	2 or More Traffic Offenses Committed within 24 Months by a Person Under the Age of 21 Years
1040.30	3 or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device
1040.35	Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew Violations
1040.42	Fleeing and Eluding
1040.43	Illegal Transportation
1040.46	Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions
1040.50	Suspension of License of Commercial Vehicle Driver
1040.52	Driver Remedial Education Course
1040.55	Suspension for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	Problem Driver Pointer System
1040.80	Cancellation of Driver's License Upon Issuance of a Handicapped Identification

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

	Card
1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105	Suspension for 5 or More Tollway Violations and/or Evasions
1040.107	Suspension for Violation of 625 ILCS 5/11-907, Approaching a Stationary Emergency Vehicle
1040.108	Suspension for Failure to Make Report of Vehicle Accident Violations
1040.110	Bribery
<u>1040.111</u>	<u>Suspension for Violation of 625 ILCS 5/11-908(a-1) for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present</u>

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] 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 September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994;

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005.

**Section 1040.111 Suspension for Violation of 625 ILCS 5/11-908(a-1) for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present**

- a) Defined Terms – For purposes of this Section, the following terms have the meanings ascribed in this subsection (a):
- 1) "Conviction" – An adjudication of guilty as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100].
  - 2) "Department" – Department of Driver Services within the Office of the Secretary of State.
  - 3) "Miscellaneous Suspension" – A suspension with no provisional termination date. Miscellaneous suspensions include the following:
    - A) "Auto Emissions Suspension" – Suspension for failing to have a vehicle tested in accordance with Section 13A-101 of the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13A-101].
    - B) "Curfew Violation Suspension" – Suspension when a minor operates a vehicle on a highway during the prescribed hours

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].
- C) "Failure to Appear Suspension" – Suspension for failing to pay fine or appear in court following the issuance of a traffic ticket in accordance with Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].
- D) "Family Financial Responsibility Suspension" – A suspension in accordance with Section 7-702 and/or Section 7-704 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-702 and/or 7-704].
- E) "Financial Responsibility Suspension" – A suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].
- F) "Safety Responsibility Suspension" – Suspension in accordance with Section 7-205 or 7-208 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].
- G) "Tollway Suspension" – Suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, as outlined in Section 10(a-5) of the Toll Highway Act [605 ILCS 10/10(a-5)].
- 4) "Unsatisfied Judgment Suspension" – Suspension in accordance with Section 7-303 or 7-313 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].
- 5) "Parking/Traffic Warrant Suspension" – Suspension for arrest warrants issued for failure to pay fines for traffic or parking violations [625 ILCS 5/6-306.5].
- 6) "Open Revocation" – A revocation that appears on the driving record that is in effect.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- 7) "Open Suspension" – A suspension that appears on the driving record that is in effect.
  - 8) "Pending Revocation" – A revocation that appears on the driving record that is not in effect.
  - 9) "Pending Suspension" – A suspension that appears on the driving record that is not in effect.
  - 10) "Record of Judgment" – An adjudication by the court that the defendant is guilty, including the sentence pronounced by the court.
  - 11) "Revocation" – The termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways. The termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Secretary after expiration of at least one year after the date of revocation as provided for in Section 1040.20 of this Part, and as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].
  - 12) "Suspension" – The temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as provided for in Section 1040.20 of this Part, and as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].
- b) If a person has no open or pending suspensions or revocations and a conviction for violation of Section 11-908(a-1) of the Illinois Vehicle Code is received, the Department shall enter a 3-month suspension for a first or subsequent conviction or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.
  - c) If a person has one or more open or pending revocations and a conviction for violation of Section 11-908(a-1) of the Illinois Vehicle Code is received, the Department shall enter a 3- month suspension for a first or subsequent conviction or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- d) If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and a conviction for a violation of Section 11-908(a-1) of the Illinois Vehicle Code is received, the Department shall enter a 3-month suspension or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court. The suspension would become effective upon the latest provisional or projected termination date of the suspension on record.
- e) If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and an open or pending revocation and a conviction for a violation of Section 11-908(a-1) of the Illinois Vehicle Code is received, the Department shall enter a 3-month suspension for the first or subsequent conviction or, if a record of judgment is received, the length of suspension shall be entered for the period specified by the court. The suspension would become effective upon the latest provisional or projected termination date of the suspension on record.
- f) If the provisional termination date of an open suspension is in the past, the Department shall enter a 3-month suspension for the first or subsequent conviction or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

(Source: Added at 29 Ill. Reg. 15968, effective October 7, 2005)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Financial Incentive Opt Out of the State Employees Group Health Plan For Non-Medicare State Employees Retirement System Annuitants
- 2) Code Citation: 80 Ill. Adm. Code 2106
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
2106.110	New Section
2106.120	New Section
2106.130	New Section
2106.140	New Section
2106.150	New Section
2106.160	New Section
2106.210	New Section
2106.220	New Section
2106.310	New Section
2106.320	New Section
2106.330	New Section
- 4) Statutory Authority: Implementing and authorized by Public Act 94-0109, amending the State Employees Group Insurance Act [5 ILCS 375].
- 5) Effective Date of Rules: October 5, 2005
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rulemaking has no earlier effective date specified.
- 7) Date Filed with the Index Department: October 5, 2005
- 8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rulemaking is a result of a change to the Group Insurance Act that allows the financial incentive to be made available. CMS is implementing notice of this plan October 5, 2005.
- 10) A Complete Description of the Subjects and Issues Involved: These emergency rules cite the governing authority and provide for administration of financial incentive for Non-Medicare eligible State Employee Retirement System Annuitants who opt out of the program of health benefits under the State Employees Group Insurance Program.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY RULES

- 11) Are there any proposed rules to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking will not create a State mandate for units of local government.
- 13) Information and questions regarding this rulemaking shall be directed to:

Gina Wilson  
Illinois Department of Central Management Services  
720 Stratton Office Building  
Springfield, Illinois 62706

217/785-1793

OR

Janice Bonneville  
Legal Counsel  
Illinois Department of Central Management Services  
720 Stratton Office Building  
Springfield, IL 62706

217/782-9491

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY RULES

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE F: EMPLOYEE BENEFITS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2106

FINANCIAL INCENTIVE FOR NON-MEDICARE

STATE EMPLOYEES RETIREMENT SYSTEM ANNUITANTS WHO OPT OUT  
OF THE STATE EMPLOYEES GROUP HEALTH PLAN

SUBPART A: GENERAL

Section

2106.110 Governing Authority

EMERGENCY

2106.120 Purpose

EMERGENCY

2106.130 Definitions of Terms

EMERGENCY

2106.140 Policy

EMERGENCY

2106.150 Records and Certifications

EMERGENCY

2106.160 Severability

EMERGENCY

SUBPART B: RESPONSIBILITY FOR ADMINISTRATION  
OF THE OPT OUT INCENTIVE

Section

2106.210 DCMS Responsibility

EMERGENCY

2106.220 Member Responsibility

EMERGENCY

SUBPART C: OPT OUT INCENTIVE REQUIREMENTS AND BENEFITS

Section

2106.310 Eligibility Requirements

EMERGENCY

2106.320 Participation Limits

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY RULES

## EMERGENCY

2106.330 Enrollment

## EMERGENCY

**AUTHORITY:** Implementing and authorized by Section 8(d-5) of the State Employees Group Insurance Act [5 ILCS 375/8(d-5)].

**SOURCE:** Adopted by emergency rulemaking at 29 Ill. Reg. 15976, effective October 5, 2005, for a maximum of 150 days.

## SUBPART A: GENERAL

**Section 2106.110 Governing Authority****EMERGENCY**

The financial incentive for non-Medicare State Employees Retirement System (SERS) annuitants to opt out of the State Employees Group Insurance Health Plan will be governed by Public Act 94-0109, the State Employees Group Insurance Act [5 ILCS 375/8(d-5)], this Part, the Department of Central Management Services publications and any memoranda issued by the Director. In the event of any discrepancies among these documents, or if an issue is not addressed in any of the documents, the Director will issue a final decision.

**Section 2106.120 Purpose****EMERGENCY**

The purpose of this Part is to provide for administration of an Opt Out Incentive for non-Medicare SERS annuitants who elect not to participate in the Health Plan provided by the State Employees Group Insurance Act [5 ILCS 375/8(d-5)].

**Section 2106.130 Definitions of Terms****EMERGENCY**

Unless the context otherwise requires, the following words and phrases as used in the Act shall have the following meanings for the purpose of implementing and administering the Opt Out Incentive:

"Act" means the State Employees Group Insurance Act [5 ILCS 375].

"Benefit Choice Period" means a designated time when members may change benefit coverage elections.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY RULES

"DCMS" means the Illinois Department of Central Management Services.

"Director" means the Director of DCMS.

"Health Plan" means the health, dental and vision benefits offered by the program to eligible persons.

"HFS" means the Illinois Department of Healthcare and Family Services.

"Member" means an employee, annuitant, retired employee or survivor, as defined in the Act.

"Opt Out/In Qualifying Change in Status" means an event that effects eligibility for Health Plan coverage, including but not limited to the following: member becomes eligible for non-State administered health benefits coverage; marriage; loss or gain of Medicare for any reason; coordination of spouse's open enrollment period; spouse gains or loses non-State administered health benefits coverage.

"Opt Out Incentive" means the State Employees Retirement System retiree/annuitant insurance opt out incentive authorized by Section 8(d-5) of the Act, which provides a financial incentive for each State Employees Retirement System retiree/annuitant who is not eligible for benefits under the federal Medicare health insurance program who elects not to participate in the Health Plan on or after January 1, 2006 under Section 8(d-5) of the Act.

"Program" means the group life insurance, health and other benefits designed and/or contracted for by DCMS and/or HFS that are provided under the Act.

"SERS" means the State Employees Retirement System.

"SERS Annuitant" means a retiree or annuitant who is receiving a pension from the State Employees Retirement System.

"Special Enrollment Period" means a designated time period defined by the Director of DCMS for certain members to change specific benefit coverage elections when special circumstances occur that affect only those members.

**Section 2106.140 Policy**

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY RULES

**EMERGENCY**

The Opt Out Incentive will be administered using policies established by the Director and contained in DCMS publications and policy documents.

**Section 2106.150 Records and Certifications  
EMERGENCY**

Records and other necessary certifications will be furnished to the Director as may be necessary for the administration of this Opt Out Incentive. These records and certifications will be retained and provided as necessary by SERS and DCMS.

**Section 2106.160 Severability  
EMERGENCY**

If any provision of the Act or this Part or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of the Act or this Part which can be given effect without the invalid application or provision. To this end, the provisions of the Act or this Part are declared to be severable.

**SUBPART B: RESPONSIBILITY FOR ADMINISTRATION  
OF THE OPT OUT INCENTIVE****Section 2106.210 DCMS Responsibility  
EMERGENCY**

DCMS will be responsible for administering the Opt Out Incentive and shall:

- a) Design and develop Opt Out Incentive policies and procedures consistent with Section 8(d-5) of the Act, DCMS goals and objectives and budgetary limitations.
- b) Establish eligibility criteria and make determinations regarding qualifications for participation and financial payments for the Opt Out Incentive based on those criteria.
- c) Develop and distribute materials and information to members, including any and all necessary forms with requirements, policies and procedures related to the Opt Out Incentive. Information concerning the Opt Out Incentive will be included in DCMS publications for members.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY RULES

- d) Determine and maintain eligibility for the Opt Out Incentive in a centralized, computerized file, properly storing and retrieving confidential information, processing updates and administering security access in accordance with confidentiality laws.
- e) Authorize payments to members participating in the Opt Out Incentive. No partial monthly or retroactive payments will be made.
- f) Assist members with Opt Out Incentive questions and/or issues, and respond to oral and written inquiries concerning the Opt Out Incentive.
- g) Comply with the federal Health Insurance Portability and Accountability Act (HIPAA), where applicable as referenced in DCMS publications.
- h) Enroll and terminate members in compliance with the rules, policies and procedures established for the Opt Out Incentive.
- i) Identify and collect Opt Out Incentive payments paid in error to members and deposit the money into the Health Insurance Reserve Fund.

**Section 2106.220 Member Responsibility  
EMERGENCY**

The Member will be responsible to:

- a) Furnish proof of health coverage from a source other than DCMS.
- b) Report Medicare eligibility changes timely.
- c) Report all eligibility status changes within 60 days of the event, including but not limited to Medicare eligibility.
- d) Return to DCMS all payments made in error or for fraudulent acts. Failure to repay payments as required will result in termination of the financial incentive and disallowance of future coverage in the Health Plan. Fraudulent acts include, but are not limited to, the following:
  - 1) failure to timely report changes and/or Opt Out/In Qualifying Changes in Status;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY RULES

- 2) falsifying information in order to receive Opt Out Incentive payments;

## SUBPART C: OPT OUT INCENTIVE REQUIREMENTS AND BENEFITS

**Section 2106.310 Eligibility Requirements****EMERGENCY**

Opt Out Incentive administration shall be in compliance with Section 8(d-5) of the Act and shall:

- a) Allow SERS annuitants who elect not to participate in the Health Plan to receive a financial incentive if all of the following conditions are met:
  - 1) the member is enrolled in the Health Plan at the time of a Special Enrollment Period or subsequent Benefit Choice Periods, or an Opt Out/In Qualifying Change in Status occurs; and
  - 2) the member is not eligible for and/or receiving benefits under the federal Medicare health insurance program (Title XVIII of the Social Security Act).
- b) Provide for a Special Enrollment Period from November 1 through November 30, 2005 for SERS annuitants enrolled in the Health Plan to elect to participate in the Opt Out Incentive. The Opt Out Incentive elected by SERS annuitants during this Special Enrollment Period will have an effective date of January 1, 2006.
- c) Provide that SERS annuitants who previously elected not to participate in the Health Plan may choose to enroll in the Health Plan during the Benefit Choice Period or with an Opt Out/In Qualifying Change in Status. Once enrolled, they may take advantage of the Opt Out Incentive during a subsequent Benefit Choice Period or with a subsequent Opt Out/In Qualifying Change in Status. Participants will not be permitted to enroll and opt out during the same Benefit Choice Period or based on the same Opt Out/In Qualifying Change in Status.

**Section 2106.320 Participation Limits****EMERGENCY**

Opt Out Incentive participation ceases when the non-Medicare SERS annuitant:

- a) reaches age 65, unless written proof of Medicare ineligibility is submitted to DCMS;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY RULES

- b) becomes Medicare eligible for any reason; or
- c) elects to participate in the Health Plan.

**Section 2106.330 Enrollment  
EMERGENCY**

Eligible members participating in the Health Plan may enroll in the Opt Out Incentive during the Special Enrollment Period, the Benefit Choice Period, or with an Opt Out/In Qualifying Change in Status by completing appropriate forms and furnishing proof of eligibility as defined and communicated in DCMS publications.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.442                      Emergency Action:  
Repeal of Emergency Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of amendment: October 5, 2005
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date Filed with the Index Department: October 5, 2005
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The emergency amendment that imposed a limitation on the dispensing of brand name prescription drugs to medical assistance clients, which was effective October 1, 2005, is being repealed by emergency action under this rulemaking, effective October 5, 2005. This action is necessary because certain information was inadvertently omitted from the October 1 emergency amendment. Emergency repeal of the emergency amendment, along with the related filing of a new emergency amendment, effective October 5, 2005, will avoid any conflict between the two emergency rulemakings and allow for the immediate implementation of a corrected rulemaking.
- 10) A Complete Description of the Subjects and Issues Involved: The Department's administrative rule at 89 Ill. Adm. Code 140.442 concerning prior approval of prescription drugs was amended by emergency action, effective October 1, 2005. The amendments impose a limitation concerning the dispensing of brand name prescription drugs to medical assistance clients. Some therapeutic classes of drugs, which are specified in the emergency changes, will not be subject to this policy. However, certain information regarding policy exceptions to these new provisions was inadvertently omitted from the October 1, 2005 emergency rulemaking. Because of this, the earlier emergency amendment that became effective on October 1, 2005 is being repealed by this emergency rulemaking. A corrected rulemaking will be implemented by emergency action on the same date as this emergency repeal.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

- 11) Are there any proposed amendments to this Part pending? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.80	Amendment	August 12, 2005 (29 Ill. Reg. 12338)
140.400	Amendment	September 30, 2005 (29 Ill. Reg. 14463)
140.435	Amendment	September 30, 2005 (29 Ill. Reg. 14463)
140.436	Amendment	September 30, 2005 (29 Ill. Reg. 14463)
140.463	Amendment	September 30, 2005 (29 Ill. Reg. 14463)
140.464	Amendment	October 14, 2005 (29 Ill. Reg. 15424)
140.924	Amendment	September 30, 2005 (29 Ill. Reg. 14463)

- 12) Statement of Statewide Policy Objectives: This emergency amendment neither creates nor expands any State mandate affecting units of local government.

- 13) Information and questions regarding this amendment shall be directed to:

Joanne Scattoloni  
Office of the General Counsel, Rules Section  
Illinois Department of Healthcare and Family Services  
201 South Grand Ave East, Third Floor  
Springfield, Illinois 62763-0002

217/524-0081

The full text of the Emergency Repeal of Emergency Amendment begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

140.20	Submittal of Claims
140.21	Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22	Magnetic Tape Billings (Repealed)
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Terminated, Suspended or Barred Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.55	Recipient Eligibility Verification (REV) System
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

Section	
140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

- 140.101 Transplants (Recodified)
- 140.102 Heart Transplants (Recodified)
- 140.103 Liver Transplants (Recodified)
- 140.104 Bone Marrow Transplants (Recodified)
- 140.110 Disproportionate Share Hospital Adjustments (Recodified)
- 140.116 Payment for Inpatient Services for GA (Recodified)
- 140.117 Hospital Outpatient and Clinic Services (Recodified)
- 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
- 140.203 Limits on Length of Stay by Diagnosis (Recodified)
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
- 140.350 Copayments (Recodified)
- 140.360 Payment Methodology (Recodified)
- 140.361 Non-Participating Hospitals (Recodified)
- 140.362 Pre July 1, 1989 Services (Recodified)
- 140.363 Post June 30, 1989 Services (Recodified)
- 140.364 Prepayment Review (Recodified)
- 140.365 Base Year Costs (Recodified)
- 140.366 Restructuring Adjustment (Recodified)
- 140.367 Inflation Adjustment (Recodified)
- 140.368 Volume Adjustment (Repealed)
- 140.369 Groupings (Recodified)
- 140.370 Rate Calculation (Recodified)
- 140.371 Payment (Recodified)
- 140.372 Review Procedure (Recodified)
- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

## Section

140.400	Payment to Practitioners
140.402	Copayments for Noninstitutional Medical Services
140.405	SeniorCare Pharmaceutical Benefit
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items – Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Clinical Laboratory Services
140.431	Services Not Covered by Independent Clinical Laboratories
140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
140.435	Advanced Practice Nurse Services
140.436	Limitations on Advanced Practice Nurse Services
140.438	Imaging Centers
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
<u>EMERGENCY</u>	
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

- 140.449 Payment of Pharmacy Items
- 140.450 Record Requirements for Pharmacies
- 140.451 Prospective Drug Review and Patient Counseling
- 140.452 Mental Health Services
- 140.453 Definitions
- 140.454 Types of Mental Health Services
- 140.455 Payment for Mental Health Services
- 140.456 Hearings
- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services
- 140.460 Clinic Services
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Hospital-Based and Encounter Rate Clinic Payments
- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Eligible Home Health Providers
- 140.471 Description of Home Health Services
- 140.472 Types of Home Health Services
- 140.473 Prior Approval for Home Health Services
- 140.474 Payment for Home Health Services
- 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations
- 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
- 140.482 Family Planning Services
- 140.483 Limitations on Family Planning Services
- 140.484 Payment for Family Planning Services
- 140.485 Healthy Kids Program
- 140.486 Illinois Healthy Women
- 140.487 Healthy Kids Program Timeliness Standards

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

140.488	Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.494	Record Requirements for Medical Transportation Services
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
140.498	Fingerprint-Based Criminal Background Checks

## SUBPART E: GROUP CARE

Section	
140.500	Long Term Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Informal Hearing Process for Denial of Payment for New ICF/MR
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered By Department Payment
140.512	Utilization Control
140.513	Notification of Change in Resident Status
140.514	Certifications and Recertifications of Care (Repealed)
140.515	Management of Recipient Funds – Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds – Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527	Quality Incentive Survey (Repealed)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports – Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs Updates
140.552	Nursing and Program Costs
140.553	General Administrative Costs Updates
140.554	Component Inflation Index (Repealed)
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
140.646	Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

## SUBPART F: FEDERAL CLAIMING FOR STATE AND LOCAL GOVERNMENTAL ENTITIES

Section	
140.850	Reimbursement of Administrative Expenditures
140.855	Administrative Claim Review and Reconsideration Procedure
140.860	County Owned or Operated Nursing Facilities
140.865	Sponsor Qualifications (Repealed)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

140.870	Sponsor Responsibilities (Repealed)
140.875	Department Responsibilities (Repealed)
140.880	Provider Qualifications (Repealed)
140.885	Provider Responsibilities (Repealed)
140.890	Payment Methodology (Repealed)
140.895	Contract Monitoring (Repealed)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

## SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section	
140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)

## SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
140.980	Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982	Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)
140.TABLE A	Medichek Recommended Screening Procedures (Repealed)
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

Reg. 16008, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15985, effective October 1, 2005, for a maximum of 150 days.

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

**Section 140.442 Prior Approval of Prescriptions****EMERGENCY**

- a) The Department may require prior approval for the reimbursement of any drug except as provided in this Section. Determinations of whether prior approval for any drug is required shall be made in the following manner:
  - 1) The Department shall consult with individuals or organizations which possess appropriate expertise in the areas of pharmacology and medicine. In doing so, the Department shall consult with organizations composed of physicians, pharmacologists, or both, and shall, to the extent that it consults with organizations, limit its consultations to organizations which include within their membership physicians practicing in all of the representative geographic areas in which recipients reside and practicing in a majority of the areas of specialization for which the Department reimburses physicians for providing care to recipients.
  - 2) The Department shall consult with a panel from such organizations (the panel is selected by such organizations) to review and make recommendations regarding prior approval. The panel shall meet not less than four times a year for the purpose of the review of drugs. The actions of the panel shall be non-binding upon the Department and can in no way bind or otherwise limit the Department's right to determine in its sole discretion those drugs which shall be available without prior approval.
  - 3) Upon U.S. Food and Drug Administration approval of a new drug, or when post-marketing information becomes available for existing drugs requiring prior approval, the manufacturer shall be responsible for submitting materials to the Department which the Department and the consulting organization shall consider in determining whether reimbursement for the drug shall require prior approval.
  - 4) New dosage strengths and new dosage forms of products currently included in the list of drugs available without prior approval (see Section 140.440(e)) shall be available without prior approval upon the request of

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

the manufacturer, unless otherwise designated by the Director. In such a case, the Director shall submit the new dosage strength, or new form, to the prior approval procedures described in this Section.

- 5) Upon receipt of the final agenda established for each meeting of the above described panel, the Department shall promptly review materials and literature supplied by drug manufacturers. Additional literature may be researched by the Department to assist the panel in its review of the products on the agenda. The Department shall make comments and within ten working days after receipt of the agenda, transmit such comments either in person or in writing to the panel. This shall be done for each meeting of the above described panel.
- 6) The consulting organization shall transmit its recommendations to the Department in writing.
- 7) Upon receipt of this transmittal letter, the Department shall, within 15 business days, notify all interested parties, including pharmaceutical product manufacturers, of all recommendations of the consulting organization accepted or rejected by the Director. Notifications to pharmaceutical manufacturers of the Director's decision to require prior approval shall include reasons for the decision. Decisions requiring prior approval of new drug products not previously requiring prior approval shall become effective no sooner than ten days after the notification to providers and all interested parties, including manufacturers. The Department shall maintain a mailing list of all interested parties who wish to receive a copy of applicable notices.
- 8) Drug manufacturers shall be afforded an opportunity to request reconsideration of products recommended for prior approval. The Drug manufacturers may submit whatever information they deem appropriate to support their request for reconsideration of the drug product. All reconsideration requests must be submitted in writing to the Department and shall be considered at the next regularly scheduled meetings of the above described expert panel convened by the consulting organization.
- 9) The Department shall provide that the following types of drugs are available without prior approval:
  - A) Drugs for the treatment of Acquired Immunodeficiency Syndrome

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

(AIDS) which the Federal Food and Drug Administration has indicated is subject to a treatment investigational new drug application;

- B) Contraceptive drugs and products;
  - C) Oncolytic drugs; and
  - D) Non-innovator products, listed in the State of Illinois Drug Product Selection Program's current Illinois Formulary, when the innovator product is available without prior approval.
- b) Except as provided in subsection (c) below, prior approval shall be given for drugs requiring such authorization if:
- 1) The drug is a legend item (requires a prescription); and
  - 2) The drug is used in accordance with predetermined standards consistent with the compendia consisting of the American Hospital Formulary Service Drug Information, the United States Pharmacopeia-Drug Information and the American Medical Association Drug Evaluations, as well as the peer-reviewed medical literature; and
  - 3) The drug is necessary to prevent a higher level of care, such as institutionalization; or
  - 4) The prescriber has determined that the drug is medically necessary.
- c) For recipients covered by the General Assistance Medical Program, prior approval shall be given for drugs requiring such authorization if:
- 1) The drug is a legend item (requires a prescription), and
  - 2) The drug is used in accordance with predetermined standards consistent with the compendia consisting of the American Hospital Formulary Service Drug Information, the United States Pharmacopeia-Drug Information and the American Medical Association Drug Evaluations, as well as the peer-reviewed medical literature, and
  - 3) The physician has documented that the requested item is necessary to

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

prevent a life threatening situation and that items covered under the basic health protection plan are not effective to maintain the patient's life or to avoid the life threatening situation.

- d) Decisions on all requests for prior approval by telephone or other telecommunications device and, upon the Department's receipt of such request, shall be made by the same time of the Department's next working day. In an emergency situation, the Department shall provide for the dispensing of at least a 72-hour supply of a covered prescription drug.
- e) ~~The Department may require prior approval prior to reimbursement for a brand name prescription drug if the patient for whom the drug is prescribed has already received three brand name prescription drugs in the preceding 30-day period, and is 21 years of age or older.~~
- 1) ~~For purposes of subsection (e), brand name prescription drugs in the following therapeutic classes shall not count towards the limit of three brand name prescription drugs and shall not be subject to prior approval requirements because a patient has received three brand name prescription drugs in the preceding 30 days.~~
- A) ~~Antiretrovirals;~~
- B) ~~Antineoplastics;~~
- C) ~~Anti-Rejection Drugs;~~
- D) ~~Antipsychotics;~~
- E) ~~Anticonvulsants; and~~
- F) ~~Insulin.~~
- 2) ~~The Department shall exempt brand name prescription drugs from the prior approval requirements of subsection (e) if there are no generic therapies for the condition treated within the same therapeutic drug class or if the Department determines that the brand name prescription drug is cost effective.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENT

(Source: Emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: 112.78                      Emergency Action: Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13] and Public Act 94-0533.
- 5) Effective date of amendment: October 4, 2005
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date filed with the Index Department: October 4, 2005
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: On August 10, 2005, the Governor signed Public Act 94-0533. This Act takes effect upon becoming law.
- 10) A Complete Description of the Subject and Issues: In accordance with provisions of Public Act 94-0533, the use of the State minimum wage (\$6.50) is being implemented to determine the required number of hours of participation in TANF Work Experience and TANF Work First. This change in State law requires that the State or federal minimum wage, whichever is higher, be used to calculate the number of participation hours in work and training activities. A companion amendment is also being proposed in 89 Ill. Adm. Code 121.
- 11) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.9	Amendment	28 Ill. Reg. 14340; 11-5-04
112.40	Amendment	28 Ill. Reg. 15424; 12-3-04
112.65	Amendment	28 Ill. Reg. 14340; 11-5-04
112.69	Amendment	28 Ill. Reg. 14340; 11-5-04
112.127	Amendment	28 Ill. Reg. 14340; 11-5-04
112.150	Amendment	28 Ill. Reg. 14340; 11-5-04

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

112.151	Repeal	28 Ill. Reg. 14340; 11-5-04
112.152	Repeal	28 Ill. Reg. 14340; 11-5-04
112.153	Repeal	28 Ill. Reg. 14340; 11-5-04
112.305	Amendment	28 Ill. Reg. 14340; 11-5-04
112.307	Amendment	28 Ill. Reg. 14340; 11-5-04
112.308	Amendment	28 Ill. Reg. 14340; 11-5-04
112.320	Amendment	28 Ill. Reg. 15424; 12-3-04

- 12) Statement of Statewide Policy Objectives: This emergency rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this emergency amendment shall be directed to:

Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Bldg., 3<sup>rd</sup> Floor  
Springfield, Illinois 62762

(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112  
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

## SUBPART A: GENERAL PROVISIONS

## Section

- 112.1 Description of the Assistance Program and Time Limit
- 112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
- 112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
- 112.5 Incorporation by Reference
- 112.6 The Family Violence Option

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 112.8 Caretaker Relative
- 112.9 Client Cooperation
- 112.10 Citizenship
- 112.20 Residence
- 112.30 Age
- 112.40 Relationship
- 112.50 Living Arrangement
- 112.52 Social Security Numbers
- 112.54 Assignment of Medical Support Rights
- 112.60 Basis of Eligibility
- 112.61 Death of a Parent (Repealed)
- 112.62 Incapacity of a Parent (Repealed)
- 112.63 Continued Absence of a Parent (Repealed)
- 112.64 Unemployment of the Parent (Repealed)
- 112.65 Responsibility and Services Plan
- 112.66 Alcohol and Substance Abuse Treatment
- 112.67 Restriction in Payment to Households Headed by a Minor Parent
- 112.68 School Attendance Initiative
- 112.69 Felons and Violators of Parole or Probation

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

## SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

## Section

- 112.70 Employment and Work Activity Requirements
- 112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
- 112.72 Participation/Cooperation Requirements
- 112.73 Adolescent Parent Program (Repealed)
- 112.74 Responsibility and Services Plan
- 112.75 Teen Parent Personal Responsibility Plan (Repealed)
- 112.76 TANF Orientation
- 112.77 Reconciliation and Fair Hearings
- 112.78 TANF Employment and Work Activities

EMERGENCY

- 112.79 Sanctions
- 112.80 Good Cause for Failure to Comply with TANF Participation Requirements
- 112.81 Responsible Relative Eligibility for JOBS (Repealed)
- 112.82 Supportive Services
- 112.83 Teen Parent Services
- 112.84 Employment Retention and Advancement Project
- 112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

## SUBPART E: PROJECT ADVANCE

## Section

- 112.86 Project Advance (Repealed)
- 112.87 Project Advance Experimental and Control Groups (Repealed)
- 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
- 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
- 112.90 Project Advance Sanctions (Repealed)
- 112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
- 112.93 Individuals Exempt From Project Advance (Repealed)
- 112.95 Project Advance Supportive Services (Repealed)

## SUBPART F: EXCHANGE PROGRAM

## Section

- 112.98 Exchange Program (Repealed)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

## Section

112.100	Unearned Income
112.101	Unearned Income of Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers (Repealed)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

112.155 Income Limit

## SUBPART H: PAYMENT AMOUNTS

## Section

112.250 Grant Levels  
112.251 Payment Levels  
112.252 Payment Levels in Group I Counties  
112.253 Payment Levels in Group II Counties  
112.254 Payment Levels in Group III Counties  
112.255 Limitation on Amount of TANF Assistance to Recipients from Other States  
(Repealed)

## SUBPART I: OTHER PROVISIONS

## Section

112.300 Persons Who May Be Included in the Assistance Unit  
112.301 Presumptive Eligibility  
112.302 Reporting Requirements for Clients with Earnings  
112.303 Budgeting  
112.304 Budgeting Schedule  
112.305 Strikers  
112.306 Foster Care Program  
112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96  
112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After  
8/22/96  
112.309 Institutional Status  
112.310 Child Care for Representative Payees  
112.315 Young Parents Program (Renumbered)  
112.320 Redetermination of Eligibility  
112.330 Extension of Medical Assistance Due to Increased Income from Employment  
112.331 Four Month Extension of Medical Assistance Due to Child Support Collections  
112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard  
(Repealed)  
112.340 New Start Payments to Individuals Released from Department of Corrections  
Facilities (Repealed)

## SUBPART J: CHILD CARE

## Section

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

112.350	Child Care (Repealed)
112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)
112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)

## SUBPART K: TRANSITIONAL CHILD CARE

Section	
112.400	Transitional Child Care Eligibility (Repealed)
112.404	Duration of Eligibility for Transitional Child Care (Repealed)
112.406	Loss of Eligibility for Transitional Child Care (Repealed)
112.408	Qualified Child Care Providers (Repealed)
112.410	Notification of Available Services (Repealed)
112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
112.416	Fees for Service for Transitional Child Care (Repealed)
112.418	Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; preemptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; preemptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; preemptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 19889,

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004;

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days.

## SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

**Section 112.78 TANF Employment and Work Activities****EMERGENCY**

- a) Education (Below Post-Secondary)  
Participants who are not working are limited to Adult Basic Education/GED/ESL and short-term Vocational Training programs lasting less than two years and may be required, in coordination with the education schedule, to participate in Job Readiness activities, job skills training, Job Search, and/or Work Experience at the same time they are attending the education/training program to the extent resources will allow. Co-enrollment in Adult Basic Education/GED/ESL and Vocational Training is encouraged. In this activity, the individual receives information, referral, counseling services and supportive services to increase the individual's employment potential. Participants may be referred to testing, counseling and education resources. Educational activities will include basic and remedial education; English proficiency classes; high school or its equivalency (for example, GED) or alternative education at the secondary level; and with any educational program, structured study time to enhance successful participation.
  - 1) Assignment to Education (Below Post-Secondary)
    - A) Individuals to be assigned to Education may include but are not limited to individuals:
      - i) who do not have a high school degree or equivalent;
      - ii) who have limited English proficiency; and
      - iii) who do not read at or above a 9.0 grade level.
    - B) Educational activities may be combined with other activities if it is determined appropriate.
  - 2) Approval criteria for education (Below Post-Secondary)
    - A) The program selected by the individual must be accredited under

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

State law.

- B) The individual's program must be needed for the participant to complete his or her Responsibility and Services Plan.
  - C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.
  - D) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- 3) Participation Requirements
- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
  - B) Clients attending a program administered by the Illinois State Board of Education (ISBE) must maintain satisfactory progress as determined by the following:
    - i) active participation and pursuit of educational objectives;
    - ii) teacher's written remarks;
    - iii) grades;
    - iv) demonstrated competencies;
    - v) classroom exercises; and
    - vi) periodic test/retest results.
  - C) ISBE educational providers determine satisfactory progress based on a combination of the indicators listed above and test/retest results. The determination of satisfactory progress including

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

- D) Clients attending a program not administered by ISBE must maintain satisfactory progress as determined by the written policy of the institution. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.
  - E) Curriculum changes must be made with the prior approval of TANF staff and will be approved when the change is consistent with the Responsibility and Services Plan.
  - F) Except for individuals attending high school, participation in Education (Below Post-Secondary) is limited to 24 months except that the individual may continue in the education program if he or she also works for at least 20 hours each week and the combined hours of work plus credit hours or class hours, as appropriate, equal at least 25 hours each week. Months in which the individual establishes good cause (see Section 112.80) for not participating in the program will not count toward the 24-month limit.
- b) Vocational Training  
Vocational Training is designed to increase the individual's ability to obtain and maintain employment. Vocational Training activities will include vocational skill classes designed to increase a participant's ability to obtain and maintain employment. Vocational Training may include certificate programs. Participants who are not working are limited to short-term Vocational Training programs lasting less than two years and may be required, in coordination with the education/training schedule, to participate in Job Readiness activities, job skills training, Job Search, and/or Work Experience at the same time they are attending the education/training program to the extent resources will allow.
- 1) Approval Criteria For Vocational Training
    - A) The individual's program must be accredited under requirements of State law.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- B) The individual must be underemployed or unemployed and in need of additional training and the training will better prepare the participant to enter the labor force.
- C) Co-enrollment in Adult Basic Education/GED/ESL and Vocational Training is encouraged if the individual does not have a high school diploma or GED.
- D) The individual must apply for all available educational benefits such as the Pell Grant and scholarships from the Illinois Student Assistance Commission as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- E) The individual must be enrolled full-time as defined by the institution or part-time if full-time is not available or appropriate.
- F) Clients who are working at least 20 hours per week and whose combined work plus credit hours or class hours, as appropriate, equal at least 25 hours each week may be approved for vocational training after the two-year limitation.
- G) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.
- H) Jobs must be available in the chosen field in a specific geographical area where the individual intends to work consistent with the individual's Responsibility and Services Plan upon completion.
- I) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- J) Vocational Training may be combined with other activities if it is determined appropriate.
- K) The individual must possess the aptitude, ability and interest

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

necessary for success in the selected program as determined by such factors as test results and educational/training background.

- 2) Participation Requirements
  - A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
  - B) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.
  - C) The individual must participate the assigned number of hours each week.
  - D) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.
  - E) Curriculum changes must be made with the prior approval of TANF and will be approved when the change is consistent with the Responsibility and Services Plan.
- c) Job Readiness
  - 1) The Job Readiness activities are designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. These activities help individuals gain the necessary job finding skills to help them find and

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

retain employment that will lead to economic independence.

- 2) Assignment to Job Readiness  
Job Readiness activities may be combined with other activities if it is determined appropriate.
- 3) Participation requirements
  - A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
  - B) The individual must attend all scheduled classes or sessions. The individual must be making satisfactory progress as defined by the written policy of the job readiness provider and approved by the Department. If there is a job search activity in the program, the individual must make up to ten acceptable employer contacts in a 30 day period unless the participant shows good faith effort (see subsection (d)(3)(B) of this Section for the definition of "good faith effort").
  - C) The individual must participate the number of assigned hours each week.
  - D) The individual must respond to a job referral, accept employment and respond to mail-in contact.
- d) Job Search
  - 1) Description of Job Search  
Job Search may be conducted individually or in groups. Job Search may include the provision of counseling, job seeking skills, training and information dissemination. Group Job Search may include training in a group session.
  - 2) Assignment to Job Search
    - A) If assessed as job ready, participants will be assigned to Job Search. If job ready clients are unable to find employment on their own, they will be reassessed and may be placed in a more

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

appropriate activity within six months.

- B) Individuals completing education or vocational training or Job Readiness training may be assigned to Job Search.
  - C) Job Search may be combined with other activities if it is determined appropriate.
- 3) Participation Requirements
- A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.
  - B) Individuals must contact employers in an effort to secure employment. Participants must make up to 20 acceptable employer contacts in a 30-day period.
  - C) Acceptable employer contacts may include but are not limited to:
    - i) a face-to-face contact with an employer or the employer's representative;
    - ii) the completion and return of an application to an employer;
    - iii) the completion of a civil service test required for employment with State, local, or the federal government or the completion of a Department of Employment Security (DES) screening test;
    - iv) the completion and mailing of a resume with a cover letter to a recognized employer;
    - v) reporting to the union hall for union members verified to be in good standing; or
    - vi) registration with DES/Illinois Employment and Training Center (IETC).
- e) Community Work Experience  
TANF participants who have not found employment and who need orientation to

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

work, work experience or training are placed on a supervised work assignment to improve their employment skills through actual Work Experience at private or not-for-profit employers, organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Participants in Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) such as enrollment as a full-time VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) for a Federal office or agency with its consent, and, notwithstanding (31 USC 1342) or any other provision of law, such agency may accept such services but such participants shall not be considered to be federal employees for any purpose.

- 1) Assignment to Community Work Experience
  - A) Community Work Experience is for:
    - i) participants who will benefit from working for an employer who provides a subsidized employment assignment to improve the individual's opportunity to attain self-sufficiency; or
    - ii) participants who need experience to prevent deterioration of, or to enhance, existing skills (for example, typing).
  - B) Entry into Community Work Experience  
Participants are determined to be appropriate for Community Work Experience activity based on an assessment of their education, training and employment history. Procedures used in the assessment are a face-to-face meeting with the participant and a review of all available information on the participant (including, but not limited to, the individual's case record and Responsibility and Services Plan).
  - C) Community Work Experience Positions  
Participants shall be assigned to a Community Work Experience position to increase the potential for attaining employment. The date participants are scheduled to begin the work assignment marks the beginning of participation in Community Work Experience. Community Work Experience activities may be combined with other activities if it is determined appropriate.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- D) Enrollment as a full-time VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) is an allowable work activity. Paid work study and some paid Workforce Investment Act (WIA) programs are also allowable.
- 2) Participation Requirements
- A) The hours of the work assignment for a calendar month shall not exceed the family's monthly TANF grant and food stamp allotment divided by the higher of the State or federal minimum wage.
- B) During work assignment, participants shall be required to perform Job Search activities unless a participant is in an education and training program. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.
- C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor.
- D) Participants must participate the number of assigned hours each week.
- 3) Review  
Every six months, the participant's Responsibility and Services Plan will be reviewed. If continuing the work assignment will benefit participants in terms of furthering work skills (see subsections (e)(1)(A) and (B)), participants shall be reassigned to the same or another work assignment. In addition, participants will be assessed for assignment to another TANF activity.
- 4) Length of Assignment  
Participants must participate in Work Experience for as long as the Responsibility and Services Plan reflects the need for this activity.
- 5) Anti-Displacement  
Community Work Experience is subject to the provisions of Section

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

112.78(p).

- f) **On the Job Training (OJT)**

In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.

  - 1) **Assignment to OJT**
    - A) Job ready individuals may be assigned to OJT.
    - B) OJT participants shall be compensated at the same rate and with the same benefits as other employees.
    - C) Wages to participants in OJT shall not be less than the higher of the State or federal minimum wage.
    - D) Wages to participants in OJT are considered earned income.
    - E) OJT may be combined with other component activities if it is determined appropriate.
  - 2) **Participation Requirements**

The individual must participate the assigned number of hours each week.
  - 3) **Supportive Services**

Participants in OJT receive child care and Medicaid benefits.
- g) **Work Supplementation Program**
  - 1) The Work Supplementation Program develops employment opportunities for TANF recipients by paying wage subsidies to employers who hire program participants. The program is funded by diverting the cash grant an individual would receive if not employed and using the diverted grant to pay a wage subsidy to the employer who hires the recipient. The goal of the Work Supplementation Program is to obtain jobs for TANF recipients, who might not be hired without a subsidy, with sufficient pay to take them off TANF.
  - 2) **Eligible Participants**

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- A) TANF participants who meet the selection criteria listed in subsection (g)(2)(B) of this Section are eligible to participate in the Work Supplementation Program. Participation in the program is voluntary. A TANF recipient who wants to participate in the Work Supplementation Program must agree to all provisions in this Section during the time of participation in the program.
  - B) In order to place special emphasis on people who would not be likely to obtain a job without work supplementation, TANF recipients must meet the following criteria for selection to participate in the Work Supplementation Program:
    - i) the recipient must be the parent of at least one of the children in the TANF unit;
    - ii) the recipient must have completed the Job Search work activity; and
    - iii) the recipient must have no income other than TANF benefits.
  - C) Recipients identified for employment must be determined eligible for participation by their worker. The worker will recommend for participation in the Work Supplementation Program those participants who are likely to encounter difficulty in obtaining employment (for example, lack of skills for which jobs are available in the area, lack of work history).
  - D) Nothing in this Section should be construed as providing any recipient the right to participate in the program.
- 3) Benefits and Reporting Requirements While Participating in the Work Supplementation Program
- A) Participants in the Work Supplementation Program are considered to be TANF recipients and remain eligible for Medical Assistance for the duration of their Work Supplementation Program participation. Child care, for cases that are eligible for a cash grant, will be regarded as employment child care.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- B) The participant must agree to accept wages from employment, which will be at least an amount which would be earned by working full time (30 hours minimum) at the prevailing minimum wage, less applicable payroll taxes.
  - C) Participants are required to file quarterly reports as a requirement for continuing eligibility. Changes in income from sources other than the Work Supplementation Program job and/or circumstances must still be reported within five days after occurrence pursuant to 89 Ill. Adm. Code 102.50.
  - D) Wages paid under a Work Supplementation Program shall be considered to be earned income for purposes of any provision of law (42 USC 1614(e)(3)).
- 4) Duration of Program Participation
- A) Participants may not exceed a total of six months in the Work Supplementation Program subsidized placements regardless of the number of times an individual becomes a TANF recipient. The period of a single assignment is dependent upon the terms of the Work Supplementation Program contract that has been developed with the employer. Recipients will be informed of the length of the Work Supplementation Program subsidy period prior to placement.
  - B) Participants who leave a supported work position without good cause (as defined in Section 112.80) are removed from the Work Supplementation Program and are subject to sanction.
- 5) Contracts with Employers
- A) Employers that participate in the Work Supplementation Program must enter into a written contract with the Department prior to receiving referrals.
  - B) Employers must be in good standing (that is, in compliance with all applicable federal, State, county and local laws, regulations and ordinances) with the Illinois Department of Revenue, the Secretary

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

of State and any and all regulatory agencies that have jurisdiction over their activities.

- C) Employers agree to screen clients to hire on their own payroll after six months. Failure to do so will result in the employer being terminated from the program.
- 6) Calculation of the Diverted Grants
- A) The level of grant to be diverted is determined on a prospective basis when a work assignment under the Work Supplementation Program is made. The effective date of the diverted grant is the first day of the first full month of Work Supplementation Program wages.
  - B) Work Supplementation Program participants are eligible only for the earned income budgeting disregards provided in Sections 112.141 and 112.143. The difference between the flat grant amount and revised amount is diverted to the wage pool.
  - C) The difference between the payment level and the grant the participant receives is diverted and used in whole or in part to pay a wage subsidy to the employer.
- 7) Program Completion
- If the participant is no longer eligible for TANF benefits after the Work Supplementation Program period, a determination of continued medical eligibility shall be made in accordance with Section 112.330.
- 8) Anti-Displacement
- The Work Supplementation Program is subject to the provisions of Section 112.78(p).
- h) Post-Secondary Education
- Post-secondary education must be administered by an educational institution accredited under requirements of State law including, but not limited to, the Barber, Cosmetology and Esthetics Act of 1985 [225 ILCS 410], the Real Estate License Act of 1983 [225 ILCS 455], the Public Community College Act [110 ILCS 805], the University of Illinois Act [110 ILCS 305], the Chicago State Universities Law [110 ILCS 660], the Eastern Illinois University Law [110 ILCS

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

665], the Governors State University Law [110 ILCS 670], the Illinois State University Law [110 ILCS 675], the Northeastern Illinois University Law [110 ILCS 680], the Northern Illinois University Law [110 ILCS 685], the Western Illinois University Law [110 ILCS 690] and the Southern Illinois University Name Change Act [110 ILCS 505].

- 1) Approval Criteria For Post-Secondary Education
  - A) The individual must have a high school diploma or a GED.
  - B) Approval of post-secondary education is part of the process of developing the Responsibility and Services Plan (RSP) with the client. Factors to consider when determining whether post-secondary education is appropriate include, but are not limited to, the client's educational and work history, the client's aptitude for further education, the client's career goal, the client's ability to finance tuition and other expenses not provided by the Department, and the client's ability to arrange transportation, child care and other family obligations.
  - C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate to upgrade skills for current employment.
  - D) The individual must be in a program needed for the individual to obtain employment in a recognized occupation or upgrade skills for current employment.
  - E) The individual does not already possess a baccalaureate degree or an associate degree if the Responsibility and Services Plan goal is an associate degree.
  - F) If the participant possesses a baccalaureate degree, no additional education may be approved.
  - G) The individual's program must be accredited under requirements of State law.
  - H) If needed, the individual must apply for all available educational benefits, such as the Pell Grant and scholarships from the Illinois

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

Student Assistance Commission, as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.

- I) Jobs, consistent with the individual's Responsibility and Services Plan, must be available in the chosen field in a specific geographical area where the individual intends to work upon program completion.
- J) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- K) The program selected may be no more than a program that will result in the receipt of a baccalaureate degree consistent with the Responsibility and Services Plan.
- L) For category 04 cases, the individual, unless exempted under (h)(1)(N) of this Section, must also be employed in unsubsidized work for at least 20 hours each week or be participating for at least 20 hours per week in one or more of the following paid or unpaid work activities:
  - i) work study;
  - ii) practicums, clinicals, or vocational internships such as student teaching, if required by the institution to complete the educational program;
  - iii) apprenticeships;
  - iv) self-employment; or
  - v) enrollment as a full-time Americorps VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (41 USC 4951 et seq.).

In addition, the combined work or work activities plus credit hours

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

or class hours, as appropriate, must equal at least 25 hours per week.

- M) For category 06 (two parent) cases, the parents in the case must be working or involved in approved work activities for a total of 35 hours per week, individually or combined.
- N) Clients in a category 04 case with an approved RSP for full-time post-secondary education and a cumulative 2.5 or better grade point average (on a 4.0 scale) may not be subject to the minimum work requirement, described in (h)(1)(L) of this Section, as follows:
  - i) For the first semester, while the client is establishing a grade point average, the client will not be subject to the minimum work requirement. If a 2.5 grade point average is not achieved in the first semester, the client will be subject to the minimum work requirement in the second semester.
  - ii) As long as the client's cumulative GPA remains at least 2.5, the client will not be subject to the minimum work requirement.
  - iii) If the client's cumulative GPA falls below 2.5 at any time, the client may continue to go to school full-time for another semester without being subject to the minimum work requirement.
  - iv) If the cumulative GPA is below 2.5 two semesters in a row, the client will be subject to the minimum work requirement.
- O) Individuals who lose employment, unless due to a temporary scheduled employer shutdown, can continue in post-secondary education and receive supportive services, if eligible, during the current semester while they seek employment. If the individual has not reentered employment by the end of the current semester, the individual will not continue in post-secondary education and receive supportive services, but will be reassigned to another appropriate activity.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 2) Participation Requirements
  - A) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual would be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, satisfactory progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.
  - B) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.
  - C) Curriculum changes must be made with the approval of the TANF worker and will be approved when the change is consistent with the Responsibility and Services Plan.
- i) Job Development and Placement (JDP)
  - 1) TANF staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the marketing of participants for specific job openings.
  - 2) Assignment to JDP  
Job ready individuals may be assigned to JDP.
- j) Job Retention  
Job Retention is designed to assist participants in retaining employment. Job Retention expenses are provided. The individual's supportive service needs are assessed and the individual receives counseling regarding Job Retention skills. Counseling or job coaching may continue after employment begins as long as the

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

individual continues to receive TANF.

- k) **Self-Employment**

Self-employment activities will increase the individual's ability to start and maintain a business. Self-employment activities will include self-employment development training programs and technical assistance programs. In order to be approved in the self-employment component, the self-employment development plan must be approved.

  - 1) **Assignment to Self-Employment**

Applicants must have a GED or high school diploma, some work experience and/or proven ability or have a plan that indicates success can be obtained without these requirements.
  - 2) **Participation Requirements**

Participants must participate in the assigned number of hours.
- l) **Unstructured Community Service**

Unstructured Community Service provides TANF participants with activities that emphasize and build on the individual's job seeking confidence by positively reinforcing the achievement of each small step gained in his or her successful advances toward employment. Activities may include volunteer work as well as job search contacts. Activities are closely monitored for compliance and for tracking the length of time that participants are assigned to Unstructured Community Service. At the reassessment the participant is assigned to the more structured work experience activity or Work First when the participant becomes more job ready. Participants are required to document their Job Search and Community Service activities. Activities must be at the State TANF Work Requirement level or as assigned by their Responsibility and Services Plan.
- m) **Work First/Pay After Performance**
  - 1) **Participants who quit employment without good cause or lose employment for reasons entirely out of their control (for example, plant closings or layoffs) will be required to participate in Work First/Pay After Performance for six months or until they obtain employment to the extent slots exist. To the extent that resources allow, job ready clients will also be targeted for Work First/Pay After Performance slots.**
  - 2) **Individuals in a TANF case, assigned to Work First, must participate in**

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

Work First an average of at least 20 hours each week to earn their TANF grant and food stamps plus 5 employer contacts per week. If the participant does not work 80 hours per month, the reduction per hour not worked will be the amount of the grant divided by 80 hours.

- 3) Nonexempt individuals in a two-parent TANF case must participate an average of at least 30 hours each week in Work First and 5 employer contacts per week. If the individuals do not work 120 hours per month, the reduction per hour not worked will be the amount of the grant divided by 120 hours.
- 4) If the value of the participant's TANF grant plus food stamps divided by 80 or 120, respectively, does not equal the [State or federal minimum wage, whichever is higher](#) ~~federal minimum wage~~, then the hours will be reduced accordingly.
- 5) Participants will be assigned to Work First/Pay After Performance until they find unsubsidized employment. An assessment will be conducted every six months to determine appropriateness of assignment, if work skills are being gained and if the opportunity for placement exists.
- 6) The Department will develop Work First/Pay After Performance positions with private employers or not-for-profit or public agencies. The Department shall provide Worker's Compensation coverage for participants. The Department will ensure all applicable employer safety laws are met for Work First/Pay After Performance assignments. Failure of an employer to do so will result in termination of the contract.
- 7) Work First/Pay After Performance is subject to the provisions of subsection (p) of this Section.
- 8) Individuals who fail to participate, without good cause, are determined to have not availed themselves of the Work First opportunity. If good cause is not determined, the entire case is ineligible for TANF assistance. Upon reapplication for TANF, the individual may be reassigned to a Work First position.
- 9) Failure to participate is determined to have occurred:
  - A) if the participant does not report to the provider or employer.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

Participants are deemed to have failed to report if they have not contacted the provider or employer in person, by telephone or mail, or by a third party; or

- B) if the participant has engaged in misconduct connected with the Work First assignment. The term "misconduct" means deliberate and willful violation of a reasonable rule or policy of the employer governing the individual's behavior in performance of work, provided such violation has harmed the employer or other employees or has been repeated by the individual despite a warning or the explicit instruction from the employer.
- n) Substance Abuse
- 1) Selection of Participants  
If alcohol or substance abuse is suspected as a barrier to employment during the family assessment process or at an intake interview, the client will be referred for a clinical assessment by an alcohol/substance abuse counselor. If treatment is indicated, the client will be required to follow-up as a condition of eligibility, unless the client is employed more than 30 hours per week or if treatment resources are not available.
  - 2) Work Activity  
Clients participating in alcohol/substance abuse treatment in accordance with their Responsibility and Services Plan are participating in a work activity.
  - 3) Supportive Services  
Supportive services, i.e., child care and transportation, will be provided to enable clients' participation in treatment, to the extent resources are available.
  - 4) Sanctions
    - A) Reconciliation will be attempted with clients who fail to cooperate with their treatment plan. Cooperation with the treatment plan will be defined by the alcohol/substance abuse provider, based on uniform guidelines.
    - B) When reconciliation is unsuccessful, the TANF sanctions will

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

apply.

- o) Domestic Violence
  - 1) Selection of Participants  
All clients receiving TANF will have a family assessment completed. If domestic violence is a barrier to employment, the client will be referred to a domestic violence service provider.
  - 2) Work Activity  
Clients participating in domestic violence abuse treatment are in accordance with their Responsibility and Services Plan and are participating in a work activity.
  - 3) Supportive Services  
Supportive Services, i.e., child care and transportation, will be provided to enable clients' participation in treatment, to the extent resources are available.
  - 4) Sanctions  
If the individual does not comply with the Responsibility and Services Plan relating to domestic violence, a sanction will not be imposed. The Responsibility and Services Plan will be reviewed, and other work related activities will be developed. Compliance will be required for the new activities.
- p) Anti-Displacement and Grievance Procedure
  - 1) An employer may not utilize a work activity participant if such utilization would result in:
    - A) the displacement or partial displacement of current employees, including but not limited to a reduction in hours of non-overtime or overtime work, wages, or employment benefits; or
    - B) the filling of a position that would otherwise be a promotional opportunity for current employees; or
    - C) the filling of a position created by or causing termination, layoff, a hiring freeze, or a reduction in the workforce; or

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- D) the placement of a participant in any established unfilled vacancy;  
or
  - E) the performance of work by a participant if there is a strike, lockout, or other labor dispute in which the employer is engaged.
- 2) An employer who wishes to utilize work activity participants shall notify the appropriate labor organization in accordance with the applicable State statute [305 ILCS 5/9A-13].
- 3) Participants, other employees at the work site or their representative, may file a grievance with the Department if they believe the participant's work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:
- A) the name and address of the participant or other employee at the work site (the grievant);
  - B) the participant's case number (if grievant is participant);
  - C) the grievant's Social Security number;
  - D) Work Experience (work site); and
  - E) a statement as to why the grievant believes the participant is causing displacement.
- 4) Within ten days after receipt of a written grievance, the Department shall arrange an in-person conference with:
- A) the grievant;
  - B) the grievant's representative, if any;
  - C) the Work Experience Sponsor;
  - D) the Work Experience Sponsor's representative, if any; and

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- E) the Department's representative.
- 5) At the in-person conference, the Department shall solicit and receive from the grievant and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information is requested by the grievant and/or the Department.
- 6) Within 15 days after the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.
- 7) If the Department concludes that displacement occurred (as described in subsection (p)(1) of this Section), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of TANF participants in addition to the participants involved in the grievance, the Department shall terminate those TANF participants' assignment to that work assignment Sponsor.
- 8) The Department, its employees or the Work Experience Sponsor shall not retaliate for filing a grievance or otherwise proceeding under this policy. Retaliation will result in the termination of the Work Sponsor contract.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: 121.182                      Emergency Action:  
Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13] and Public Act 94-0533.
- 5) Effective date of amendment: October 4, 2005
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date filed with the Index Department: October 4, 2005
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: On August 10, 2005, the Governor signed Public Act 94-0533. This Act takes effect upon becoming law.
- 10) A Complete Description of the Subject and Issues Involved: In accordance with provisions of Public Act 94-0533, the use of the State minimum wage (\$6.50) is being implemented to determine the required number of hours of participation in Food Stamp Employment and Training Earnfare and Food Stamp Employment and Training Work Experience. This change in State law requires that the State or federal minimum wage, whichever is higher, be used to calculate the number of participation hours in work and training activities. A companion amendment is also being proposed to 89 Ill. Adm. Code 112.
- 11) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
121.57	Amendment	28 Ill. Reg. 14387; 11-5-04
121.58	Amendment	28 Ill. Reg. 14387; 11-5-04
121.63	Amendment	28 Ill. Reg. 15295; 11-29-04

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this amendment shall be directed to:

Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Bldg., 3<sup>rd</sup> Floor  
Springfield, Illinois 62762

(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.30 Unearned Income
- 121.31 Exempt Unearned Income

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

## SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA – Categorical Eligibility

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
- 121.91 Monthly Reporting (Repealed)
- 121.92 Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or Food Stamp Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Food Coupons
- 121.97 Supplemental Payments
- 121.98 Client Training for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.108 Transitional Food Stamp (TFS) Benefits
- 121.120 Redetermination of Eligibility
- 121.125 Redetermination of Earned Income Households
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting (Repealed)

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

## Section

- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

## Section

- 121.160 Persons Required to Participate
- 121.162 Program Requirements

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 121.163 Vocational Training  
 121.164 Orientation (Repealed)  
 121.165 Community Work  
 121.166 Assessment and Employability Plan (Repealed)  
 121.167 Counseling/Prevention Services  
 121.170 Job Search Activity  
 121.172 Basic Education Activity  
 121.174 Job Readiness Activity  
 121.176 Work Experience Activity  
 121.177 Illinois Works Component (Repealed)  
 121.178 Job Training Component (Repealed)  
 121.179 JTPA Employability Services Component (Repealed)  
 121.180 Grant Diversion Component (Repealed)  
 121.182 Earnfare Activity
- EMERGENCY
- 121.184 Sanctions for Non-cooperation with Food Stamp Employment and Training  
 121.186 Good Cause for Failure to Cooperate  
 121.188 Supportive Services  
 121.190 Conciliation  
 121.200 Types of Claims (Recodified)  
 121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)  
 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)  
 121.203 Collecting Claim Against Households (Recodified)  
 121.204 Failure to Respond to Initial Demand Letter (Recodified)  
 121.205 Methods of Repayment of Food Stamp Claims (Recodified)  
 121.206 Determination of Monthly Allotment Reductions (Recodified)  
 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)  
 121.208 Suspension and Termination of Claims (Recodified)

## SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

- Section
- 121.220 Work Requirement Components (Repealed)  
 121.221 Meeting the Work Requirement with the Earnfare Component (Repealed)  
 121.222 Volunteer Community Work Component (Repealed)  
 121.223 Work Experience Component (Repealed)  
 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)  
 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)  
 121.226 Meeting the Work Requirement with the JTPA Employability Services

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

## Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; peremptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; peremptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; peremptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; peremptory amendment at 29 Ill. Reg. \_\_\_\_\_, effective October 4, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days.

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

**Section 121.182 Earnfare Activity****EMERGENCY**

- a) Assignment to the Earnfare activity is limited to adults who receive food stamps and who volunteer or are court-ordered to participate.
- b) Eligibility Criteria
  - 1) Eligibility for the Earnfare activity shall be limited to six months out of the fixed 12-month period July through June. Court-ordered participants shall participate for six months unless the court orders participation for less than six months out of the 12-month period.
  - 2) Individuals are not entitled to be placed in an Earnfare slot. Earnfare slots shall be made available only as resources permit.
  - 3) To the extent resources permit, the Earnfare program will allow individuals to work for monthly payments and to improve their employability in order to succeed in obtaining employment.
- c) Administration and Contracts
  - 1) The Illinois Department shall administer the Earnfare program in Chicago.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 2) The Illinois Department may enter into cooperative agreements with local governmental units in selected geographic areas which want to participate in the operation of the Earnfare program outside the City of Chicago. The Department shall establish the policies and procedures for the program and monitor Earnfare programs in local governmental units. Local governmental units will be eligible to participate in the operation of an Earnfare program in the following priority order as resources permit:
    - A) Local governmental units that receive State funds.
    - B) Local governmental units that neither receive State funds nor are under a current contract with the Department will be eligible to contract with the Department to administer Earnfare. The Department will reimburse client payments, transportation and up to 50% of allowable administrative staff costs. The Department will select non-receiving units to participate in the program from the applications received based on, but not limited to, the unemployment rate, percentage of the population receiving food stamps, outreach and recruitment plans, linkage with employers and connection to a court of competent jurisdiction to enable operation of the Non-custodial Parent/Earnfare Initiative.
  - 3) The Illinois Department may enter into contracts with other public agencies including State agencies, local governmental units, and not-for-profit community based organizations to help develop Earnfare opportunities and otherwise administer the program.
  - 4) The Illinois Department may enter into contracts with community based organizations as comprehensive providers to administer and operate Earnfare in the City of Chicago.
  - 5) The Illinois Department shall provide Worker's Compensation coverage for each individual assigned to Earnfare.
- d) Notification and Referrals
- 1) In areas where an Earnfare program is operating, when the Illinois Department or the local governmental unit learns that individuals are in the following categories, it shall inform them in writing and, whenever

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

possible, orally of the existence of Earnfare and the method for requesting an Earnfare referral.

- A) Households approved or certified for non-assistance food stamps which do not have net food stamp income in excess of \$154.00 per month;
  - B) All persons denied or terminated from State Transitional Assistance because they are employable; and
  - C) All Earnfare participants shall be given a written notice at the time they leave the Earnfare program specifying when they will re-qualify.
- 2) The Illinois Department, comprehensive providers and participating downstate units shall make referrals to the Earnfare program as follows:
- A) Any individual may request a referral.
  - B) Exempt and nonexempt food stamp individuals and individuals not receiving food stamps who are non-custodial parents of TANF children may be ordered by a court of competent jurisdiction to participate in the Earnfare Component.
  - C) Within 30 days after a request for an Earnfare referral:
    - i) individuals who do not qualify for the Earnfare program shall be given or sent a notice informing them that they do not qualify and will not receive a referral;
    - ii) individuals who request a referral and who qualify for the Earnfare program shall be provided with a written document that acknowledges the request and informs the individual that he/she is qualified.
- 3) When possible, within 30 days after notice of eligibility, individuals shall be assessed and referred to appropriate Earnfare slots, if slots are available.
- e) For the purposes of Earnfare, a "suitable" Earnfare slot must meet the following

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

requirements:

- 1) there are no questions as to the individual's ability to engage in such employment for medical reasons or because the individual has no way to get to or from the particular job;
  - 2) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;
  - 3) the individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;
  - 4) there is no unreasonable degree of risk to the individual's health and safety; and
  - 5) the individual is physically and mentally competent to perform the work.
- f) Individuals participating in Earnfare shall not displace or substitute for regular, full-time or part-time employees, regardless of whether the employee is currently working, on a leave of absence, or in a position or similar position where a layoff has taken place or the employer has terminated the employment of any regular employee or otherwise reduced its work force with the effect of filling the vacancy so created with an individual subsidized under this program, or is or has been involved in a labor dispute between a labor organization and the sponsor.
- g) Earnfare Activity Requirements
- 1) To the extent appropriate slots are available, individuals will be referred to suitable Earnfare activities based on an assessment of the individual's age, literacy, education, educational achievement, job training, work experience, and recent institutionalization, whenever these factors are known and are relevant to the individual's success in carrying out the assigned activities and in ultimately obtaining employment. The Department or the participating local governmental unit shall discuss with the individual available Earnfare assignments, together with any restrictions and qualifications the Earnfare employers have specified for the assignments. The individual's personal preferences for available Earnfare assignments and the individual's employment goals shall be ascertained and considered in making the Earnfare referral.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 2) The Department, comprehensive providers and local governmental units shall maintain up-to-date public listings by area of Earnfare employers and current information regarding openings in those projects. These listings and the information shall be available to the public, in writing or by phone, during regular business hours.

## h) Payments

- 1) Individuals participating in Earnfare shall engage in hours of work equal to the amount of the food stamp benefits divided by the State or federal minimum wage, whichever is higher, federal minimum wage up to a maximum of 26 hours and subsequently shall earn assistance at minimum wage for each additional hour of performance in Earnfare activity, up to a maximum of \$294 per month. ~~Effective September 1, 1997, the date the federal minimum wage is increased to \$5.15 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$294 per month.~~ An individual is considered to have participated in Earnfare in any month he or she earns a payment.
- A) If a court of competent jurisdiction orders an individual to participate in the Earnfare program, hours engaged in employment-assigned activities multiplied by the State or federal minimum wage, whichever is higher, federal minimum wage shall first be applied as a \$50 payment made to the custodial parent as a support obligation. If the individual receives food stamps, the individual shall engage in hours of employment-assigned activities equal to the amount of the food stamp benefits divided by the State or federal minimum wage, whichever is higher, federal minimum wage up to a maximum of 26 hours and subsequently shall earn assistance at minimum wage for each additional hour of performance in Earnfare activity, ~~up to. The individual can earn a maximum of \$231 each month including the amount of the support obligation. Effective September 1, 1997, the date the federal minimum wage is increased to \$5.15 per hour, individuals participating in Earnfare shall be able to earn~~ a maximum of \$294 per month, including the amount of the support obligation.
- B) Individuals will be assigned hours of Earnfare based upon their initial food stamp authorization amount. An individual living in a multi-person food stamp household shall be deemed to be

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

receiving a per capita share of the household's food stamp allotment, for purposes of calculating the Earnfare hours.

- C) During an individual's Earnfare participation, the Department or the local governmental unit shall alter the Earnfare hours each time the individual's monthly food stamp benefit changes by at least \$20.00, effective the same month as the change in the food stamp benefit. Individuals and contractors will be notified by the Department or the local governmental unit of the number of hours of work to be performed by an individual in Earnfare.
- 2) Individuals remain financially eligible for Earnfare and Earnfare job search activity so long as they receive food stamps. Receipt of food stamps is not an eligibility requirement of Earnfare when a court of competent jurisdiction orders an individual to participate who is a non-custodial parent of TANF-children.
  - 3) The Department may pay participants directly or may contract for the Earnfare employer to pay the individual. Payments shall be made no less frequently than monthly. Individuals shall be paid only for the hours they have actually worked in excess of the food stamp hours of work obligation and, if ordered by a court of competent jurisdiction, in excess of food stamp hours and the support obligation.
  - 4) Individuals shall be credited with hours of work that the Earnfare employer certifies them to have completed, according to criteria set forth in the contract with the Illinois Department, comprehensive providers or the local governmental unit. The Department, comprehensive providers or the local governmental unit staff shall attempt to resolve disputes between the Earnfare employer and the individual when there is disagreement over the number of hours worked. If the dispute cannot be resolved, the individual may utilize the Illinois Department's appeal process.
  - 5) The Illinois Department or the provider shall, in advance, provide individuals participating in Earnfare who need transportation with the cost of transportation in getting to and from the Earnfare site and to Earnfare participants who are not in the job search component for specific job interviews arranged by their Earnfare employer. Individuals obtaining unsubsidized employment while participating in Earnfare may be eligible for initial employment expenses as stated in Section 121.188.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 6) Participants in the Earnfare job search activity are eligible for employer contact related expenses not to exceed \$20 every 30 days for a maximum of two months in a 12 consecutive month period.
  - 7) The Illinois Department will provide necessary clothing to enable participants to report to their Earnfare job site.
- i) Participation Requirements
- 1) Earnfare participants may be assigned up to a maximum of 80 hours per month.
  - 2) Individuals are required to report as scheduled and on time to their Earnfare employer when notified of a referral. When they cannot report to their Earnfare assignment or if they will be late, they are to immediately notify their Earnfare employer.
  - 3) If the individual demonstrates an inability to sustain the work that has been assigned and the Earnfare assignment was appropriate to the individual's abilities, the Illinois Department shall re-assess the individual and, if appropriate, shall refer the person to apply for Transitional Assistance or federal SSI benefits. If the person is ordered by a court of competent jurisdiction to participate in the Earnfare Component, that person shall also be referred back to the court when unable to perform the work that has been assigned.
  - 4) An individual may be dismissed by the employer from an Earnfare assignment prior to its completion. The Department, comprehensive providers or local governmental unit shall return an individual dismissed by an employer to the client pool. An individual dismissed by an employer shall be treated as a new program entrant for the purpose of Earnfare assignments. A dismissal from an Earnfare assignment shall not cause a food stamp sanction.
  - 5) During Earnfare assignment, individuals are required to accept bona fide offers of suitable employment
  - 6) During the Earnfare assignment, participants are required to apply for suitable jobs for which the provider makes a referral.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 7) Earnfare clients may participate in a voluntary job search activity as resources permit. Earnfare clients may participate for two months in the 12- month period, either concurrently or following the six-month eligibility period for Earnfare. Clients are required to make a minimum of 20 employer contacts each month while in the Earnfare job search activity.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 4, 2005 through October 10, 2005 and have been scheduled for review by the Committee at its November 15, 2005 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
11/17/05	<u>Department of Central Management Services,</u> Pay Plan (80 Ill. Adm. Code 310)	8/19/05 29 Ill. Reg. 12683	11/15/05
11/18/05	<u>Department of Central Management Services,</u> Solicitation for Charity Payroll Deductions (80 Ill. Adm. Code 2650)	5/13/05 29 Ill. Reg. 6809	11/15/05
11/18/05	<u>Illinois Commerce Commission,</u> Minimum Clearances Applicable to Tracks, Structures, Fixtures and Other Appurtenances of Railroads (92 Ill. Adm. Code 1500)	1/3/05 29 Ill. Reg. 1	11/15/05
11/19/05	<u>Secretary of State,</u> Issuance of Licenses (92 Ill. Adm. Code 1030)	6/3/05 29 Ill. Reg. 8094	11/15/05
11/19/05	<u>Secretary of State,</u> Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)	4/29/05 29 Ill. Reg. 5933	11/15/05
11/19/05	<u>Illinois Emergency Management Agency,</u> General Provisions for Radiation Protection (32 Ill. Adm. Code 310)	7/1/05 29 Ill. Reg. 8964	11/15/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

11/19/05	<u>Illinois Emergency Management Agency,</u> Financial Assurance Requirements (32 Ill. Adm. Code 326)	7/1/05 29 Ill. Reg. 8995	11/15/05
11/19/05	<u>Illinois Emergency Management Agency,</u> Standards for Protection Against Radiation (32 Ill. Adm. Code 340)	7/1/05 29 Ill. Reg. 9055	11/15/05
11/19/05	<u>Illinois Emergency Management Agency,</u> Licenses and Radiation Safety Requirements for Irradiators (32 Ill. Adm. Code 346)	7/1/05 29 Ill. Reg. 9146	11/15/05
11/19/05	<u>State Board of Education,</u> Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	7/8/05 29 Ill. Reg. 9574	11/15/05
11/19/05	<u>State Board of Education,</u> Reading Improvement Program (23 Ill. Adm. Code 260)	7/1/05 29 Ill. Reg. 8951	11/15/05
11/20/05	<u>Pollution Control Board,</u> Effluent Standards (35 Ill. Adm. Code 304)	5/6/05 29 Ill. Reg. 6200	11/15/05

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

- 1) Heading of Part: Insect Pest and Plant Disease Act
- 2) Code Citation: 8 Ill. Adm. Code 240
- 3) Register Citation to Notice of Proposed Rules: 29 Ill. Reg. 12305; August 12, 2005
- 4) Date, Time and Location of Public Hearing:

Monday, November 7, 2005 at 10:00 a.m.  
Illinois Department of Agriculture  
Director's Conference Room  
State Fairgrounds  
8th & Sangamon  
Springfield IL 62794-9281
- 5) Other Pertinent Information: Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented.

Individuals who are unable to attend the public hearing but wish to comment on the Proposed Rules should submit written comments to:

Department of Agriculture  
Attention: Linda Rhodes  
P.O. Box 19281  
Springfield, IL 62794-9281  
217/785-5713  
FAX #: 217/785-4505.

In order for mailed comments to be available for consideration at the public hearing, please mail no later than November 2, 2005. All comments received will be fully considered by the agency.

## PROPERTY TAX APPEAL BOARD

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

- 1) Heading of Part: Practice and Procedure for Appeals Before the Property Tax Appeal Board
- 2) Code Citation: 86 Ill. Adm. Code 1910
- 3) Register Citation to Notice of Proposed Rules: 29 Ill. Reg. 13983; September 16, 2005
- 4) Date, Time and Location of Public Hearing:

October 28, 2005  
1:00 PM - 3:00 PM  
Room 413, Stratton Office Building  
401 South Spring Street  
Springfield, Illinois 62706

- 5) Other Pertinent Information: Pursuant to subsection (b) of Section 5-40 of the Illinois Administrative Procedure Act, the Property Tax Appeal Board has received a request for a public hearing regarding its rulemaking for sections 1910.76 and 1910.92. The public is invited to provide testimony at the above date and time regarding these two rule proposals.

Persons interested in presenting testimony are advised that the Board will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the hearing officer a type written copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a type written copy of the testimony being provided.
  2. Each person presenting oral testimony will be limited to fifteen (15) minutes for presentation of such testimony.
  3. No person will be recognized to speak for a second time until all persons wishing to testify have done so.
  4. All testimony shall conclude at the specified time except that an individual presenting testimony at that time shall be allowed to complete the presentation.
- 6) Name and Address of Agency Contact Person: Questions regarding the public hearing on the proposed rulemaking may be directed to:

PROPERTY TAX APPEAL BOARD

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

James W. Chipman - Executive Director  
Property Tax Appeal Board  
Room 402, Stratton Office Building  
401 South Spring Street  
Springfield, Illinois 62706  
217/782-6076

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the Third Quarter of 2005. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Charitable Games	Manufacturing Machinery & Equipment
Computer Software	Medical Appliances
Construction Contractors	Miscellaneous
Electricity Excise Tax	Occasional Sale
Farm Machinery & Equipment	Rolling Stock Exemption
Food	Sale at Retail
Governmental Bodies	Sale for Resale
Gross Receipts	Sale of Service
Interstate Commerce	Service Occupation Tax
Leasing	Trade-Ins
Local Taxes	

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

Use Tax  
Vehicle Use Tax

Watercraft Use Tax

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at [www.revenue.state.il.us/](http://www.revenue.state.il.us/).

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Marie Keeney  
Legal Services Office  
101 West Jefferson Street  
Springfield, Illinois 62794  
217/782-2844

## CHARITABLE GAMES

ST 05-0065-GIL 07/22/2005 Every pull-tab must have certain information printed on the face of the ticket. See 86 Ill. Adm. Code 432.130(c)(3).

ST 05-0066-GIL 07/22/2005 For information regarding pull tabs and jar games, see 86 Ill. Adm. Code 432.100.

## COMPUTER SOFTWARE

ST 05-0009-PLR 08/25/2005 If a Software Licensing Agreement meets all criteria under subsection (a)(1) of Section 130.1935, then neither the transfer of the software nor the subsequent software updates will be subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.1935(a)(1).

ST 05-0069-GIL 07/24/2005 This letter references the Department's administrative rules on computer software and maintenance agreements. See 86 Ill. Adm. Code 130.1935.

## CONSTRUCTION CONTRACTORS

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

ST 05-0080-GIL 09/22/2005 A contract to incorporate tangible personal property into real property is considered a construction contract. A contractor incurs Use Tax on the cost price of the tangible personal property that is installed. See 86 Ill. Adm. Code 130.1940 and 130.2075.

## ELECTRICITY EXCISE TAX

ST 05-0058-GIL 07/15/2005 This is a general information letter regarding electricity and gas taxes. See 86 Ill. Adm. Code 511.110, 470.110 and 471.105.

## FARM MACHINERY &amp; EQUIPMENT

ST 05-0060-GIL 07/18/2005 Liquid propane purchased for use in exempt farm machinery and equipment is not itself exempt from the Retailers' Occupation Tax Act or the Use Tax Act under the farm machinery and equipment exemption. See 86 Ill. Adm. Code 130.305.

## FOOD

ST 05-0081-GIL 09/26/2005 Pumpkins are considered to be food and are subject to the low rate of State tax. This is the case so long as the pumpkins are sold in a condition suitable for human consumption. See 86 Ill. Adm. Code 130.310.

ST 05-0084-GIL 09/28/2005 Information regarding food, drugs, medicines and medical appliances may be found at 86 Ill. Adm. Code 130.310.

## GOVERNMENTAL BODIES

ST 05-0074-GIL 09/09/2005 Sales of materials to construction contractors for incorporation into real estate owned by governmental bodies are exempt from Retailers' Occupation Tax and Use Tax. See 86 Ill. Adm. Code 130.2075(d).

## GROSS RECEIPTS

ST 05-0061-GIL 07/19/2005 This letter concerns the taxability of reimbursement payments for travel expenses. See 86 Ill. Adm. 130.410.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## INTERSTATE COMMERCE

ST 05-0010-PLR 08/25/2005 This letter discusses the interstate commerce exemption as applied to the sale of coal within this State to an out-of-State purchaser. See 86 Ill. Adm. Code 130.605(c).

## LEASING

ST 05-0006-PLR 07/21/2005 This letter concerns the application of the temporary storage exemption and the expanded temporary storage exemption. See 86 Ill. Adm. Code 150.310(a)(4) and 150.310(a)(6).

ST 05-0056-GIL 07/15/2005 A lessor engaged in selling like-kind tangible personal property will incur Retailers' Occupation Tax liability on sales of off-lease tangible personal property. See 86 Ill. Adm. Code 130.2013(h).

ST 05-0067-GIL 07/22/2005 Information regarding the tax liabilities in a lease situation may be found at 86 Ill. Adm. Code 130.220 and 86 Ill. Adm. Code 130.2010.

ST 05-0068-GIL 07/22/2005 Lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. As end users of tangible personal property located in Illinois, lessors owe Use Tax on their cost price of such property. See 86 Ill. Adm. Code 130.220 and 86 Ill. Adm. Code 130.2013.

ST 05-0087-GIL 09/28/2005 Lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. As end users of tangible personal property located in Illinois, lessors owe Use Tax on their cost price of such property. See 86 Ill. Adm. Code 130.220.

## LOCAL TAXES

ST 05-0062-GIL 07/20/2005 The tax imposed on food prepared for immediate consumption sold in the City of Chicago depends on the location of the retailer. See, 70 ILCS 3615/4.03(e).

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

- ST 05-0070-GIL 07/25/2005 The Department's administrative rules regarding Home Rule Municipal Retailers' Occupation Tax concerning jurisdictional questions may be found at 86 Ill. Adm. Code 270.115.
- ST 05-0072-GIL 09/08/2005 This letter discusses the imposition of local taxes and the use of the ST-2 Multiple Site Form. See 86 Ill. Adm. Code 270.115 regarding jurisdiction questions.

## MANUFACTURING MACHINERY &amp; EQUIPMENT

- ST 05-0011-PLR 08/31/2005 The manufacturing machinery and equipment exemption includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a product being manufactured or assembled for sale or lease. See 86 Ill. Adm. Code 130.330(c)(6).
- ST 05-0013-PLR 09/15/2005 This letter modifies ST-05-0011-PLR. If a de-minimis serviceman is not registered as a retailer, serviceman, or a reseller with the Department, he or she cannot claim the resale exemption. See 86 Ill. Adm. Code 140.106.
- ST 05-0014-PLR 09/16/2005 This letter modifies ST-02-0017-PLR. If a de-minimis serviceman is not registered as a retailer, serviceman, or a reseller with the Department, he or she cannot claim the resale exemption. See 86 Ill. Adm. Code 140.106.
- ST 05-0063-GIL 07/20/2005 The manufacturing machinery and equipment exemption can be documented by using Illinois Department of Revenue Form "ST-587 Equipment Exemption Certificate", which can be found on the Department's website. See 86 Ill. Adm. 130.330.
- ST 05-0071-GIL 09/08/2005 This letter provides a reference to the Department's rules regarding the manufacturing machinery and equipment exemption. See 86 Ill. Adm. Code 130.330.
- ST 05-0073-GIL 09/08/2005 This letter discusses the manufacturing machinery and equipment exemption. See 86 Ill. Adm. Code 130.330.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## MEDICAL APPLIANCES

ST 05-0089-GIL 09/30/2005 The Department no longer issues a Medical Appliance List. The Department's regulation for "Food, Drugs, Medicines and Medical Appliances." is set forth at 86 Ill. Adm. 130.310.

## MISCELLANEOUS

ST 05-0079-GIL 09/21/2005 The Department will not approve the accuracy of private legal publications.

## OCCASIONAL SALE

ST 05-0075-GIL 09/09/2005 This letter concerns isolated or occasional sales. See also 86 Ill. Adm. Code 130.110

## ROLLING STOCK EXEMPTION

ST 05-0078-GIL 09/20/2005 Service vehicles generally do not qualify for the rolling stock exemption. See 86 Ill. Adm. Code 130.340.

ST 05-0083-GIL 09/27/2005 The rolling stock exemption includes equipment or parts that become a physical component of qualifying rolling stock and to equipment which, though not physically incorporated, is dedicated to a particular qualifying carrier and participates directly in the transportation process. See 86 Ill. Adm. Code 130.340(b).

ST 05-0086-GIL 09/28/2005 This letter discusses the rolling stock exemption in regards to watercraft. See 86 Ill. Adm. Code 130.340.

## SALE AT RETAIL

ST 05-0012-PLR 08/31/2005 A retailer's costs of doing business are not deductible from his gross receipts in calculating his Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.410.

ST 05-0055-GIL 07/15/2005 General information regarding the sale of containers and packaging materials may be found at 86 Ill. Adm. Code 130.2070.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

ST 05-0057-GIL 07/15/2005 Seminar or training session providers incur Retailers' Occupation Tax on gross receipts from sales in Illinois of seminar or training materials such as workbooks and reference materials. See 86 Ill. Adm. Code 130.101.

ST 05-0088-GIL 09/30/2005 If no tangible personal property is transferred to the customer, then no Illinois Retailers' Occupation Tax or Use Tax would apply. See 86 Ill. Adm. Code 130.201 regarding sales at retail.

## SALE FOR RESALE

ST 05-0054-GIL 07/15/2005 GloTell® added to anhydrous ammonia by fertilizer dealers may be purchased for resale by those dealers. See 86 Ill. Adm. 130.1405.

## SALE OF SERVICE

ST 05-0007-PLR 07/26/2005 This letter describes the tax liability of a serviceman providing health and medical record processing services. See 86 Ill. Adm. Code 140.101.

ST 05-0064-GIL 07/22/2005 The Service Occupation Tax Act and Service Use Tax are imposed on the transfer of tangible personal property incident to sales of service. If no tangible personal property were being transferred to the customers incident to the services provided, then neither Illinois Service Occupation Tax nor Service Use Tax would apply. See 86 Ill. Adm. Code 140.101 and 160.101.

ST 05-0077-GIL 09/19/2005 This letter describes the application of the Service Occupation Tax to a multi-service situation. See 86 Ill. Adm. 140.145.

## SERVICE OCCUPATION TAX

ST 05-0059-GIL 07/18/2005 This letter discusses the tax liability of out-of-State printers who mail printed materials into Illinois. See 86 Ill. Adm. Code, Part 140.

ST 05-0082-GIL 09/27/2005 The Service Occupation Tax is a tax imposed on the tangible personal property transferred incident to sales of service. See 35 ILCS 115/3.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

TRADE-INS

ST 05-0008-PLR 08/25/2005 This letter discusses a number of trade-in situations regarding lessors of motor vehicles. See 86 Ill. Adm. Code 130.455.

USE TAX

ST 05-0053-GIL 07/11/2005 Retailers are prohibited from advertising or holding out that they will absorb the purchaser's Use Tax obligation or that Use Tax will not be added to the selling price. See 86 Ill. Adm. Code 150.515.

VEHICLE USE TAX

ST 05-0076-GIL 09/09/2005 The \$15 tax rate applies when the intended beneficiary of a will disclaims the will and, as a result, a motor vehicle is transferred to the testator's niece. See 625 ILCS 5/1001.

WATERCRAFT USE TAX

ST 05-0085-GIL 09/28/2005 This letter discusses purchases of watercraft. See 86 Ill. Adm. Code 153.101.

## PROCLAMATIONS

**2005-330 (Revised)**  
**WEEK OF THE CLASSROOM TEACHER**

WHEREAS, the education of our children is critical to their future success. For that reason, teaching is one of the most important professions; and

WHEREAS, throughout Illinois, we entrust the care of our children to thousands of classroom teachers who work with parents and administrators to ensure that each child learns the skills he or she needs to succeed; and

WHEREAS, that is not easy when there are many distractions. In addition to contending with personal and family problems that have always accompanied children, classroom teachers now have to compete with technology such as cell phones, computers, and television; and

WHEREAS, indeed, it is more difficult than ever to engage children in the classroom today. Consequently, teachers must work harder than ever to educate children; and

WHEREAS, in acknowledgment and recognition of their outstanding service, the Association for Childhood Education International annually designates a week in honor of classroom teachers; and

WHEREAS, this year, the Week of the Classroom Teacher will begin October 2:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2-8, 2005 as **WEEK OF THE CLASSROOM TEACHER** in Illinois, and join the Association for Childhood Education International to honor and thank classroom teachers for their commitment and dedication to teaching our children.

Issued by the Governor September 30, 2005.

Filed with the Secretary of State October 4, 2005.

**2005-333**  
**GERMAN-AMERICAN DAY**

WHEREAS, Germans first immigrated to our shores during early American colonial history. Among the first group to immigrate were 13 Mennonite families from Krefeld who landed in Philadelphia on October 6, 1683 and founded Germantown, Pennsylvania later that year; and

## PROCLAMATIONS

WHEREAS, today, there are more than 45 million German-Americans in the United States. Of them, nearly 2.5 million live in the State of Illinois; and

WHEREAS, in Illinois, German-Americans have been influential in every field from sciences to the arts, including government. Elected in 1892, John Altgeld served as the first German-born Governor of Illinois; and

WHEREAS, in 1987, President Ronald Reagan issued a proclamation to recognize the many achievements and successes of German-Americans. Since then, German-American Day has been celebrated every year; and

WHEREAS, this year, German-Americans in our state and throughout the country will celebrate their heritage on October 6:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 6, 2005 as **GERMAN-AMERICAN DAY** in Illinois to recognize the heritage of German-Americans, who have made significant and valuable contributions to American culture and life since first arriving more than 300 years ago.

Issued by the Governor October 4, 2005.

Filed with the Secretary of State October 4, 2005.

**2005-334****ENERGY STAR CHANGE A LIGHT, CHANGE THE WORLD DAY**

WHEREAS, energy efficiency is important to our State, because it saves consumers and businesses money, and helps protect the environment, because it lessens greenhouse gas emissions and reduces air pollution; and

WHEREAS, along with all the nation's Governors, my administration is committed to maintaining secure, safe and affordable energy resources for citizens of our State; and

WHEREAS, by taking the 'ENERGY STAR Change a Light Pledge' – Illinois citizens have the opportunity to both save energy and help to voluntarily reduce greenhouse gas emissions by switching to energy efficient lighting products in their homes; and

WHEREAS, if every household in Illinois pledges to replace one light bulb with an ENERGY STAR certified compact fluorescent bulb, the change would save more than \$31 million in energy costs and prevent more than 513 million pounds of greenhouse gas emissions, equivalent to taking nearly 47,000 cars off the road; and

## PROCLAMATIONS

WHEREAS, Illinois is proud to join 24 other states in doing our part for this nationwide effort, celebrating this day – ENERGY STAR Change a Light Day – to promote energy efficiency and environmental stewardship in every household, by changing a single light:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby accept this Pledge and proclaim October 5, 2005 as **ENERGY STAR CHANGE A LIGHT, CHANGE THE WORLD DAY** in Illinois to encourage all Illinoisans to make this important change.

Issued by the Governor October 5, 2005.  
Filed with the Secretary of State October 5, 2005.

**2005-335****ABRAHAM LINCOLN CENTRE DAY**

WHEREAS, the Abraham Lincoln Centre celebrates 100 years of service to the community this year; and

WHEREAS, founded in 1905 as a local outreach ministry of the All Souls Unitarian Church, the organization has grown into a multi-faceted, non-profit community service center that helps thousands of Chicagoans throughout the greater Southside communities; and

WHEREAS, in the early years, organization activities focused on the masses of European immigrants who settled in the area. Immigrants could meet fellow countrymen and learn American customs and the English language; and

WHEREAS, during the Second World War, while mothers worked in factories, the organization opened one of the first daycare centers in the country. They also opened one of the first federally funded Head Start programs during the Civil Rights Era and have the distinction of being one of only a handful that has continued service uninterrupted; and

WHEREAS, in 1964, after staff observed that many of the families who needed help had children who were mentally challenged, the organization began a small group home program for these children. Six years later, the state and city jointly funded an educational program for 45 developmentally challenged children that sparked an expansion of their services for those with special needs; and

## PROCLAMATIONS

WHEREAS, a few years ago, when Congress passed legislation that severely curtailed benefits to Americans and families receiving public assistance, the organization responded to their overwhelming need of training for employment; and

WHEREAS, although they have grown into a much larger organization, the Abraham Lincoln Centre is still just as passionate about helping Chicagoans today and will celebrate their 100<sup>th</sup> anniversary on October 7:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 7, 2005 as **ABRAHAM LINCOLN CENTRE DAY** in Illinois in recognition of the Abraham Lincoln Centre for their long and rich history and tradition of aiding and assisting Chicagoans.

Issued by the Governor October 6, 2005.

Filed with the Secretary of State October 6, 2005.

**2005-336****PREMATURITY AWARENESS MONTH AND DAY**

WHEREAS, prematurity is the leading cause of death among babies in the United States; and those that do survive are susceptible to lifelong disabilities such as chronic lung disease, blindness, and cerebral palsy. Prematurity also costs families and communities billions of dollars every year in care and treatment; and

WHEREAS, sadly, the number of premature births has risen approximately 27 percent nationally over the last two decades. Today, nearly 500,000 babies are prematurely born in the United State every year; and

WHEREAS, of them, there are more than 22,500, or about one out of eight premature births in the State of Illinois. Clearly, prematurity is a significant and alarming problem; and

WHEREAS, in response, the March of Dimes is leading a national campaign to save babies from premature birth by funding research to find the causes and by aiding local programs that provide assistance to families with babies that are prematurely born; and

WHEREAS, this November, the March of Dimes will coordinate activities throughout the country with help from many local healthcare professionals and government agencies and departments to call attention to premature birth and to offer hope to families affected by it:

## PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2005 as **PREMATURITY AWARENESS MONTH** and November 15, 2005 as **PREMATURITY AWARENESS DAY** in Illinois in support of the worthy efforts by the March of Dimes to prevent and raise awareness about this problem that plagues so many babies, families, and communities.

Issued by the Governor October 6, 2005.

Filed with the Secretary of State October 6, 2005.

**2005-337****PUT THE BRAKES ON FATALITIES DAY**

- WHEREAS, more than 42,000 Americans are killed in automobile accidents every year; and
- WHEREAS, although some of the accidents are caused by mechanical failures, many are tragically caused by human error. Some of the contributing factors of accidents include drinking, speeding, and general reckless driving; and
- WHEREAS, driving is not a game. It is a dangerous activity that has taken the lives of countless brothers, sisters, moms, dads, relatives, and friends; and
- WHEREAS, for that reason, it is the obligation of each and every one of us to drive responsibly. Furthermore, we ought to drive with vigilance for our own protection; and
- WHEREAS, it is important for drivers to focus on the road and observe speed limits. Just following these two safety precautions will significantly lower the risks of an automobile accident; and
- WHEREAS, some additional tips for safe driving include performing routine car maintenance, watching for blind spots, and wearing a seatbelt. It is also imperative that drivers never operate an automobile while under the influence of alcohol or other mind-altering drugs; and
- WHEREAS, not only is it wrong to drive in such a state, it is also against the law. Our state fully prosecutes anyone caught driving under the influence; and
- WHEREAS, on October 10, several events will be held throughout Illinois to address how critically important it is to always drive safely and alertly and the consequences of not doing so:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 10, 2005 as **PUT THE BRAKES ON FATALITIES DAY** in Illinois, and urge all citizens to adopt

## PROCLAMATIONS

safe driving habits in an effort to reduce automobile accidents that kill thousands every year in our state and throughout the country.

Issued by the Governor October 7, 2005.

Filed with the Secretary of State October 7, 2005.

**2005-338****GFWC ILLINOIS JUNIOR WOMEN'S CLUB WEEK**

WHEREAS, the General Federation of Women's Clubs (GFWC) is a worldwide service organization that also supports a variety of important community issues such as the arts, education, and civic responsibility; and

WHEREAS, today, the GFWC has 6,000 clubs and approximately 220,000 volunteers throughout the United States, including the State of Illinois; and

WHEREAS, the GFWC Illinois Junior Women's Club has served Illinois for more than 60 years and presently has 73 clubs and more than 2,000 volunteers across the state; and

WHEREAS, just last year, Illinois members volunteered 273,000 hours of their time to 5,025 different projects. Furthermore, their clubs donated over \$1.8 million to a variety of charitable organizations such as the Children's Research Foundation, which they have supported for the past 26 years; and

WHEREAS, the Illinois Junior Women's Club also supports initiatives like Advocates for Children, Literacy and Safety for Older Americans, and Prevention of Child Abuse: A Safe Place for Every Child. The current director is promoting a special initiative to help the families of deployed soldiers and Veterans Affairs facilities; and

WHEREAS, this year, the GFWC Illinois Junior Women's Club will celebrate their 60<sup>th</sup> anniversary during the week of October 9-15:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of October 9-15, 2005 as **GFWC ILLINOIS JUNIOR WOMEN'S CLUB WEEK** in Illinois in recognition of them for all the good work they do in local communities and neighborhoods across our state.

Issued by the Governor October 7, 2005.

Filed with the Secretary of State October 7, 2005.

# ILLINOIS ADMINISTRATIVE CODE

## Issue Index - With Effective Dates

Rules acted upon in Volume 29, Issue 43 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

### PROPOSED RULES

44 - 1	.....	15678
80 - 2106	.....	15753
56 - 2770	.....	15755
56 - 2920	.....	15764
38 - 346	.....	15772
89 - 112	.....	15776
89 - 121	.....	15779
80 - 1600	.....	15781

### ADOPTED RULES

23 - 1	10/03/2005.....	15789
23 - 25	10/03/2005.....	15831
23 - 50	10/03/2005.....	15902
23 - 180	10/03/2005.....	15904
23 - 252	10/03/2005.....	15936
23 - 253	10/03/2005.....	15955
23 - 625	10/03/2005.....	15957
89 - 572	10/07/2005.....	15959
89 - 595	10/07/2005.....	15964
92 - 1040	10/07/2005.....	15968

### EMERGENCY RULES

80 - 2106	10/05/2005.....	15976
89 - 140	10/05/2005.....	15985
89 - 112	10/04/2005.....	16008
89 - 121	10/04/2005.....	16042

### PUBLIC HEARINGS ON PROPOSED RULES

8 - 240	.....	16061
86 - 1910	.....	16062

### EXECUTIVE ORDERS AND PROCLAMATIONS

05 - 333	10/04/2005.....	16072
05 - 330	09/30/2005.....	16072
05 - 334	10/05/2005.....	16073
05 - 335	10/06/2005.....	16074
05 - 336	10/06/2005.....	16075
05 - 337	10/07/2005.....	16076
05 - 338	10/07/2005.....	16077

