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DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Pesticide Act
- 2) Code Citation: 8 Ill. Adm. Code 250
- 3) Section Numbers: 250.20 Proposed Action: Amendment
- 4) Statutory Authority: Section 13 of the Illinois Pesticide Act [415 ILCS 60/13]
- 5) A Complete Description of the Subjects and Issues Involved: As a result of the 2005 amendments to the Illinois Pesticide Act (Public Act 94-60), the definition of pesticide dealers was expanded to include individuals who sell non-restricted use pesticides for use in the production of an agricultural commodity in containers with a capacity of 2.5 gallons or greater or 10 pounds or greater. The proposed changes to the regulation will make it consistent with the underlying statute.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this Notice of Proposed Amendment appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield, IL 62794-9281

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

217/785-5713
217/785-4505 (fax)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: "Farm stores" or other retail outlets that sell pesticides in containers greater than 2.5 gallons or 10 pounds.
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements beyond those currently existing.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because it was not anticipated during the January and July 2005 regulatory agendas.

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER i: PESTICIDE CONTROLPART 250
ILLINOIS PESTICIDE ACT

Section	
250.10	Definitions
250.20	Registration of Pesticide Dealers Selling Restricted Use Pesticides <u>or Certain Non-Restricted Use Pesticides</u>
250.30	Registration of Pesticides
250.40	Registration of Experimental Use Pesticides
250.50	Registration of Special Local Need Pesticides
250.60	Emergency Exemption Registration
250.70	Method of Becoming Certified Applicators
250.80	Private Pesticide Applicators: Certification, Licensing, Testing and Training
250.90	Commercial Applicator, Commercial Not For Hire Applicator and Public Applicator: Certification, Testing and Licensing
250.100	Licensed Operator (Commercial Operator, Commercial Not For Hire Operator and Public Operator): Testing and Licensing
250.110	General Competency Standards to be Covered on the Tests
250.120	Technical Category Areas of Pesticide Use
250.130	Surety Bond or Liability Insurance
250.140	Interagency Committee on Pesticides
250.150	Record Keeping
250.160	Permits
250.170	Administrative Hearing
250.180	Administrative Penalties
250.190	Formulation <u>Violations</u> Violation of Label Claim
250.200	Reporting of Pesticide Incidents or Misuse Complaints
250.210	Special Application of Solid Mosquito Larvicides

AUTHORITY: Implementing and authorized by the Illinois Pesticide Act [415 ILCS 60].

SOURCE: Adopted at 5 Ill. Reg. 732, effective January 6, 1981; codified at 5 Ill. Reg. 10527; amended at 6 Ill. Reg. 3071, effective March 8, 1982; amended at 8 Ill. Reg. 855, effective January 5, 1984; amended at 8 Ill. Reg. 16407, effective August 29, 1984; amended at 10 Ill. Reg. 7663, effective April 28, 1986; amended at 12 Ill. Reg. 12784, effective July 26, 1988; amended at 24 Ill. Reg. 7191, effective April 27, 2000; emergency amendment at 26 Ill. Reg.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

13093, effective August 14, 2002, for a maximum of 150 days; emergency amendment expired January 10, 2003; amended at 27 Ill. Reg. 5715, effective March 18, 2003; amended at 30 Ill. Reg. _____, effective _____.

Section 250.20 Registration of Pesticide Dealers Selling Restricted Use Pesticides or Certain Non-Restricted Use Pesticides

- a) Pesticide dealers who sell restricted use pesticides in containers of any size, or pesticide dealers who sell non-restricted use pesticides for use in the production of an agricultural commodity in containers with a capacity of 2.5 gallons or greater, or 10 pounds or greater, shall be registered annually with the Director, in accordance with Section 13 of the Act. The registration shall expire December 31. The registration shall be made upon forms provided by the Director for this purpose. The registration information shall include the:
- 1) name of the pesticide dealer business,
 - 2) address of the registered dealer,
 - 3) name of the person to contact at the place of business, and
 - 4) information concerning the type of business registered (e.g., hardware store, department store).
- b) A separate license shall be required for each person who sells restricted use pesticides in containers of any size, or for each person who sells non-restricted use pesticides for use in the production of an agricultural commodity in containers with a capacity of 2.5 gallons or greater, or 10 pounds or greater. For the purpose of this subsection, a person shall mean any individual.
- c) Testing of pesticide dealers who sell restricted use pesticides in containers of any size, or pesticide dealers who sell non-restricted use pesticides for use in the production of an agricultural commodity in containers with a capacity of 2.5 gallons or greater, or 10 pounds or greater, shall consist of a 50-question, multiple choice, closed book examination on the Act and rules. A passing grade shall be when 70 percent of the questions are answered correctly. The pesticide dealer examination will be scheduled at least annually at various regional locations throughout the state. Examinations will also be scheduled by prior appointment at the Springfield office of the Department of Agriculture during normal work hours as set forth in Section ~~5-635-8~~ of ~~the~~The Civil Administrative Code of Illinois [20

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| [ILCS 5/5-63518](#)~~(Ill. Rev. Stat. 1987, ch. 127, par. 18)~~. A person may make only two attempts to successfully demonstrate competency in any one normal work day.

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

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing Standards for Day Care Homes
- 2) Code Citation: 89 III. Adm. Code 406
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
406.4	Amend
406.5	Amend
406.8	Amend
406.12	Amend
406.14	Amend
Appendix C	Amend
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], and the Abused and Neglected Child Reporting Act [325 ILS 5/3]
- 5) A Complete Description of the Subjects and Issues Involved: Sections 406.4 and 406.5 set the provision for the Department to notify the local fire prevention authorities after receiving a new or renewal application and to allow these authorities to inspect and comment to the Department when considering the application.

Section 406.8 deletes the requirement of having in the home's first aid kit syrup of ipecac and activated charcoal as recommended by the American Academy of Pediatrics. In addition it requires that the water temperature in the home be regulated to no more than 115° Fahrenheit when children under 10 years of age or developmentally disabled are being cared for in the day care home.

Section 406.12 requires that a daily list of children in care be readily accessible in case of emergencies and fire drills.

Section 406.14 updates the minimum age of children's initial examination to meet the requirements set by the Department of Public Health (77 Ill. Adm. Code 845).

Appendix C updates the list of child abuse and neglect allegations and convictions barring licensure or employment in a child care facility.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

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- 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 any State mandate under the State Mandates Act [30 ILCS 805].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

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

Telephone: (217) 524-1983
TDD: (217) 524-3715
E-Mail: CFPolicy@idcfs.state.il.us
Facsimile (217)557-0692

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: This rulemaking affects home operated child care businesses that are subject to licensure by the Department.
- B) Reporting, bookkeeping or other procedures required for compliance: The ability to retain records related to compliance with fire codes and notices of compliance or non-compliance. The ability to use and record information from thermometers used to register bath temperatures. The ability to record and maintain a daily register of attendees. The ability to track basic health measures and tests as required by the rule.
- C) Types of professional skills necessary for compliance: None

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NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: These amendments were not anticipated.

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

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 406

LICENSING STANDARDS FOR DAY CARE HOMES

Section

406.1	Purpose
406.2	Definitions
406.3	Effective Date of Standards (Repealed)
406.4	Application for License
406.5	Application for Renewal of License
406.6	Provisions Pertaining to the License
406.7	Provisions Pertaining to Permits
406.8	General Requirements for Day Care Homes
406.9	Characteristics and Qualifications of the Day Care Family
406.10	Qualifications for Assistants
406.11	Substitutes
406.12	Admission and Discharge Procedures
406.13	Number and Ages of Children Served
406.14	Health, Medical Care and Safety
406.15	Discipline of Children
406.16	Activity Requirements
406.17	Nutrition and Meals
406.18	Transportation of Children By Day Care Home
406.19	Swimming
406.20	Children with Special Needs
406.21	School Age Children
406.22	Children Under 30 Months of Age
406.23	Night Care
406.24	Records and Reports
406.25	Confidentiality of Records and Information
406.26	Cooperation with the Department
406.27	Severability of This Part
406.APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
406.APPENDIX B	Meal Pattern Chart for Children Over One Year of Age
406.APPENDIX C	Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Day Care Home
406.APPENDIX D	In-Service Training

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AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], and Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2].

SOURCE: Adopted and codified at 7 Ill. Reg. 7855, effective July 1, 1983; amended at 8 Ill. Reg. 24951, effective January 1, 1985; amended at 9 Ill. Reg. 2454, effective March 1, 1985; emergency amendment at 15 Ill. Reg. 15088, effective October 8, 1991, for a maximum of 150 days; modified at 16 Ill. Reg. 2269; amended at 16 Ill. Reg. 7602, effective April 30, 1992; amended at 18 Ill. Reg. 5531, effective April 1, 1994; amended at 19 Ill. Reg. 2765, effective February 23, 1995; amended at 21 Ill. Reg. 4524, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4207, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17047, effective November 1, 2000; amended at 25 Ill. Reg. 5714, effective April 1, 2001; emergency amendment at 26 Ill. Reg. 13694, effective August 30, 2002, for a maximum of 150 days; emergency expired on January 26, 2003; amended at 27 Ill. Reg. 19180, effective December 15, 2003; amended at 30 Ill. Reg. _____, effective _____.

Section 406.4 Application for License

- a) A complete application shall be filed with the Department of Children and Family Services by the supervising agency on forms prescribed and provided by the Department.
- b) A complete application shall include:
 - 1) a completed, signed and dated Application for Home License;
 - 2) a list of persons who will be working in the day care home, including any substitutes and assistants, and members of the household age 13 and over;
 - 3) completed, signed and dated authorizations to conduct the background check for the applicants, each employee or person used to replace or supplement staff, and each member of the household age 13 and over;
 - 4) a completed, signed and dated Child Support Certification form; and
 - 5) the names, addresses and telephone numbers of at least 3 adults not related

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to the applicants, nor living in the household, who can attest to their character and suitability to provide child care.

- c) The supervising agency shall study each day care home under its supervision before recommending issuance of a license. The licensing study shall be conducted by a licensing representative and shall be reviewed and approved by his/her supervisor. Supervisory approval indicates recommendation for license or denial of a license and compliance or non-compliance with the standards prescribed by this Part. The study shall be in writing and shall be signed by the licensing representative performing the study and by his/her supervisor. A license may not be recommended without the receipt of at least 3 positive, written references, and a written study signed by the licensing representative and supervisor. The applicant shall receive a copy of the results of the on-site compliance review upon request.

d) Notification to Fire Prevention Authorities

- 1) For each new application received, the Department will notify the local fire prevention authorities and give them the opportunity to inspect the facility applying for licensure and recommend on its suitability based on the standards prescribed by this Part.
- 2) The supervising agency shall keep a list of fire departments that choose to receive this notification. For license applicants residing in areas not covered by a participating fire department, the supervising agency shall notify the Office of the State Fire Marshal.
- 3) Once notified, the fire prevention authority shall have 15 working days to return its recommendation to the supervising agency on forms prescribed and provided by the Department. Any comments received by the supervising agency shall be considered in the licensing study. The supervising agency shall determine the applicant's compliance with all requirements of this Part, whether or not recommendations are received.

~~ed~~) A new application shall be filed when any of the following occurs:

- 1) When an application for a license has been withdrawn, and the licensee or agency seeks to reapply;
- 2) When there is a change in the name of the licensee, the location of the day

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care home, or the supervising agency;

- 3) When there is a change in the status of joint licensees, such as separation, divorce or death; or
- 4) Not sooner than 12 months after the Department has revoked or refused to renew a license and a new license is sought.

fe) Written approval of the supervising agency is required to effect changes in the license capacity or the ages of children served in conformance with the requirements of Section 406.13. Approval will not be granted unless the day care home's current operation is in compliance with the standards prescribed by this Part.

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

Section 406.5 Application for Renewal of License

- a) Application forms for license renewal shall be mailed to day care home licensees by the supervising agency 6 months prior to the expiration date of the license.
- b) The completed application shall be signed by the licensees and submitted to the supervising agency no later than 3 months from the date mailed to licensees to be considered timely and sufficient.
- c) When a licensed day care home seeks to change its name, location, or supervising agency, a new application reflecting the changes must be completed, signed by the licensees and submitted to the supervising agency 30 days prior to the effective date of the changes for the application to be considered timely and sufficient.
- d) *When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final Department decision has been made (Section 5 of the Act).*

e) [Notification to Fire Prevention Authorities](#)

- 1)** [For each renewal application received, the Department will notify the local fire prevention authorities and give them the opportunity to inspect](#)

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the facility applying for licensure and recommend on its suitability based on the standards prescribed by this Part.

- 2) The supervising agency shall keep a list of fire departments that choose to receive this notification. For license applicants residing in areas not covered by a participating fire department, the supervising agency shall notify the Office of the State Fire Marshal.
- 3) Once notified, the fire prevention authority shall have 15 working days to return its recommendation to the supervising agency on forms prescribed and provided by the Department. Any comments received by the supervising agency shall be considered in the licensing study. The supervising agency shall determine the applicant's compliance with all requirements of this Part, whether or not recommendations are received.

- f) Upon receipt of the application for license renewal, the supervising agency shall conduct a license study in order to determine that the day care home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licensees shall receive a copy of the results of the on-site compliance review upon request.

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

Section 406.8 General Requirements for Day Care Homes

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
 - 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, ~~syrup of ipecac, activated charcoal~~, thermometer, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 ~~or 800-942-5969~~), sterile gauze pads, adhesive tape, tweezers and mild soap. ~~Syrup of ipecac and activated charcoal shall only be dispensed upon direction from a physician or the Poison Control Center.~~
 - 2) The kitchen shall be equipped with a readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.

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- 3) Electrical outlets that are within reach of children under 5 years of age shall have protective coverings. There shall be no exposed or uninsulated wiring.
- 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.
 - A) A smoke detector in operating condition shall be within 15 feet of rooms where children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.
 - B) *In any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.* For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15% of the replacement cost of the day care home.
 - C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])
- 5) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a day care home during the hours that child care is provided.
- 6) Facilities in which a wood-burning stove or fireplace has been installed

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and which is used during the hours that child care is provided shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.

- 7) When the basement area may be used for child care, 2 exits shall be provided.
 - A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.
 - B) A second exit may be a window.
 - i) The window shall be operable from the inside without the use of tools and provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.
 - ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
 - iii) When the bottom of the window opening used as a second exit is greater than 24 inches above the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.
 - C) If the basement area does not meet these exiting requirements, the basement may be used for child care only with the prior written approval of the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf.
- 8) All walls and surfaces shall be free from chipped or peeling paint.
- 9) Walls of rooms that children use shall be maintained free of lead paint.

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- 10) Furniture and equipment shall be kept in safe repair.
- 11) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam™ and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.
- 12) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
- 13) *Handguns are prohibited on the premises of the day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the day care home.*
- 14) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (a)(13), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children. Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*
- 15) *The operator of the home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are locked in storage inaccessible to children.* (Section 7 of the Act) Such notification need not disclose the location where the firearms and ammunition are stored.
- 16) There shall be written plans for immediate evacuation in case of emergency. The evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route. Monthly fire drills shall be conducted for the purpose of removing children from the home as quickly as possible. Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in the event of a tornado. Records shall be maintained of the dates and times required drills are conducted.

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- 17) Exit doors shall be kept clear of equipment and debris at all times.
 - 18) In the event of a fire, the day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.
 - 19) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (~~1-800-942-5969~~ or 1-800-222-1222) and other emergency numbers shall be posted in an area that is readily available in an emergency.
 - 20) All in-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
 - 21) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
 - 22) Portable wading pools shall be emptied daily and disinfected before being air-dried.
 - 23) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.
 - 24) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.
- b) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.
 - c) Garbage and refuse containers used to discard diapering supplies, food products

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or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.

- d) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age.
- e) Hot and cold running water shall be provided. When children under age 10 or who are developmentally disabled are cared for, the maximum hot water temperature from all showers and bathtubs shall be no more than 115° Fahrenheit. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.
- f) Insect and rodent control shall be maintained.
 - 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
 - 2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.
- g) Healthy household pets that present no danger to children are permitted.
 - 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.
 - 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
 - 3) There shall be careful supervision of children who are permitted to handle and care for the animals.

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- 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
 - 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, racoons, and other animals determined to be dangerous by local public health authorities.
- h) Indoor space shall consist of a clean, comfortable environment for children.
- 1) The day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
 - 2) The dwelling shall be kept clean, sanitary, and in good repair.
 - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a contagious disease.
 - 4) When used for child care, floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.
 - 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.
- i) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. When the licensed capacity of the home exceeds 8 children, there shall be:
- 1) A minimum of 35 square feet of floor space per each child in care, and
 - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if

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portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage for the bedding materials and the bedding materials are removed before and after naptime.

- j) *No person may smoke tobacco in any area of the day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed motor vehicle, to children who are receiving child care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]*
- k) There shall be safe outdoor space for active play.
- 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
 - 2) Space shall be protected by physical means or by adult caregiver supervision against all hazards such as pools, ponds, standing water, traffic, and construction.
 - 3) Play areas shall be well drained and safely maintained.
 - 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care home premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.
 - A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
 - B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
 - C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).

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- D) No opening shall form an angle of less than 55 degrees unless one leg of the angle is horizontal or slopes downward.
- E) No openings shall be between $\frac{3}{8}$ inch and one inch in size (to prevent finger entrapment).
- 5) The use of a trampoline by children in care is prohibited.
- 6) Children shall be closely supervised by the caregiver when public parks or playgrounds are used for play, during play and while traveling to and from the area.
- 7) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 406.9.
- l) Operation of other business on the premises must not interfere with the care of children.
- m) A day care home may not house bedridden or chronically ill persons except by permission of the supervising agency. The supervising agency shall grant such permission unless the person has a contagious or a reportable communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.

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

Section 406.12 Admission and Discharge Procedures

- a) No child served in a day care home shall remain on the premises for more than 12 hours in any 24-hour period, unless the parent's employment schedule requires more than 12 hours of day care. Regardless of the parent's work or training schedule, at no time shall children cared for in a day care facility remain on the premises for more than 18 consecutive hours.
- b) Prior to acceptance of a child for care, the caregiver shall require that the parent or guardian accompany the child to the home to become acquainted with the caregiver and with the service to be provided. No child under 6 years of age may be admitted to the day care home unless the health examination, complete with lead risk assessment, if the child resides in an area defined as low risk by the Illinois Department of Public Health or a screening for lead poisoning, if the child

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resides in an area defined as high risk by the Illinois Department of Public Health (see 77 Ill. Adm. Code 845, Lead Poisoning Prevention Code), has been completed as required by Department of Public Health rules at 77 Ill. Adm. Code 665, Child Health Examination Code.

- c) The parents or guardian shall be permitted to visit the home, without prior notice, during the hours their children are in care.
- d) A child shall be discharged from the facility only to the child's parents or guardian or to a person designated in writing by the parents or guardian to receive the child.
- e) The caregiver shall refuse to release a child to any person, whether related or unrelated to the child, who has not been authorized, in writing, by the parents or guardian to receive the child. Persons not known to the caregiver shall be required to provide a driver's license (with photo) or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.
- f) The facility shall maintain a list of persons designated, in writing, by the parents, or guardian to whom the facility can be expected to discharge the child at least once per week. These persons, in addition to the parents or guardian, shall constitute the primary list of persons to whom the child may be released. In addition, the facility shall maintain a contingency list of persons designated, in writing, by the parents or guardian to whom the child may be released less frequently than once per week. When the child is released to a person on the contingency list, the facility shall maintain a record of the person to whom the child was released, the date and time that the child was released, and the manner that the child left the facility (whether on foot, by passenger car, by taxicab or other means of transportation).
- g) Other discharge provisions of this Section notwithstanding, a child leaving the day care home to attend school shall be released in accordance with the written authorization of the parents or guardian. The authorization shall include the time that the child is to be released and the means of transportation the child is to use.
- h) All day care homes shall have a written policy that explains the actions the provider will take if a parent or guardian does not retrieve, or arrange to have someone retrieve, his or her child at the designated, agreed upon time. The policy shall consist of the provider's expectations, clearly presented to the parent or guardian, in the form of a written agreement that shall be signed by the parent or

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guardian, and shall include at least the following elements:

- 1) The consequences of not picking up the child on time, including:
 - A) Amount of late fee, if any, and when those fees begin to accrue;
 - B) The degree of diligence the provider will use to reach emergency contacts, e.g., number of attempted phone calls to parents and emergency contacts, requests for police assistance in finding emergency contacts; and
 - C) Length of time the facility will keep the child beyond the pick-up time before contacting outside authorities, such as the child abuse hotline or police.
- 2) Emphasis on the importance of having up-to-date emergency contact numbers on file.
- 3) Acknowledgement of the provider's responsibility for the child's protection and well-being until the parent or outside authorities arrive.
- 4) A reminder to the day care provider that the child is not responsible for the situation. All discussions regarding these situations shall be with the parent or guardian, never the child.

i) The daily list of children in care shall be readily accessible in case of emergency evacuations and fire drills.

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

Section 406.14 Health, Medical Care and Safety

- a) The caregiver shall conduct a daily, pre-admissions screening to determine if the child has obvious symptoms of illness. If symptoms of illness are present, the caregiver shall determine whether to provide care for the child, depending upon the apparent degree of illness, other children present, and facilities available to provide care for the ill child.
- b) Children with diarrhea and those with a rash combined with fever (oral temperature of 101 degrees Fahrenheit or higher or under the arm temperature of

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100 degrees Fahrenheit or higher) shall not be admitted to the day care home while these symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.

- c) A medical report, on forms prescribed by the Department, shall be on file for each child, on the first day of care, and shall be dated no earlier than 6 months prior to enrollment.
- 1) The medical report shall be valid for 2 years, except that subsequent examinations for school-age children shall be in accordance with the requirements of Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] provided copies of the exam are on file at the facility.
 - 2) If the child is in a high risk group, as determined by the examining physician, a tuberculin skin test by the Mantoux method and the results of that test shall be included in the initial examination for all children who have attained one year of age, or at the age of one year for children who are enrolled before their first birthday. The tuberculin skin test by the Mantoux method shall be repeated when the children in high-risk groups begin elementary and secondary school.
 - 3) The initial examination shall show that children from ~~6 months through the ages of one to~~ 6 years ~~of age~~ have been screened for lead poisoning for children residing in an area defined as high risk by the Illinois Department of Public Health in its Lead Poisoning Prevention Code (77 Ill. Adm. Code 845) or that a lead risk assessment has been completed for children residing in an area defined as low risk by the Illinois Department of Public Health.
 - 4) The report shall indicate that the child has been immunized as required by the rules of the Illinois Department of Public Health for immunizations (77 Ill. Adm. Code 695). These required immunizations are poliomyelitis, measles, rubella, diphtheria, mumps, pertussis, tetanus, hepatitis B, haemophilus influenza B, and varicella (chickenpox) or provide proof of immunity according to requirements in Part 695.50 of the Department of Public Health.
 - 5) In accordance with the Child Care Act of 1969, a parent may request that immunizations, physical examinations, and/or medical treatment be waived on religious grounds. A request for such waiver shall be in

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writing, signed by the parent, and kept in the child's record.

- 6) Exceptions made for children who for medical reasons should not be subjected to immunizations or tuberculin tests shall be so indicated by the physician on the child's medical form.
- d) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General Procedures for the Control of Communicable Diseases (77 Ill. Adm. Code 690.1000) shall be excluded from the home until the Illinois Department of Public Health or local health department authorized by it states, in writing, that the communicable, contagious or infectious stage of the disease has passed and that the child may be re-admitted to the day care home.
- e) Necessary medications shall be administered according to specific written instructions provided by the child's parents or guardians.
 - 1) Prescription medicine labels must bear the child's name, the physician's name, the name of the drug store or pharmacy, prescription number, date of the prescription, and directions for administering.
 - 2) Non-prescription medication may be administered upon written parental permission that specifies the duration and frequency of medication. Such medication shall be administered in accordance with package instructions, and, except for aspirin and aspirin substitutes, shall be labeled with the child's name and dated.
 - 3) There shall be a signed statement by the child's parent or guardian giving permission to the caregiver to administer medication to the child.
 - 4) The caregiver shall maintain a record of the dates, hours and dosages that are given.
 - 5) Medication shall be returned to the parents when it is no longer required. Additionally, medication provided for a child no longer cared for in the facility and medication that has reached its expiration date shall be destroyed.
 - 6) Medical services, such as direct medical care to the child, shall be

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administered as required by a physician, subject to the receipt of appropriate releases from parents.

- f) In order to reduce the risk of infection or contagion to others, space must be provided in the day care home for the isolation and observation of a child who becomes ill. An ill child shall be provided a bed or cot away from other children and a caregiver or assistant shall supervise the child at all times he/she is in the home.
- g) When a day care home admits ill or injured children, a plan for the care of such children must be agreed upon with the parents to assure that the needs of the children for rest, attention, personal care and administration of prescribed medication are met. No child requiring exclusion from the home in accordance with 77 Ill. Adm. Code 690 may be admitted.
- h) Personal hygiene standards, such as the following, shall be observed:
 - 1) Each child shall be provided with an individual towel, washcloth, and drinking cup. Single-use, disposable articles are acceptable.
 - 2) A separate sleeping arrangement, such as a bed, cot, crib, or playpen, with individual bedding, shall be provided for each child who naps or sleeps while in care. A twin size bed may be used for 2 children under age 4, provided each child shall have individual sheets.
 - A) The bed shall be kept in a clean and sanitary condition at all times, and bedding shall be suitable for the season.
 - B) Family beds may be used for children if separate linens are used.
 - C) Rubber sheets shall be used when necessary.
 - 3) The caregiver shall require parents to supply clothing suitable to weather conditions, as well as a complete change of clothing in case of need.
 - 4) Caregivers and children shall use soap and running water to wash their hands before meals, after toileting, after diaper changing, and after contact with respiratory secretions. Hand sanitizers or diaper wipes are not an acceptable substitute for soap and running water. Caregivers shall always supervise children's handwashing to ensure that children are not scalded

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by hot water.

- 5) Open cuts, sores or lesions on caregivers or children shall be covered.
- 6) Caregivers shall wash their hands with soap and water prior to food preparation and after any physical contact with a child during food preparation. Hands shall be dried using single-use towels.
- 7) Sheets shall be changed when soiled and at least weekly.
- 8) Clothing soiled due to toilet accidents shall be changed immediately.
- i) Caregivers shall take reasonable measures to reduce the spread of communicable disease among children in the facility by observing such procedures as:
 - 1) Using only washable toys with diapered children;
 - 2) Washing washable toys at least once per day;
 - 3) Cleaning facility-provided stuffed toys;
 - 4) Washing toys mouthed by one child before they are used by another child; and
 - 5) Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.
- j) There shall be an emergency plan for each child in case of accident or sudden illness.
 - 1) The caregiver shall have available at all times the name, address, and telephone number where the child's parents or guardian, relative, friend, or physician, and the Department can be reached.
 - 2) There shall be a planned source of readily available emergency medical care: a hospital emergency medical room, clinic, or the child's physician.
 - 3) When the caregiver accompanies a child to the source of emergency care, an adult who meets the standards prescribed by Section 406.11 must assume supervision of other children in the home.

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- 4) In case of illness or accident, the parent, guardian, or supervising agency responsible for the child shall be notified immediately, and the child shall be removed from the home as soon as possible.

- k) Children shall be supervised at all times. All children in the home shall be protected from exploitation, neglect, and abuse.

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

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Section 406.APPENDIX C Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Day Care Home

- A. The Department makes the presumption that an individual who has been determined to be a perpetrator of child abuse or neglect involving the allegations listed below, as defined in Appendix B, Child Abuse and Neglect Allegations of 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect is not suitable for work ~~that~~^{which} allows access to children.

Death

~~Head injury, brain~~^{Brain} damage, ~~or~~ skull fracture or hematoma
Subdural hematoma

Internal injuries

Wounds (gunshot, knife, or puncture)

Torture

Sexually transmitted diseases

Sexual penetration

Sexual molestation

Sexual exploitation

Failure to thrive

Malnutrition

Medical neglect of disabled infant

A single indicated report of child abuse or neglect ~~that~~^{which} resulted in serious injury to the child, regardless of the allegations involved

More than one indicated report involving any of the following allegations, regardless of severity:

Burns or scalding

Poison or noxious substances

Bone fractures

Cuts, bruises, ~~or~~ welts, abrasions and injuries

Human bites

Sprains or dislocations

Tying or close confinement

Substance misuse

Mental and emotional impairment~~injury~~

Substantial risk of physical injury

Inadequate supervision

Abandonment or desertion

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Medical neglect
Lock-out
Inadequate food
Inadequate shelter
Inadequate clothing
Environmental neglect

If the ~~licensee~~~~licensee(s)~~/license ~~applicant~~~~applicant(s)~~ believes there are unusual circumstances that should be considered to mitigate the presumption of unsuitability, the ~~licensee~~~~licensee(s)~~/license ~~applicant~~~~applicant(s)~~ may request a waiver of the presumption of unsuitability. Materials to be considered are to be submitted to the licensing entity.

B. Criminal Convictions Which Prevent Licensure or Employment

If any person subject to background checks has been included in the Statewide Child Sex Offender Database or convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5] or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relationship to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a license or permit to operate as a child care facility and from obtaining employment or continuing in employment in a licensed child care facility ~~that~~~~which~~ allows access to children as part of the duties.

The offenses ~~that~~~~which~~ serve as a bar to licensure, residence in a family home in which a child care facility operates, or employment ~~that~~~~which~~ allows access to children in any child care facilities subject to licensing include:

OFFENSES DIRECTED AGAINST THE PERSON

HOMICIDE

Murder
Solicitation of murder
Solicitation of murder for hire
Intentional homicide of an unborn child
Voluntary manslaughter of an unborn child
Involuntary manslaughter
Reckless homicide

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Concealment of a homicidal death
Involuntary manslaughter of an unborn child
Reckless homicide of an unborn child
Drug induced homicide

KIDNAPPING AND RELATED OFFENSES

Kidnapping
Aggravated kidnapping
Aggravated unlawful restraint
Forcible detention
Child abduction
Aiding and abetting child abduction
Harboring a runaway

SEX OFFENSES

Indecent solicitation of a child
Indecent solicitation of an adult
Public indecency
Sexual exploitation of a child
Custodial sexual misconduct
Presence within school zone by child sex offenders
Approaching, contacting, residing, or communicating with a child within a public park zone by child sex offenders
Sexual relations within families
Prostitution
Soliciting for a prostitute
Soliciting for a juvenile prostitute
Solicitation of a sexual act
Pandering
Keeping a place of prostitution
Keeping a place of juvenile prostitution
Patronizing a prostitute
Patronizing a juvenile prostitute
Pimping
Juvenile pimping
Exploitation of a child
Obscenity
Child pornography

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Harmful material

Tie-in sales of obscene publications to distributors

[Posting of identifying information on a pornographic Internet site](#)

BODILY HARM

Heinous battery

Aggravated battery with a firearm

Aggravated battery of a child

Tampering with food, drugs, or cosmetics

Hate crime

Stalking

Aggravated stalking

Threatening public officials

Home invasion

Vehicular invasion

Criminal sexual assault

Aggravated criminal sexual assault

Predatory criminal sexual assault of a child

Criminal sexual abuse

Aggravated sexual abuse

Criminal transmission of HIV

Criminal neglect of an elderly or disabled person

Child abandonment

Endangering the life or health of a child

Ritual mutilation

Ritualized abuse of a child

Drug induced infliction of great bodily harm

[Refer to Appendix A of Part 385 for additional convictions that bar licensure of or employment in a child care facility.](#)

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

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- 1) Heading of the Part: Licensing Standards for Group Day Care Homes
- 2) Code Citation: 89 Ill. Adm. Code 408
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
408.10	Amend
408.15	Amend
408.30	Amend
408.60	Amend
408.70	Amend
408.APPENDIX E	Amend
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], and the Abused and Neglected Child Reporting Act [325 ILCS 5/3]
- 5) A Complete Description of the Subjects and Issues Involved:

Sections 408.10 and 406.15 set the provision for the Department to notify the local fire prevention authorities after receiving a new or renewal application and to allow these authorities to inspect and comment to the Department when considering the application.

Section 408.30 deletes the requirement of having in the home's first aid kit syrup of ipecac and activated charcoal as recommended by the American Academy of Pediatrics. In addition it requires that the water temperature in the home be regulated to no more than 115° Fahrenheit when children under 10 years of age or developmentally disabled are being cared for in the group day care home.

Section 408.60 requires that a daily list of children in care be readily accessible in case of emergencies and fire drills.

Section 408.70 updates the minimum age of children's initial examination to meet the requirements set by the Department of Public Health (77 Ill. Adm. Code 845).

Appendix E updates the list of child abuse and neglect allegations and convictions barring licensure or employment in a child care facility.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

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- 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 does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 11) Time, Place, and Manner in which interested persons may comment on this rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

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

Telephone: (217) 524-1983
TDD: (217) 524-3715
E-Mail: CFPolicy@idcfs.state.il.us
Facsimile (217)557-0692

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: This rulemaking affects home operated child care businesses that are subject to licensure by the Department.
- B) Reporting, bookkeeping or other procedures required for compliance: The ability to retain records related to compliance with fire codes and notices of compliance or non-compliance obtained from local fire departments or the State Fire Marshall. The ability to use and record information from thermometers used to register bath temperatures. The ability to record and maintain a daily register of attendees. The ability to track basic health measures and tests as required by the rule. There are no additional costs to small businesses.

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: These amendments were not anticipated.

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

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 408

LICENSING STANDARDS FOR GROUP DAY CARE HOMES

Section

408.1	Purpose
408.5	Definitions
408.7	Effective Date of Standards (Repealed)
408.10	Application For License
408.15	Application for Renewal of License
408.20	Provisions Pertaining to the License
408.25	Provisions Pertaining to Permits
408.30	General Requirements for Group Day Care Homes
408.35	General Requirements for Group Day Care Home Family
408.40	Background Checks
408.45	Caregivers
408.50	Child Care Assistants
408.55	Substitutes
408.60	Admission and Discharge Procedures
408.65	Number and Ages of Children Served
408.70	Health, Medical Care and Safety
408.75	Discipline of Children
408.80	Nutrition and Meals
408.85	Program
408.90	Transportation of Children
408.95	Swimming
408.100	Children with Special Needs
408.105	Children Under 30 Months of Age
408.110	School Age Children
408.115	Night Care
408.120	Records and Reports
408.125	Confidentiality of Records and Information
408.130	Cooperation with the Department
408.135	Severability of This Part
408.APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
408.APPENDIX B	Meal Pattern Chart for Children Over One Year of Age
408.APPENDIX C	Minimum Equipment and Supplies – Preschool Programs
408.APPENDIX D	Minimum Equipment and Supplies – Infant and Toddler Programs

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- 408.APPENDIX E Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Group Day Care Home
- 408.APPENDIX F Early Childhood Teacher Credentialing Programs
- 408.APPENDIX G In-Service Training
- 408.APPENDIX H Chart of Number and Ages of Children Served

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], and Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2].

SOURCE: Adopted at 13 Ill. Reg. 14828, effective October 1, 1989; emergency amendment at 15 Ill. Reg. 15104, effective October 8, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 8950, effective May 30, 1992; amended at 18 Ill. Reg. 5540, effective April 1, 1994; amended at 19 Ill. Reg. 2784, effective February 23, 1995; amended at 21 Ill. Reg. 4563, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4212, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17057, effective November 1, 2000; amended at 25 Ill. Reg. 5281, effective April 1, 2001; amended at 27 Ill. Reg. 19232, effective December 15, 2003; amended at 30 Ill. Reg. _____, effective _____.

Section 408.10 Application For License

- a) A complete application shall be filed with the Department of Children and Family Services on forms prescribed and provided by the Department.
- b) A complete application shall include:
 - 1) a completed, signed and dated Application for Home License;
 - 2) a list of persons who will be working in the group day care home, including any substitutes and assistants, and members of the household age 13 and over;
 - 3) completed, signed and dated authorizations to conduct the background check for the applicant, each employee or person used to replace or supplement staff, and each member of the household age 13 and over;
 - 4) a completed, signed and dated Child Support Certification form;

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- 5) documentation that the applicant meets the qualifications for a caregiver in Section 408.45(e); and
- 6) the names, addresses and telephone numbers of at least 3 adults not related to the applicants, nor living in the household, who can attest to their character and suitability to provide child care.

c) Notification to Fire Prevention Authorities

- 1) For each new application received, the Department will notify the local fire prevention authorities and give them the opportunity to inspect the facility applying for licensure and recommend on its suitability based on the standards prescribed by this Part.
- 2) The supervising agency shall keep a list of fire departments that choose to receive this notification. For license applicants residing in areas not covered by a participating fire department, the supervising agency shall notify the Office of the State Fire Marshal.
- 3) Once notified, the fire prevention authority shall have 15 working days to return its recommendation to the supervising agency on forms prescribed and provided by the Department. Any comments received by the supervising agency shall be considered in the licensing study. The supervising agency shall determine the applicant's compliance with all requirements of this Part, whether or not recommendations are received.

d) The license shall be issued when the standards prescribed by this Part have been met. Upon receipt of an application for a license, the Department shall conduct a license study to determine if the group day care home meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. A license may not be recommended without the receipt of at least three positive, written references, and a written study signed by the licensing representative and supervisor. The applicant shall receive a copy of the results of the on-site compliance review upon request.

e) A new application shall be filed when any of the following occurs:

- 1) When an application for a license has been withdrawn, and the applicant or licensee seeks to reapply;

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- 2) When there is a change in the name of the licensee or the location of the group day care home;
- 3) When there is a change in the status of joint licensees, such as separation, divorce or death; or
- 4) Not sooner than 12 months after the Department has revoked or refused to renew a license and a new license is sought.

fe) Written approval of the Department is required to effect changes in the license capacity, the area of the home used for child care, or the ages of children served in conformance with the requirements of Section 408.65. Approval will not be granted unless the day care home's current operation is in compliance with the standards prescribed by this Part.

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

Section 408.15 Application for Renewal of License

- a) Application forms for license renewal shall be mailed to group day care home licensees by the Department 6 months prior to the expiration date of the license.
- b) The completed application shall be signed by the licensees and submitted to the Department no later than 30 days from the date mailed to licensees to be considered timely and sufficient.
- c) When a licensed group day care home seeks to change its name or location, a new application reflecting the changes must be completed, signed by the licensees and submitted to the Department 3 months prior to the effective date of the changes for the application to be considered timely and sufficient.
- d) *When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final Department decision has been made. (Section 5 of the Act):*

e) Notification to Fire Prevention Authorities

1) For each application received, the Department will notify the local fire

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prevention authorities and give them the opportunity to inspect the facility applying for licensure and recommend on its suitability based on the standards prescribed by this Part.

2) The supervising agency shall keep a list of fire departments that choose to receive this notification. For license applicants residing in areas not covered by a participating fire department, the supervising agency shall notify the Office of the State Fire Marshal.

3) Once notified, the fire prevention authority shall have 15 working days to return its recommendation to the supervising agency on forms prescribed and provided by the Department. Any comments received by the supervising agency shall be considered in the licensing study. The supervising agency shall determine the applicant's compliance with all requirements of this Part, whether or not recommendations are received.

fe) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine that the group day care home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licensees shall receive a copy of the results of the on-site compliance review upon request.

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

Section 408.30 General Requirements for Group Day Care Homes

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
- 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, ~~syrup of ipecac, activated charcoal,~~ non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 ~~or 800-942-5969~~), thermometer, sterile gauze pads, adhesive tape, tweezers, first aid cream and mild soap. ~~Syrup of ipecac and activated charcoal shall only be dispensed upon direction from a physician or the Poison Control Center.~~
 - 2) The kitchen shall be equipped with a readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.

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- 3) Electrical outlets that are within reach of children under 5 years of age shall have protective coverings. There shall be no exposed or uninsulated wiring.
- 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.
 - A) A smoke detector in operating condition shall be within 15 feet of rooms where children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.
 - B) *In any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.* For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15 percent of the replacement cost of the group day care home.
 - C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])
- 5) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a group day care home during the hours that child care is provided.

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- 6) A facility, in which a wood-burning stove or fireplace has been installed and that is used during the hours that child care is provided, shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.
- 7) In one and 2 family dwellings, children under 30 months of age shall be housed and cared for on the second floor or below. In other residential buildings, children under 30 months of age shall be housed and cared for only in areas that the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf state, in writing, that the combination of remote exits, fire detection, fire suppression, and/or automatic sprinkler system render the residence safe for the care of infants and toddlers.
- 8) No area accessible only by a ladder or folding stairs or through a trap door shall be used for sleeping or napping.
- 9) When the basement area may be used for child care, 2 exits shall be provided.
 - A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.
 - B) A second exit may be a window.
 - i) The window shall be operable from the inside without the use of tools and provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.
 - ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
 - iii) When the bottom of the window opening used as a second exit is more than 24 inches from the floor, there shall be a permanently affixed, sturdy ramp or stairs located below

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the window to allow speedy access in the event of an emergency.

- C) If the basement area does not meet these existing requirements, the basement may be used for child care only with the prior written approval of the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf.
- 10) All walls and surfaces shall be free from chipped or peeling paint.
 - 11) Walls of rooms that children use shall be maintained free of lead paint.
 - 12) Furniture and equipment shall be kept in safe repair.
 - 13) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam(trademark) and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.
 - 14) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
 - 15) Exit doors shall be kept clear of equipment and debris at all times.
 - 16) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (1-800-222-1222 ~~or 1-800-942-5969~~) and other emergency numbers shall be posted in an area that is readily available in an emergency.
 - 17) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.
- b) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. There shall be:

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- 1) A minimum of 35 square feet of floor space for each child in care; and
 - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage space for the bedding materials and the bedding materials are removed before and after nap time.
- c) *No person may smoke tobacco in any area of the group day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed vehicle, to children who are receiving child care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]*
- d) Indoor space shall consist of a clean, comfortable environment for children.
- 1) The group day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
 - 2) The dwelling shall be kept clean, sanitary, and in good repair.
 - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a communicable, infectious or contagious disease.
 - 4) When used for child care, floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.
 - 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to the stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.
- e) The kitchen shall be clean, equipped for the preservation, storage, preparation and

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serving of food, and reasonably safe from hazards.

- f) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.
- g) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age.
- h) Hot and cold running water shall be provided. When children under age 10 or who are developmentally disabled are cared for, the maximum hot water temperature from all showers and bathtubs shall be no more than 115° Fahrenheit. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.
- i) The group day care home shall provide one toilet for each 10 persons or portion thereof who are present during the hours the group day care home is in operation. These 10 persons include caregivers, child care assistants, members of the household and children other than those under 30 months of age for whom a potty chair is provided.
- j) There shall be a minimum of 75 square feet of outdoor space per child for the total number of children using the area at any one time. At least 25% of the required space shall be on the premises of the group day care home. The remainder may be a public park, playground or other outdoor recreation area within walking distance (1000 feet) of the group day care home provided the caregiver or an adult assistant accompanies children to this outdoor area.
- k) There shall be safe outdoor space for active play.
 - 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
 - 2) Space shall be protected by physical means or by adult caregiver supervision against all hazards such as pools, ponds, standing water, traffic, and construction. Further, outdoor space shall be partitioned or

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supervised in such a manner that young children are not endangered by the activities of older children.

- 3) Play areas shall be well drained and safely maintained.
- 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.
 - A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
 - B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
 - C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).
 - D) No opening shall form an angle of less than 55 degrees unless one leg of the angle is horizontal or slopes downward.
 - E) No opening shall be between ¾ inch and one inch in size (to prevent finger entrapment).
- 5) The use of a trampoline by children in care is prohibited.
- 6) In-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Group day care homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- 7) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Group day care

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homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.

- 8) Portable wading pools shall be emptied daily and disinfected before being air-dried.
 - 9) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.
 - 10) Children shall be closely supervised by the caregiver when public parks or playgrounds are used for play, during play and while traveling to and from the area.
 - 11) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 408.45 of this Part.
- l) A caregiver who relies upon outdoor space shared with other residents in a multiple family dwelling shall have a written agreement with the other residents or the owners of the outdoor area authorizing the use of the space by the group day care home and the children cared for.
 - m) Insect and rodent control shall be maintained.
 - 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
 - 2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.
 - n) Healthy household pets that present no danger to children are permitted.
 - 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.

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- 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
 - 3) There shall be careful supervision of children who are permitted to handle and care for the animals.
 - 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
 - 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the group day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, raccoons, and other animals determined to be dangerous by local public health authorities.
- o) The Department shall request that the Illinois Department of Public Health or a local health department authorized by it and/or the Office of the State Fire Marshal or the local fire department authorized by it inspect the group day care home and its premises whenever the Department has reason to believe that conditions in the home or its premises pose potential health or safety hazards to the children cared for in the home.
 - p) There shall be written plans for immediate evacuation in case of emergency. The evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route. Fire drills shall be conducted monthly for the purpose of removing children from the home as quickly as possible. Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in event of a tornado. Records shall be maintained of the dates and times required drills are conducted. The alphabetic card file required by Section 408.120(a)(2) shall accompany the caregiver during the drills.
 - q) In the event of a fire, the group day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.
 - r) *Handguns are prohibited on the premises of the group day care home except in*

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the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the group day care home.

- s) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (r), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children. Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*
- t) *The operator of the group home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are in locked storage inaccessible to children (Section 7 of the Act). Such notification need not disclose the location where the firearms and ammunition are stored.*
- u) A group day care home operator relying upon a cooperative or lending arrangement to meet the equipment requirements of this Part shall provide a copy of a written agreement specifying which equipment required by this Part is covered by the agreement. Further, the operator shall demonstrate to the satisfaction of the Department that the equipment covered by the agreement is both available and utilized by the group day care home as required by this Part.
- v) Operation of other business on the premises must not interfere with the care of children.
- w) A group day care home may not house bedridden or chronically ill persons except by permission of the Department. The Department shall grant such permission unless the person has a reportable contagious or communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.

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

Section 408.60 Admission and Discharge Procedures

- a) No child served in a day care facility shall remain on the premises for more than 12 hours in any 24-hour period unless the parent's employment schedule requires more than 12 hours of day care. Regardless of the parent's education, or training schedule, at no time shall children cared for in a day care facility remain on the premises for more than 18 consecutive hours.

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- b) Prior to acceptance of a child for care, the caregiver shall require that the parents or guardian accompany the child to the home to become acquainted with the caregiver and with the service to be provided. No child under 6 years of age may be admitted to the group day care home unless the health examination, complete with lead risk assessment if the child resides in an area defined as low risk by the Illinois Department of Public Health, or a screening for lead poisoning if the child resides in an area defined as high risk by the Illinois Department of Public Health (see 77 Ill. Adm. Code 845, Lead Poisoning Prevention Code), has been completed as required by Department of Public Health rules at 77 Ill. Adm. Code 665, Child Health Examination Code.
- c) The parents or guardian shall be permitted to visit the home, without prior notice, during the hours their children are in care.
- d) The caregivers shall conduct a daily, preadmissions screening to determine if the child has obvious symptoms of illness. If symptoms of illness are present, the caregiver shall determine whether or not to provide care for the child, depending upon the apparent degree of illness, other children present, and facilities available to provide care for the ill child in accordance with the requirements of Section 408.70.
- e) Children with diarrhea and those with rash combined with fever (oral temperature of 100 degrees Fahrenheit or higher) shall not be admitted to the group day care home while these symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.
- f) A child shall be discharged from the facility only to the child's parents or guardian or to a person designated in writing by the parents or guardian to receive the child.
- g) The caregiver shall refuse to release a child to any person, whether related or unrelated to the child, who has not been authorized, in writing, by the parents or guardian to receive the child. Persons not known to the caregiver shall be required to provide a driver's license (with photo) or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.
- h) The facility shall maintain a list of persons designated, in writing, by the parents, or guardian to whom the facility can be expected to discharge the child at least once per week. These persons, in addition to the parents or guardian, shall

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constitute the primary list of persons to whom the child may be released. In addition, the facility shall maintain a contingency list of persons designated, in writing, by the parents or guardian to whom the child may be released less frequently than once per week. When the child is released to a person on the contingency list, the facility shall maintain a record of the person to whom the child was released, the date and time that the child was released, and the manner that the child left the facility (whether on foot, by passenger car, by taxicab or other means of transportation).

- i) Other discharge provisions of this Section notwithstanding, a child leaving the group day care home to attend school shall be released in accordance with the written authorization of the parents or guardian. Such authorization shall include the time that the child is to be released and the means of transportation the child is to use.
- j) All group day care homes shall have a written policy that explains the actions the provider will take if a parent or guardian does not retrieve, or arrange to have someone retrieve, his or her child at the designated, agreed upon time. The policy shall consist of the provider's expectations, clearly presented to the parent or guardian in the form of a written agreement that shall be signed by the parent or guardian, and shall include at least the following elements:
 - 1) The consequences of not picking up the children on time, including:
 - A) Amount of late fee, if any, and when those fees begin to accrue;
 - B) The degree of diligence the provider will use to reach emergency contacts, e.g., number of attempted phone calls to parents and emergency contacts, requests for police assistance in finding emergency contacts; and
 - C) Length of time the facility will keep the child beyond the pick-up time before contacting outside authorities, such as the child abuse hotline or police.
 - 2) Emphasis on the importance of having up-to-date emergency contact numbers on file.
 - 3) Acknowledgement of the provider's responsibility for the child's protection and well-being until the parent or outside authorities arrive.

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- 4) A reminder to staff that the child is not responsible for the situation. All discussions regarding these situations shall be with the parent or guardian, never with the child.

k) The daily list of children in care shall be readily accessible in case of emergency evacuations and fire drills.

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

Section 408.70 Health, Medical Care and Safety

- a) A medical report, on forms prescribed by the Department, shall be on file for each child, on the first day of care, and shall be dated no earlier than 6 months prior to enrollment.
 - 1) The medical report shall be valid for 2 years, except that subsequent examinations for school-age children shall be in accordance with the requirements of Section 27-8.1 of the School Code [105 ILCS 5/27-8.1], provided copies of the exam are on file at the facility.
 - 2) If the child is in a high risk group, as determined by the examining physician, a tuberculin skin test by the Mantoux method and the results of that test shall be included in the initial examination for all children who have attained one year of age, or at the age of one year for children who are enrolled before their first birthday. The tuberculin skin test by the Mantoux method shall be repeated when children in high risk groups begin elementary and secondary school.
 - 3) The initial examination shall show that children from ~~the ages of 6 months through one to~~ 6 years of age have been screened for lead poisoning for children residing in an area defined as high risk by the Illinois Department of Public Health in its Lead Poisoning Prevention Code (77 Ill. Adm. Code 845) or that a lead risk assessment has been completed for children residing in an area defined as low risk by the Illinois Department of Public Health.
 - 4) The report shall indicate that the child has been immunized as required by the rules of the Illinois Department of Public Health for immunizations (77 Ill. Adm. Code 695). These required immunizations are poliomyelitis,

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measles, rubella, diphtheria, mumps, pertussis, tetanus, hepatitis B, haemophilus influenza B, and varicella (chickenpox) or provide proof of immunity according to requirements in Part 695.50 of the Department of Public Health.

- 5) In accordance with the Child Care Act of 1969, a parent may request that immunizations, physical examinations, and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent, and kept in the child's record.
 - 6) Exceptions made for children who for medical reasons should not be subjected to immunizations or tuberculin tests shall be so indicated by the physician on the child's medical form.
- b) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General Procedures for the Control of Communicable Disease (77 Ill. Adm. Code 690.1000) shall be excluded from the home until the Illinois Department of Public Health or local health department authorized by it states, in writing, that the communicable, contagious or infectious stage of the disease has passed and that the child may be re-admitted to the group day care home.
- c) Necessary medications shall be administered according to specific written instructions from the child's parents or guardians.
- 1) Prescription medicine labels must bear the child's name, the physician's name, the name of the drug store or pharmacy, prescription number, date of the prescription, and directions for administering.
 - 2) Nonprescription medication provided by the parents may be administered upon written parental permission that specifies the duration and frequency of medication. Such medication shall be administered in accordance with package instructions, and shall be labeled with the child's name and dated.
 - 3) There shall be a signed statement by the child's parent or guardian giving permission to the caregiver to administer medication to the child.
 - 4) The caregiver shall maintain a record of the dates, hours and dosages that are given.

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- 5) Medication shall be returned to the parents when it is no longer required. Additionally, medication provided for a child no longer cared for in the facility and medication that has reached its expiration date shall be destroyed.
 - 6) Medical services, such as direct medical care to the child, shall be administered as required by a physician, subject to the receipt of appropriate releases from parents.
- d) Personal hygiene standards, such as the following, shall be observed:
- 1) Each child shall be provided with an individual towel, washcloth, and drinking cup. Single-use, disposable articles are acceptable.
 - 2) A separate sleeping arrangement, such as a bed, cot, crib, or playpen with individual bedding, shall be provided for each child who sleeps or naps while in care. A twin size bed may be used for 2 children under age 4, provided each child shall have individual sheets.
 - A) The bed shall be kept in a clean and sanitary condition at all times, and bedding shall be suitable for the season.
 - B) Family beds may be used for children if separate linens are used.
 - C) Rubber sheets shall be used when necessary.
 - 3) The caregiver shall require parents to supply clothing suitable to weather conditions, as well as a complete change of clothing in case of need.
 - 4) Caregivers and children shall use soap and running water to wash their hands before meals, after toileting, after diaper changing, and after contact with respiratory secretions. Hand sanitizers or diaper wipes are not an acceptable substitute for soap and running water. Caregivers shall supervise children's hand-washing to ensure that children are not scalded by hot water.
 - 5) Open cuts, sores or lesions on caregivers or children shall be covered.
 - 6) Caregivers shall wash their hands with soap and water prior to food

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preparation and after any physical contact with a child during food preparation. Hands shall be dried using single-use towels.

- 7) Sheets shall be changed when soiled and at least weekly.
- 8) Clothing soiled due to toilet accidents shall be changed immediately.
- e) In order to reduce the risk of infection or contagion to others, there must be space provided in the group day care home for the isolation and observation of a child who becomes ill. An ill child shall be provided a bed or cot away from other children and a caregiver or assistant shall supervise the child at all times he/she is in the home.
- f) When a group day care home admits ill or injured children, a plan for the care of such children must be agreed upon with the parents to assure that the needs of the children for rest, attention, personal care and administration of prescribed medication are met. No child requiring exclusion from the home in accordance with 77 Ill. Adm. Code 690 may be admitted.
- g) Caregivers shall take reasonable measures to reduce the spread of communicable disease among children in the facility by observing such procedures as:
 - 1) Using only washable toys with diapered children;
 - 2) Washing washable toys at least once per day;
 - 3) Cleaning facility-provided stuffed toys;
 - 4) Washing toys mouthed by one child before they are used by another child; and
 - 5) Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.
- h) There shall be an emergency plan for each child in case of accident or sudden illness.
 - 1) The caregiver shall have available at all times the name, address, and telephone number where the child's parents or guardian, relative, friend, or physician, and the Department can be reached.

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- 2) There shall be a planned source of readily available emergency medical care; a hospital emergency medical room, clinic, or the child's physician.
 - 3) When the caregiver accompanies a child to the source of emergency care, an adult who meets the standards prescribed by Section 408.55 must assume supervision of other children in the home.
 - 4) In case of illness or accident, the parent, guardian, or supervising agency responsible for the child shall be notified immediately.
- i) Children shall be supervised at all times. All children in the group day care home shall be protected from exploitation, neglect, and abuse.

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

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Section 408.APPENDIX E Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Group Day Care Home

- A. The Department makes the presumption that an individual who has been determined to be a perpetrator of child abuse or neglect involving the allegations listed below, as defined in Appendix B, Child Abuse and Neglect Allegations of 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect is not suitable for work ~~that which~~ involves contact with children.

Death

~~Head injury, brain~~Brain damage, ~~or~~ skull fracture or hematoma
~~Subdural hematoma~~

Internal injuries

Wounds (gunshot, knife, or puncture)

Torture

Sexually transmitted diseases

Sexual penetration

Sexual molestation

Sexual exploitation

Failure to thrive

Malnutrition

Medical neglect of disabled infant

A single indicated report of child abuse or neglect ~~that which~~ resulted in serious injury to the child, regardless of the allegations involved

More than one indicated report involving any of the following allegations, regardless of severity:

Burns or scalding

Poison or noxious substances

Bone fractures

Cuts, bruises, ~~or~~ welts, abrasions and injuries

Human bites

Sprains or dislocations

Tying or close confinement

Substance misuse

Mental and emotional impairment~~injury~~

Substantial risk of physical injury

Inadequate supervision

Abandonment or desertion

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Medical neglect
 Lock-out
 Inadequate food
 Inadequate shelter
 Inadequate clothing
 Environmental neglect

If the ~~licensee~~~~licensee(s)~~/license ~~applicant~~~~applicant(s)~~ believes there are unusual circumstances that should be considered ~~that~~~~which~~ mitigate the presumption of unsuitability, the ~~licensee~~~~licensee(s)~~/license ~~applicant~~~~applicant(s)~~ may request a waiver of the presumption of unsuitability. Materials to be considered are to be submitted to the licensing entity.

B. Criminal Convictions Which Prevent Licensure or Employment

If any person subject to background checks has been included in the Statewide Child Sex Offender Database or convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5] or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relationship to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a license or permit to operate as a child care facility and from obtaining employment or continuing in employment in a licensed child care facility ~~that~~ ~~which~~ allows access to children as part of the duties.

The offenses ~~that~~ ~~which~~ serve as a bar to licensure, residence in a family home in which a child care facility operates, or employment ~~that~~ ~~which~~ allows access to children in any child care facilities subject to licensing include:

OFFENSES DIRECTED AGAINST THE PERSON

HOMICIDE

Murder
 Solicitation of murder
 Solicitation of murder for hire
 Intentional homicide of an unborn child
 Voluntary manslaughter of an unborn child
 Involuntary manslaughter
 Reckless homicide
 Concealment of a homicidal death

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Involuntary manslaughter of an unborn child
Reckless homicide of an unborn child
Drug induced homicide

KIDNAPPING AND RELATED OFFENSES

Kidnapping
Aggravated kidnapping
Aggravated unlawful restraint
Forcible detention
Child abduction
Aiding and abetting child abduction
Harboring a runaway

SEX OFFENSES

Indecent solicitation of a child
Indecent solicitation of an adult
Public indecency
Sexual exploitation of a child
[Custodial sexual misconduct](#)
[Presence within school zone by child sex offenders](#)
[Approaching, contacting, residing, or communicating with a child within a public park zone by child sex offenders](#)
Sexual relations within families
Prostitution
Soliciting for a prostitute
Soliciting for a juvenile prostitute
Solicitation of a sexual act
Pandering
Keeping a place of prostitution
Keeping a place of juvenile prostitution
Patronizing a prostitute
Patronizing a juvenile prostitute
Pimping
Juvenile pimping
Exploitation of a child
Obscenity
Child pornography
Harmful material
Tie-in sales of obscene publications to distributors

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Posting of identifying information on a pornographic Internet site

BODILY HARM

Heinous battery
Aggravated battery with a firearm
Aggravated battery of a child
Tampering with food, drugs, or cosmetics
Hate crime
Stalking
Aggravated stalking
Threatening public officials
Home invasion
Vehicular invasion
Criminal sexual assault
Aggravated criminal sexual assault
Predatory criminal sexual assault of a child
Criminal sexual abuse
Aggravated sexual abuse
Criminal transmission of HIV
Criminal neglect of an elderly or disabled person
Child abandonment
Endangering the life or health of a child
Ritual mutilation
Ritualized abuse of a child
Drug induced infliction of great bodily harm

Refer to Appendix A of Part 385 for a additional convictions that bar licensure of or employment in a child care facility.

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

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- 1) Heading of the Part: Certification
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3) Section Number: 25.Appendix D Proposed Action:
Amendment
- 4) Statutory Authority: 105 ILCS 5/Art. 21, 14C-8, and 2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking consists entirely of a revised set of criteria by which teachers may be identified as "highly qualified" in the core academic subject areas. These criteria will replace those currently set forth in Appendix D to Part 25. For the reader's ease of reference, this new version contains a good deal more explanatory material than was previously the case.

This new version also reflects the recent review by and discussions with representatives of the U.S. Department of Education. Several of the existing provisions have been eliminated based on those discussions. In particular, it has been clarified that individuals serving on special education teaching approval or short-term emergency certification in special education cannot be considered "highly qualified". The same is true for teachers holding transitional bilingual certificates unless they have passed the content-area test for the core academic subject taught.

On the other hand, a number of additional activities have been developed for which points may be accumulated under the High Objective Uniform State Standard of Evaluation (HOUSSE). Many of these are derived directly from the rules for continuing professional development in the context of certificate renewal. Latitude has also been introduced in two other significant ways:

- Teachers in rural schools who are "highly qualified" in at least one subject will also have a period of time (either two or three years) during which they can be considered "highly qualified" in all the core subjects taught. A school may be deemed "rural" according to several parameters, one of which is being part of a district with a total of fewer than 600 students in average daily attendance. A district may also be considered "rural" based on population density under 10 persons per square mile. The most recent guidance from the U.S. Department of Education includes a web site listing all eligible districts and estimates that approximately one-third of the districts in the country will qualify.
- Special education teachers who are new to the profession and who are "highly qualified" in one core academic subject will be considered "highly qualified" in the

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other subjects taught for two years after the date of first employment. Due to the breadth of the academic standards that now apply to special education teachers, those who have completed approved Illinois programs since June 30, 2002, will all be considered "highly qualified" in language arts and will thus be able to take advantage of this new flexibility.

The draft that had been submitted for review by the federal representatives also included a proposal for a "multi-subject HOUSSE" intended to assist both special education teachers and middle-grades teachers who are responsible for several core academic subjects. The approach we had attempted to take was to combine points attributable to related core academic subjects. This was not found acceptable because the intention was that teachers must meet the "highly qualified" criteria for each subject taught. We were unable to reconcile this position with other statements of permission for a multi-subject HOUSSE given at the federal level.

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

- 10) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

Sally Vogl
 Agency Rules Coordinator
 Illinois State Board of Education
 100 North First Street (S-493)
 Springfield, Illinois 62777

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(217) 782-5270

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

rules@isbe.net

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

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

SUBPART A: DEFINITIONS

Section

25.10 Definition of Terms Used in This Part (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
25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared

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- as Teachers But Not Currently Certified
- 25.90 Transitional Bilingual Certificate and Examination
- 25.92 Visiting International Teacher Certificate
- 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 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
- 25.210 Requirements for the Certification of School Social Workers (Repealed)
- 25.215 Certification of School Social Workers (2004)

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25.220	Requirements for the Certification of Guidance Personnel (Repealed)
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 (Repealed)
25.235	Certification of School Psychologists (2004)
25.240	Standard for School Nurse Endorsement (Repealed)
25.245	Certification of School Nurses (2004)
25.252	Certification of Non-Teaching Speech-Language Pathologists
25.255	Interim Certification of Speech-Language Pathologist Interns

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

Section	
25.300	Relationship Among Credentials in Subpart E
25.310	Definitions (Repealed)
25.311	Administrative Certificate (Repealed)
25.313	Alternative Route to Administrative Certification
25.315	Renewal of Administrative Certificate
25.320	Application for Approval of Program (Repealed)
25.322	General Supervisory Endorsement (Repealed)
25.330	Standards and Guide for Approved Programs (Repealed)
25.333	General Administrative Endorsement (Repealed)
25.335	General Administrative Endorsement (2004)
25.344	Chief School Business Official Endorsement (Repealed)
25.345	Chief School Business Official (2004)
25.355	Superintendent Endorsement (Repealed)
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 (Repealed)
25.420	Psychology Accepted as Professional Education (Repealed)
25.425	Individuals Prepared in Out-of-State Institutions
25.427	Three-Year Limitation
25.430	Institutional Approval (Repealed)

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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)

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section	
25.705	Purpose – Severability

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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
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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
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

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Professional Development

- 25.875 Continuing Professional Development Units (CPDUs)
- 25.880 "Valid and Exempt" Certificates; Proportionate Reduction; Part-Time Teaching
- 25.885 Funding; Expenses (Repealed)

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 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

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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; amended at 30 Ill. Reg. _____, effective _____.

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Section 25.APPENDIX D Criteria for Identification of Teachers as "Highly Qualified" in Various CircumstancesIntroduction and General Principles

Pursuant to the federal No Child Left Behind Act of 2001 (NCLB), teachers with primary responsibility for instructing students in the core academic subject areas (science, the arts, reading or language arts, English, history, civics and government, economics, geography, foreign language, and mathematics) are required to be "highly qualified" for those assignments. The criteria set forth in this Appendix D are those that will be used in Illinois to make this determination.

Further, fulfillment of the applicable requirements set forth in this Appendix D may serve as the basis for acquisition of the standard teaching certificate after four years of teaching experience (see Section 25.905(g) of this Part) or as the basis for renewal of the standard or master teaching certificate (see Section 25.805(e) of this Part).

A teacher's qualifications do not make him or her "highly qualified" in the absolute sense. Rather, the question is whether a teacher is "highly qualified" with respect to his or her areas of assignment. A teacher who collaborates or consults with another teacher does not have "primary responsibility" and is not required to be "highly qualified" in the core academic subject area; each teacher who does have "primary responsibility" for a core academic subject area must be.

There are differences between the criteria for being considered "highly qualified" and some of the Illinois requirements for various assignments (see Subpart G of 23 Ill. Adm. Code 1, Public Schools Evaluation, Recognition and Supervision). The "highly qualified" status of a given individual with respect to an assignment shall not relieve any entity that is required to employ certified staff of the obligation to observe the applicable Illinois requirements for that assignment.

In establishing requirements for being considered "highly qualified", NCLB and the Individuals with Disabilities Education Act (IDEA) distinguish between "veteran teachers" and those who are new to the profession. In addition to the specific requirements set forth for being considered "highly qualified" for particular assignments, veteran teachers can be considered "highly qualified" based on an additional set of criteria, the High Objective Uniform State Standard of Evaluation (HOUSSE). For the purposes of this Appendix D, each individual shall become a "veteran teacher" when he or she has accrued at least one full year's teaching experience. The HOUSSE criteria may then be applied in determining whether the individual can be considered "highly qualified" for assignments in core subjects.

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A degree of flexibility has been afforded for teachers in programs supported by Title I funds who are employed in "rural" schools, which are defined as schools in districts that are eligible to participate in the Small Rural School Achievement (SRSA) program (for a list, see the website of the U.S. Department of Education at www.ed.gov/programs/reapsrsa/eligible04/index.html). A district may take advantage of this flexibility if it provides high-quality professional development that increases the teachers' content knowledge in the additional subjects they teach and provides mentoring or a program of intensive supervision that consists of structured guidance and regular, ongoing support so that teachers become highly qualified in the additional core academic subjects they teach.

A teacher in this situation who was first employed on or before August 1, 2005, who teaches multiple core academic subjects, and who is "highly qualified" in one of those subjects will be considered "highly qualified" in the other subjects taught through the end of the 2006-07 school year, after which time he or she will be subject to the requirements for the additional core academic subjects taught and may use the HOUSSE criteria as applicable.

A teacher in this situation who was first employed after August 1, 2005, who teaches multiple core academic subjects, and who is "highly qualified" in one of those subjects will be considered "highly qualified" in the other subjects taught for a period of three years after the date of first employment, after which time he or she will be subject to the requirements for the additional core academic subjects taught and may use the HOUSSE criteria as applicable.

Point values for many of the activities described as part of the HOUSSE criteria are consistent with Section 25.875 of this Part, which defines continuing professional development activities, available amounts of credit, and required evidence of completion in the context of certificate renewal.

In the material that follows, references to a particular type of certificate (e.g., elementary) should be understood to mean a certificate of that type that is also valid for the subjects taught by virtue of the certificate-holder's subject-specific qualifications. These references include provisional, initial, standard, and master certificates of each type where applicable. However, a master certificate that is endorsed for the subject area of assignment is, in and of itself, a basis for the holder's being considered "highly qualified" for that assignment, other than at the primary level, where passage of a test is required of teachers who are new to the profession. That is (except in the case of assignments at the primary level), an individual who holds a relevant master certificate shall be considered "highly qualified" without reference to any additional requirements stated for the assignment to which the master certificate applies.

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An "elementary" certificate is a "Type 03" certificate established under Section 21-3 of the School Code [105 ILCS 5/21-3]. An "early childhood" certificate is a "Type 04" certificate established under Section 21-2.1 of the School Code [105 ILCS 5/21-2.1]. A "secondary" certificate is a "Type 09" certificate established under Section 21-5 of the School Code [105 ILCS 5/21-5]. Either a "special K-12" (subject-specific) certificate or a "special preschool-age 21" certificate is a "Type 10" certificate established under Section 21-4 of the School Code [105 ILCS 5/21-4]. A "transitional bilingual" certificate is a "Type 29" certificate established under Section 14C-8 of the School Code [105 ILCS 5/14C-8]. A "short-term emergency" certificate in special education is a "Type 12" certificate established under the policies of the State Board of Education that were the subject of the federal court order of August 15, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al.

General EducationGrades Below 6

A teacher who has primary responsibility for teaching content in core academic subjects will be considered "highly qualified" if he or she:

- a) holds an elementary or a special K-12 certificate with an endorsement for self-contained general elementary education and has passed the Elementary/Middle Grades test; or
- b) holds an elementary or a special K-12 certificate valid for the subjects taught and has passed the content-area test applicable to that endorsement; or
- c) holds an early childhood certificate that is valid for the primary grades and has passed the Early Childhood test (applicable only through Grade 3); or
- d) holds an elementary, an early childhood, or a special K-12 certificate valid for the subjects taught and qualifies with 100 points under the Illinois HOUSSE, if applicable.

Middle Grades (6-8)

A teacher who has primary responsibility for teaching content in core academic subjects, whether in a self-contained or a departmentalized setting, will be considered "highly qualified" if he or she holds an elementary, a special K-12, or a secondary certificate valid for the subjects taught and:

- a) has passed the Elementary/Middle Grades test; or

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- b) for each core subject area of teaching responsibility:
- 1) has passed the content-area test specific to the subject taught, or
 - 2) has completed a major or coursework equivalent to a major, or
 - 3) holds a master's or higher degree in a field directly related to the area of assignment, or
 - 4) holds certification from the National Board for Professional Teaching Standards (NBPTS) or an Illinois master certificate, or
 - 5) qualifies with 100 points under the Illinois HOUSSE, if applicable.

Secondary Grades (9-12)

A teacher who has primary responsibility for teaching content in core academic subjects will be considered "highly qualified" if he or she holds a secondary, a special K-12, or, for Grade 9 only, an elementary certificate valid for the subjects taught and, for each core subject area of teaching responsibility:

- a) has passed the relevant content-area test; or
- b) has completed a major or coursework equivalent to a major; or
- c) holds a master's or higher degree in a field directly related to the area of assignment; or
- d) holds NBPTS certification or an Illinois master certificate; or
- e) qualifies with 100 points under the Illinois HOUSSE, if applicable.

Bilingual Education

Requirements specific to English as a Second Language (ESL) (or English as a New Language (ENL)) are stated separately (see below).

Grades Below 6

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A teacher who has primary responsibility for teaching content in core academic subjects, other than ESL or ENL, in a program of bilingual education will be considered "highly qualified" if he or she:

- a) holds an endorsement or approval for bilingual education or a transitional bilingual certificate and:
 - 1) holds an elementary or special K-12 certificate with an endorsement for self-contained general elementary education and has passed the Elementary/Middle Grades test, or
 - 2) holds an elementary or a special K-12 certificate valid for the subject taught and has passed the content-area test applicable to that subject, or
 - 3) through Grade 3 only, holds an early childhood certificate that is valid for the primary grades and has passed the Early Childhood test, or
 - 4) holds an elementary or special K-12 certificate with an endorsement for self-contained general elementary education, or an elementary or a special K-12 certificate valid for the subjects taught, or, through Grade 3 only, an early childhood certificate valid for the primary grades and qualifies with 100 points under the Illinois HOUSSE, if applicable; or

- b) holds a transitional bilingual certificate and:
 - 1) has passed the content-area test applicable to the subject taught, and
 - 2) is continuously enrolled in an approved teacher preparation program applicable to the grade levels served, and
 - 3) is participating in an induction/mentoring program that conforms to the definition found in the regulations implementing the federal No Child Left Behind Act of 2001 at 34 CFR 200.56(a)(2)(ii)(A), and
 - 4) has not exhausted the three-year period permitted under NCLB for attaining full certification.

Middle Grades (6-8)

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A teacher who has primary responsibility for teaching content in core academic subjects, other than ESL or ENL, whether in a self-contained or a departmentalized setting, will be considered "highly qualified" if he or she:

- a) holds an endorsement or approval for bilingual education or a transitional bilingual certificate and:
 - 1) holds an elementary or a special K-12, or a secondary certificate valid for the subjects taught; and
 - 2) for each core subject area of teaching responsibility:
 - A) has passed either the Elementary/Middle Grades test or the content-area test specific to the subject taught, or
 - B) has completed a major or coursework equivalent to a major, or
 - C) holds a master's or higher degree in a field directly related to the area of assignment, or
 - D) holds NBPTS certification or an Illinois master certificate, or
 - E) qualifies with 100 points under the Illinois HOUSSE, if applicable; or
- b) holds a transitional bilingual certificate and:
 - 1) has passed the content-area test applicable to the subject taught, and
 - 2) is continuously enrolled in an approved teacher preparation program applicable to the grade levels served, and
 - 3) is participating in an induction/mentoring program that conforms to the definition found in the regulations implementing the federal No Child Left Behind Act of 2001 at 34 CFR 200.56(a)(2)(ii)(A), and
 - 4) has not exhausted the three-year period permitted under NCLB for attaining full certification.

Secondary Grades (9-12)

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A teacher who has primary responsibility for teaching content in core academic subjects, other than ESL or ENL, will be considered "highly qualified" if he or she:

- a) holds an endorsement or approval for bilingual education or a transitional bilingual certificate and:
 - 1) holds a secondary, a special K-12, or, for Grade 9 only, an elementary certificate valid for the subjects taught, and
 - 2) for each core subject area of teaching assignment:
 - A) has passed the relevant content-area test, or
 - B) has completed a major or coursework equivalent to a major, or
 - C) holds a master's or higher degree in a field directly related to the area of assignment, or
 - D) holds NBPTS certification or an Illinois master certificate, or
 - E) qualifies with 100 points under the Illinois HOUSSE, if applicable; or
- b) holds a transitional bilingual certificate and:
 - 1) has passed the content-area test applicable to the subject taught, and
 - 2) is continuously enrolled in an approved teacher preparation program applicable to the grade levels served, and
 - 3) is participating in an induction/mentoring program that conforms to the definition found in the regulations implementing the federal No Child Left Behind Act of 2001 at 34 CFR 200.56(a)(2)(ii)(A), and
 - 4) has not exhausted the three-year period permitted under NCLB for attaining full certification.

English as a Second Language (ESL) or English as a New Language (ENL)

A course with either of these titles is, by definition, a course in English (see 23 Ill. Adm. Code 228).

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Grades Below 6

A teacher who has primary responsibility for teaching ESL or ENL will be considered "highly qualified" if he or she:

- a) holds an elementary or a special K-12 certificate with approval for bilingual education, ESL, or ENL or a special K-12 certificate endorsed for bilingual education, ESL, or ENL and:
 - 1) has passed the Elementary/Middle Grades test or the content-area test for ENL or English Language Arts, or
 - 2) qualifies with 100 points under the Illinois HOUSSE, if applicable; or
- b) through Grade 3 only, holds an early childhood certificate valid for the primary grades with approval for bilingual education, ESL, or ENL and:
 - 1) has passed the Early Childhood test, or
 - 2) qualifies with 100 points under the Illinois HOUSSE, if applicable; or
- c) holds a transitional bilingual certificate and:
 - 1) has passed the content-area test applicable to the subject taught, and
 - 2) is continuously enrolled in an approved teacher preparation program applicable to the grade levels served, and
 - 3) is participating in an induction/mentoring program that conforms to the definition found in the regulations implementing the federal No Child Left Behind Act of 2001 at 34 CFR 200.56(a)(2)(ii)(A), and
 - 4) has not exhausted the three-year period permitted under NCLB for attaining full certification.

Middle Grades (6-8)

A teacher who has primary responsibility for teaching ESL or ENL will be considered "highly qualified" if he or she:

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- a) holds an elementary, a special K-12, or a secondary certificate with approval for ESL or ENL (or, for Grades 5 and 6 only, with approval for bilingual education), or holds a special K-12 certificate endorsed for ESL or ENL and:
- 1) has passed the Elementary/Middle Grades test or the content-area test for either ENL or English Language Arts, or
 - 2) has completed a major or coursework equivalent to a major in English language arts or the teaching of English as a new language, or
 - 3) holds a master's or higher degree in English language arts or the teaching of English as a new language, or
 - 4) holds NBPTS certification or an Illinois master certificate in English language arts or the teaching of English as a new language, or
 - 5) qualifies with 100 points under the Illinois HOUSSE, if applicable; or
- b) for Grade 6 only, holds a transitional bilingual certificate and:
- 1) has passed the content-area test applicable to the subject taught, and
 - 2) is continuously enrolled in an approved teacher preparation program applicable to the grade levels served, and
 - 3) is participating in an induction/mentoring program that conforms to the definition found in the regulations implementing the federal No Child Left Behind Act of 2001 at 34 CFR 200.56(a)(2)(ii)(A), and
 - 4) has not exhausted the three-year period permitted under NCLB for attaining full certification.

Secondary Grades (9-12)

A teacher who has primary responsibility for teaching ESL or ENL will be considered "highly qualified" if he or she holds a secondary, a special K-12, or, for Grade 9 only, an elementary certificate with approval for ESL or ENL, or holds a special K-12 certificate endorsed for ESL or ENL and:

- a) has passed the content-area test for either ENL or English Language Arts, or

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- b) has completed a major or coursework equivalent to a major in English language arts or the teaching of English as a new language, or
- c) holds a master's or higher degree in English language arts or the teaching of English as a new language, or
- d) holds NBPTS certification or an Illinois master certificate in English language arts or the teaching of English as a new language, or
- e) qualifies with 100 points under the Illinois HOUSSE, if applicable.

Special Education

A special education teacher who is new to the profession, who is considered "highly qualified" in language arts, mathematics, or science, and who teaches two or more subjects shall be considered "highly qualified" in all subjects taught for two years after the date of first employment. Once this two-year period has elapsed, the teacher shall be required to meet the criteria for being considered "highly qualified" in the core subject area of assignment. However, it should be noted that a teacher in this situation will be treated as a veteran teacher after attaining one year's teaching experience, as is the case for any other teacher. That is, the teacher has two years before he or she will be required to meet the criteria in every subject taught, but will have access to points under the Illinois HOUSSE after one year's experience.

A special education teacher who has completed an Illinois approved preparation program in special education after June 30, 2002, and has also passed the assessment of professional teaching shall be considered "highly qualified" in language arts, by virtue of the subject-area competence cumulatively evidenced by the individual's:

- completion of coursework addressing the General Curricular Standards for Special Education teachers set forth at 23 Ill. Adm. Code 27.350, as well as the Common Core of Standards for All Special Educators (see the policies of the State Board of Education relative to certification in special education that are in effect pursuant to a 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.), which encompass numerous relevant knowledge and performance indicators;
- passage of the test of basic skills covering reading, writing, grammar, and mathematics; and
- passage of the assessment of professional teaching, one of whose major components is the Language Arts Standards for All Illinois Teachers (see 23 Ill. Adm. Code 24).

Grades Below 6

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A teacher who has primary responsibility for teaching content in core academic subjects will be considered "highly qualified" if he or she:

- a) holds either an elementary or a special preschool-age 21 certificate endorsed for the student population served and has passed the Elementary/Middle Grades test; or
- b) holds either an elementary or a special K-12 certificate valid for the subject taught and endorsed for the student population served, and has passed the content-area test applicable to the subject taught; or
- c) through Grade 3 only, holds an early childhood certificate that is valid for the primary grades and for early childhood special education, or holds a special preschool-age 21 certificate endorsed for the student population served, and has passed the Early Childhood test or the Early Childhood Special Education test; or
- d) holds an elementary or a special preschool-age 21 certificate endorsed for the student population served, or an early childhood certificate that is valid for the primary grades, and qualifies with 100 points under the Illinois HOUSSE, if applicable.

Middle Grades (6-8)

A teacher who has primary responsibility for teaching content in core academic subjects will be considered "highly qualified" if he or she holds a special preschool-age 21 certificate endorsed for the student population served, or holds an elementary, secondary, or special K-12 certificate that is valid for the grade levels of the assignment and the subjects taught and endorsed for the student population served; and, for each core subject area taught:

- a) has passed either the Elementary/Middle Grades test or the content-area test specific to the subject taught; or
- b) has completed a major or coursework equivalent to a major; or
- c) holds a master's or higher degree in a field directly related to the area of assignment; or
- d) holds NBPTS certification or an Illinois master certificate; or
- e) qualifies with 100 points under the Illinois HOUSSE, if applicable.

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Middle-Grades Teachers Providing Instruction at the Primary Level

A teacher who provides instruction at the primary level to students of middle-grade age whose performance is assessed against alternate achievement standards will be considered "highly qualified" if he or she meets the criteria for either new or veteran special education teachers at either the primary or the middle-grade level, whether the teacher is a veteran or new to the profession.

Secondary Grades (9-12)

A teacher who has primary responsibility for teaching content in core academic subjects will be considered "highly qualified" if he or she holds a special preschool-age 21 certificate endorsed for the student population served or an elementary, secondary, or special K-12 certificate, as applicable to the grade levels of the assignment and endorsed for the student population served; and, for each core subject area taught:

- a) has passed the content-area test specific to the subject taught; or
- b) has completed a major or coursework equivalent to a major; or
- c) holds a master's or higher degree in a field directly related to the area of assignment; or
- d) holds NBPTS certification or an Illinois master certificate; or
- e) qualifies with 100 points under the Illinois HOUSSE, if applicable.

Secondary Teachers Providing Instruction at the Primary or Middle-Grades Level

A teacher who provides instruction at the primary level or the middle-grades level to students of secondary school age whose performance is assessed against alternate achievement standards will be considered "highly qualified" if he or she meets the criteria for either new or veteran special education teachers at either the secondary level or the level at which instruction is provided, whether the teacher is a veteran or new to the profession.

Points Available Under the Illinois HOUSSE

The activities listed in this Appendix D shall be eligible for counting by teachers in general education, bilingual education, and special education. In the case of special education, a given

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activity, other than teaching experience, may be counted only if it relates to the core academic subject taught rather than special education as the "area of assignment".

- a) Teaching experience in the subject area of assignment: 12.5 points per semester, up to a maximum of 50 points. (Special education teachers may count teaching experience in special education as experience in each core academic subject taught.)
- b) Completion of college coursework in the core academic subject area of assignment: 5 points per semester hour.
- c) Possession of NBPTS certification or an Illinois master certificate in either early childhood education or elementary education: 100 points for a general education teacher in grades below 6. Possession of NBPTS certification or an Illinois master certificate in special education: 35 points for a special education teacher.
- d) Completion of the required content-area coursework within the context of completing an Illinois approved preparation program in elementary education or an approved out-of-state elementary education preparation program offered by an institution that was accredited by NCATE at the time: 75 points for a teacher in a self-contained general education classroom through Grade 8. Completion of the required content-area coursework within the context of completing an Illinois approved early childhood education preparation program or an approved out-of-state early childhood preparation program offered by an institution that was accredited by NCATE at the time: 75 points for a teacher in a self-contained general education classroom through Grade 3. (This coursework may not also be counted for points under subsection (b).)
- e) Participation in conference sessions, workshops, institutes, seminars, symposia, or other similar training events that are directly related to the area of teaching assignment: 1 point per full hour of participation.
- f) Presenting at conference sessions, workshops, institutes, seminars, symposia, or other similar training events: 8 or 3 points, in accordance with Section 25.875(k) of this Part.
- g) Work experience (non-teaching) directly related to the area of teaching assignment (e.g., experience in a chemical laboratory on the part of an individual teaching chemistry): 10 points per year of experience, up to a maximum of 50 points.

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- h) Supervising a student teacher in the subject area of assignment: 10 points per student teacher, applicable to all subjects.
- i) Peer review or peer coaching that meets the requirements of Section 25.875(b) of this Part: 5, 8, 9, or 11 points per semester, in accordance with Section 25.875(b)(2) of this Part.
- j) Mentoring a new teacher in the subject area of assignment, provided that the mentoring arrangement conforms to the requirements of Section 25.875(c)(1)(A) of this Part: 9 or 11 points per semester, in accordance with Section 25.875(c)(2)(A) of this Part.
- k) Participation in site-based management or decision-making teams, relevant committees, boards, or task forces directly related to school improvement plans and focused on the core academic subject of assignment: 8 or 11 points per semester, in accordance with Section 25.875(d) of this Part. (May be counted only once per subject area.)
- l) Teaching a college course in accordance with Section 25.875(j) of this Part that is directly related to the subject area of assignment: 20 points.
- m) Participating in action research and inquiry projects that meet the requirements of Section 25.875(n) of this Part and are directly related to the subject area of assignment: 8 or 11 points per semester, in accordance with Section 25.875(n)(2) of this Part.
- n) Approved travel related to the area of teaching assignment and meeting the requirements of Section 25.875(p) of this Part: 12 or 15 points per year, in accordance with Section 25.875(p)(2) of this Part.
- o) Participation in a study group directly related to the area of teaching assignment: 6 or 8 points per semester, in accordance with Section 25.875(q) of this Part.
- p) Participation in an internship directly related to the area of teaching assignment that meets the requirements of Section 25.875(s) of this Part: points in relation to contact hours per semester, as set forth in Section 25.875(s)(2) of this Part.
- q) Participation in curriculum development or assessment activities that meet the requirements of Section 25.875(u) of this Part and are directly related to the subject area of assignment: 8 or 11 points per semester, in accordance with Section 25.875(u)(2) of this Part.

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- r) Publication of educational articles, columns, or books that are directly related to the subject area of assignment: points in accordance with Section 25.875(x)(2) of this Part.
- s) Teacher-to-teacher consultation that includes activities such as observation, meetings, and exchange of information (whether face to face or via communications technology) and that relates to topics such as materials, curriculum, evidence-based practices, and techniques and strategies aligned to the State Goals for Learning (see 23 Ill. Adm. Code 1, Appendix D): 1 point per hour, up to a maximum of 50 points.
- t) Possession of NBPTS certification or an Illinois master teaching certificate in an area other than in the area of assignment: 15 points.
- u) Possession of an Illinois standard teaching certificate in an area other than in the area of assignment: 10 points.
- v) Completion of a major or an approved program in special education with at least 15 points in each core academic subject taught: 75 points for a special education teacher who teaches two or more academic subjects exclusively to children with disabilities in the primary or middle grades.

Special CircumstancesTeachers in Charter Schools

A teacher who is employed in a charter school and who has primary responsibility for teaching content in any of the core academic subjects will be considered highly qualified if he or she either:

- a) holds a certificate applicable to the assignment and meets the other criteria applicable to the assignment, as outlined elsewhere in this Appendix D; or
- b) holds a bachelor's degree, has passed the relevant content-area test in each core subject area of teaching responsibility, and meets the other requirements of Section 27A-10(c) of the School Code [105 ILCS 5/27A-10(c)].

Teachers Who Hold Alternative Certificates

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A teacher who holds an alternative certificate (see Sections 21-5b and 21-5c of the School Code [105 ILCS 5/21-5b and 21-5c]) that was attained through completion of an approved Illinois program and who has primary responsibility for teaching content in the core academic subject for which the certificate was issued will be considered highly qualified because he or she has passed the applicable content-area test. For an assignment in any additional core subject area (in the secondary or middle grades), a teacher with an alternative secondary certificate will be considered highly qualified if he or she has passed the relevant content-area test, has completed a major or coursework equivalent to a major in that subject, holds a master's or higher degree in a field directly related to the subject, or holds a master certificate in the subject.

Resident Teachers

A teacher who holds a resident teacher certificate (see Sections 21-11.3 and 21-11.4 of the School Code [105 ILCS 5/21-11.3 and 21-11.4]) and who has primary responsibility for teaching content in any of the core academic subjects will be considered highly qualified if he or she has passed the relevant content-area test for each core subject area of teaching assignment, which may include the Elementary/Middle Grades test if applicable to the grade level of the assignment, or, for assignments other than in the elementary grades, has completed a major or coursework equivalent to a major in that subject, holds a master's or higher degree in a field directly related to the subject, or holds a master certificate in the subject.

Visiting International Teachers

A teacher who holds a visiting international teacher certificate (see Section 25.92 of this Part) will be considered highly qualified based upon having passed a test of subject matter knowledge relevant to the subject taught as required under subsection (d)(3) of that Section, provided that the certificate held is valid for the grade level or levels of his or her teaching assignment.

Vocational (Career and Technical) Education Teachers

A teacher in a vocational education program who has primary responsibility for teaching content for which students receive credit in a core academic subject (e.g., a teacher of an agricultural education course whose students receive credit in science) will be considered highly qualified only if he or she meets the requirements stated in this Appendix D as relevant to general education assignments at the grade level in question.

~~Fulfillment of the applicable requirements set forth in this Appendix D may serve as the basis for acquisition of the standard teaching certificate after four years of teaching experience (see Section 25.905(g) of this Part) or as the basis for renewal of the standard or master teaching certificate (see Section 25.805(e) of this Part).~~

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~~Group I—Requirements for "Current" Teachers~~

~~A teacher who received his or her first Illinois certificate on or before June 30, 2002, will be considered "highly qualified" with respect to each core academic area of assignment for which he or she holds a certificate that is valid for that assignment and:~~

- ~~a) has passed the relevant content area test for the area of assignment, which may include the Elementary/Middle Grades Test as applicable (see Section 25.710 of this Part or, for special education teachers, the policies of the State Board of Education that are the subject of a federal court order of August 15, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al.); or~~
- ~~b) has completed a major or coursework equivalent to a major; or~~
- ~~e) holds a graduate degree in a field directly related to the area of assignment; or~~
- ~~d) has been certified in a comparable field by the National Board for Professional Teaching Standards (NBPTS); or~~
- ~~e) holds an endorsement or the coursework that, prior to June 1, 2004, was considered the "minimum requirements" for the assignment under 23 Ill. Adm. Code 1.710, 1.720, 1.730, 1.735, or 1.740, or holds special education teaching approval, and either:
 - ~~1) has five years' teaching experience in the area of assignment; or~~
 - ~~2) has accumulated 100 points based on completion of any combination of the following requirements, for which purpose special education shall be considered the "subject area" or the "area of teaching assignment", as applicable:
 - ~~A) Completion of semester hours of graduate or undergraduate credit in the subject area in addition to the number required for the endorsement: 10 points per semester hour.~~
 - ~~B) Teaching experience, regardless of subject: five points per year, up to a maximum of 25 points.~~
 - ~~C) Teaching experience in the subject area: 15 points per year, up to a maximum of 60 points.~~~~~~

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- ~~D) Completion of professional development activities:~~
- ~~i) Participation in conference sessions, workshops, institutes, seminars, symposia, or other similar training events, each at least three hours in length and directly related to the area of teaching assignment: 15 points per activity (no maximum).~~
 - ~~ii) Approved travel related to the area of teaching assignment and meeting the requirements of Section 25.875(p) of this Part: 12 or 15 points, in accordance with Section 25.875(p)(2) of this Part.~~
 - ~~iii) Participation in a study group directly related to the area of teaching assignment: six or eight points, in accordance with Section 25.875(q) of this Part.~~
 - ~~iv) Participation in an internship directly related to the area of teaching assignment that meets the requirements of Section 25.875(s) of this Part: points shall accrue in relation to contact hours as set forth in Section 25.875(s)(2) of this Part.~~
 - ~~v) Work experience directly related to the area of teaching assignment (e.g., experience in a chemical laboratory on the part of an individual teaching chemistry): 10 points per year of experience.~~

~~Group II—Requirements for "New" Teachers, by Area of Assignment~~~~Elementary Grades (K-4)—General Education~~

~~A teacher in the elementary grades who received his or her first Illinois certificate on or after July 1, 2002, and who has primary responsibility for teaching content in core academic subjects in a self-contained classroom will be considered "highly qualified" if he or she:~~

- ~~a) holds an elementary (Type 03) certificate with an endorsement for self-contained general elementary education and has passed the Elementary/Middle Grades test; or~~
- ~~b) holds an early childhood (Type 04) certificate and has passed the Early Childhood test (applicable only through Grade 3); or~~

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- e) ~~holds a provisional early childhood (Type 04), elementary (Type 03), or special K-12 (Type 10) certificate that is based on certification in another state, possession, or territory of the U.S., or in another country (if applicable, must pass the Early Childhood test, the Elementary/Middle Grades test, or another content-area test, as applicable, within nine months after receipt of the provisional certificate); or~~
- d) ~~holds a special K-12 (Type 10) certificate endorsed in the area of teaching responsibility and has passed the content area test applicable to that endorsement.~~

~~Middle Grades (5-8) — General Education~~

~~A teacher in the middle grades who received his or her first Illinois certificate on or after July 1, 2002, and who has primary responsibility for teaching content in any of the core academic subjects in a middle grades setting, whether self-contained or departmentalized, will be considered "highly qualified" if he or she:~~

- a) ~~holds an elementary (Type 03) certificate and, for each core subject area of teaching responsibility in any of Grades 5-8:~~
 - 1) ~~has passed the relevant content area test (which may include the Elementary/Middle Grades test); or~~
 - 2) ~~has completed a major or coursework equivalent to a major; or~~
 - 3) ~~holds a graduate degree in a field directly related to the area of assignment; or~~
 - 4) ~~has been certified in a comparable field by NBPTS; or~~
- b) ~~holds a secondary (Type 09) certificate and, for each core subject area of teaching responsibility in any of Grades 6-8:~~
 - 1) ~~has passed the relevant content area test; or~~
 - 2) ~~has completed a major or coursework equivalent to a major; or~~
 - 3) ~~holds a graduate degree in a field directly related to the area of assignment; or~~

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- ~~4) has been certified in a comparable field by NBPTS; or~~
- ~~e) holds a special K-12 (Type 10) certificate endorsed in the area of teaching responsibility and has passed the relevant content area test; or~~
- ~~d) holds a provisional elementary (Type 03), secondary (Type 09), or special K-12 (Type 10) certificate based on certification in another state, possession, or territory of the U.S., or in another country (if applicable, must pass the Elementary/Middle Grades test or the other relevant content area test for each area of teaching responsibility within nine months after receipt of the provisional certificate).~~

~~Secondary Grades (9-12)—General Education~~

~~A teacher in the secondary grades who received his or her first Illinois certificate on or after July 1, 2002, and who has primary responsibility for teaching content in any of the core academic subjects in a secondary setting will be considered "highly qualified" if he or she:~~

- ~~a) holds a secondary (Type 09) certificate and, for each core subject area of teaching responsibility:
 - ~~1) has passed the relevant content area test; or~~
 - ~~2) has completed a major or coursework equivalent to a major; or~~
 - ~~3) holds a graduate degree in a field directly related to the area of assignment; or~~
 - ~~4) has been certified in a comparable field by NBPTS; or~~~~
- ~~b) holds an elementary (Type 03) certificate and, for each core subject area of teaching responsibility in Grade 9:
 - ~~1) has passed both the Elementary/Middle Grades test and the relevant content area test; or~~
 - ~~2) has passed the Elementary/Middle Grades test and has completed a major or coursework equivalent to a major; or~~~~
- ~~e) holds a special K-12 (Type 10) certificate endorsed in the area of teaching responsibility and has passed the relevant content area test; or~~

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- d) ~~holds a provisional elementary (Type 03, applicable only for Grade 9), secondary (Type 09), or special K-12 (Type 10) certificate based on certification in another state, possession, or territory of the U.S., or in another country (if applicable, must pass the content area test relevant to each core subject area of teaching responsibility within nine months after receipt of the provisional certificate).~~

~~Special Education—All Grade Levels~~

~~A teacher who has primary responsibility for providing direct content instruction in a core academic area in a special education program and who received his or her first Illinois certificate on or after July 1, 2002, will be considered "highly qualified" if he or she:~~

- a) ~~holds a special preschool-age 21 (Type 10) certificate, or an elementary (Type 03), early childhood (Type 04), or secondary (Type 09) certificate endorsed for a special education field, and has passed the content area test relevant to the special education area of endorsement on that certificate; or~~
- b) ~~holds a provisional certificate with an endorsement in a special education field based on certification in another state, possession, or territory of the U.S., or in another country (if applicable, must pass the relevant special education content-area test within nine months after receipt of the provisional certificate); or~~
- c) ~~holds an elementary (Type 03) or early childhood (Type 04) certificate with teaching approval in special education or short-term emergency certification in special education, is serving in the elementary grades, and has passed the Elementary/Middle Grades test (or, through Grade 3, the Early Childhood test); or~~
- d) ~~holds a secondary (Type 09) or special K-12 (Type 10) certificate with teaching approval in special education or short-term emergency certification in special education, is serving outside the elementary grades, and:~~
- ~~1) has passed the content area test applicable to the core academic subject area of the teaching assignment or the special education content area test applicable to the students served; or~~
 - ~~2) has completed a major or the coursework equivalent to a major in the core academic subject area of the teaching assignment; or~~
 - ~~3) holds a graduate degree in a field directly related to the area of assignment; or~~

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- e) ~~holds NBPTS certification in special education.~~

~~Bilingual Education; English as a Second Language (ESL)~~

~~A teacher who has primary responsibility for teaching content in any of the core academic subjects to students with limited proficiency in English in a bilingual education or ESL program will be considered highly qualified if he or she:~~

- a) ~~holds an early childhood (Type 04), elementary (Type 03), secondary (Type 09), special K-12 or preschool-age 21 (Type 10) certificate, as appropriate to the grade level of the teaching assignment; and~~
- b) ~~holds an approval or endorsement for bilingual education or ESL, as applicable; and~~
- e) ~~meets one of the following additional requirements for each core subject area of teaching responsibility:~~
- ~~1) has passed the relevant content area test; or~~
 - ~~2) has completed a major or coursework equivalent to a major; or~~
 - ~~3) holds a graduate degree in a field directly related to the area of assignment; or~~
 - ~~4) has been certified in a comparable field by NBPTS.~~

~~Group III—Requirements for Teachers in Special Circumstances~~

~~Teachers in Charter Schools~~

~~A teacher who is employed in a charter school and who has primary responsibility for teaching content in any of the core academic subjects will be considered highly qualified if he or she either:~~

- a) ~~holds a certificate applicable to the assignment and meets the other criteria applicable to the assignment, as outlined elsewhere in this Appendix D; or~~
- b) ~~holds a bachelor's degree, has passed the relevant content area test in each core subject area of teaching responsibility, and meets the other requirements of Section 27A-10(c) of the School Code [105 ILCS 5/27A-10(c)].~~

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~~Teachers Who Hold Alternative Certificates~~

~~A teacher who holds an alternative certificate (see Sections 21-5b and 21-5c of the School Code [105 ILCS 5/21-5b and 21-5c]) that was attained through completion of an approved Illinois program and who has primary responsibility for teaching content in the core academic subject for which the certificate was issued will be considered highly qualified because he or she has passed the applicable content area test. For an assignment in any additional core subject area (in the secondary or middle grades), a teacher with an alternative secondary certificate will be considered highly qualified if he or she has either passed the relevant content area test or has completed a major or coursework equivalent to a major in that subject.~~

~~Teachers Who Hold Resident Teacher Certificates~~

~~A teacher who holds a resident teacher certificate (see Sections 21-11.3 and 21-11.4 of the School Code [105 ILCS 5/21-11.3 and 21-11.4]) and who has primary responsibility for teaching content in any of the core academic subjects will be considered highly qualified if he or she has passed the relevant content area test for each core subject area of teaching assignment, which may include the Elementary/Middle Grades test if applicable to the grade level of the assignment, or has completed a major or coursework equivalent to a major in that area.~~

~~Teachers Who Hold Visiting International Teacher Certificates~~

~~A teacher who holds a visiting international teacher certificate (see Section 25.92 of this Part) will be considered highly qualified, provided that the certificate held is valid for the grade level or levels of his or her teaching assignment.~~

~~Vocational Education Teachers~~

~~A teacher in a vocational education program who has primary responsibility for teaching content for which students receive credit in a core academic subject (e.g., a teacher of an agricultural education course whose students receive credit in science) will be considered highly qualified if he or she holds a secondary (Type 09) certificate appropriately endorsed for the vocational area of assignment.~~

~~Teachers Who Hold Transitional Bilingual (Type 29) Certificates~~

~~A teacher who holds a transitional bilingual certificate and who has primary responsibility for teaching content in any of the core academic subjects will be considered highly qualified if he or she:~~

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- a) ~~for each core subject area of teaching responsibility, has either:~~
 - 1) ~~passed the Elementary/Middle Grades test or the other relevant content-area test (if applicable, must pass the content-area test within nine months after receipt of the transitional bilingual certificate); or~~
 - 2) ~~completed a major or coursework equivalent to a major; and~~
- b) ~~participates in an induction/mentoring program that conforms to the definition found in the regulations implementing the federal No Child Left Behind Act of 2001 at 34 CFR 200.56(a)(2)(ii)(A); and~~
- e) ~~is continuously enrolled in a program that will lead to the elementary, secondary, or special certificate.~~

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

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Local Health Protection Grant Rules
- 2) Code Citation: 77 Ill. Adm. Code 615
- 3) Section Number: 615.210 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Division 5-25 of the Counties Code [55 ILCS 5]; the Public Health District Act [70 ILCS 905]; the Illinois Municipal Code [65 ILCS 5]; and Section 2310-15 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-15].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments to Part 615 are necessary to ensure that all certified local health departments are represented with regard to the development of changes to the allocation formula for distribution of the annual Local Health Protection Grants. Thus, the Northern Illinois Public Health Consortium, Inc, representing larger northern local health departments, is added to the organizations with which the Illinois Department of Public Health must consult prior to developing changes to the allocation formula for distribution of the grant funds.
- 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 proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any state mandates on units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written or e-mail comments may be submitted within 45 days after this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor

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Springfield, Illinois 62761

217-782-2043

(E-mail: rules@idph.state.il.us)

- 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: There are no new requirements for reporting, bookkeeping or other procedures required for compliance.
 - C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The need for this rulemaking was not known at the time the Department filed its last Regulatory Agenda.
- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER h: LOCAL HEALTH DEPARTMENTS

PART 615
LOCAL HEALTH PROTECTION GRANT RULES

SUBPART A: GENERAL

- Section
615.100 Definitions
615.110 Incorporated Materials

SUBPART B: ADMINISTRATION OF LOCAL HEALTH PROTECTION GRANTS

- Section
615.200 Eligibility
615.210 Purpose and Distribution of Grant Funds
615.220 Review and Consultation; Plan of Correction
615.230 Waiver of Requirements

SUBPART C: PROGRAM STANDARDS

- Section
615.300 Infectious Diseases
615.310 Food Protection
615.320 Potable Water Supply
615.330 Private Sewage Disposal
615.340 Common Requirements

SUBPART D: DUE PROCESS

- Section
615.400 Denial, Suspension or Revocation of Grant Application or Grant Agreement
615.410 Procedures for Hearings

- 615.APPENDIX A Recommended Policies and Procedures for Immunization Clinics
(Repealed)

AUTHORITY: Implementing and authorized by Division 5-25 of the Counties Code [55 ILCS

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5]; the Public Health District Act [70 ILCS 905]; the Illinois Municipal Code [65 ILCS 5]; and Section 2310-15 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-15].

SOURCE: Filed October 20, 1977; Part repealed, new Part adopted at 5 Ill. Reg. 1415, effective July 1, 1981; codified at 8 Ill. Reg. 16335; amended at 14 Ill. Reg. 805, effective January 1, 1990; Part repealed, new Part adopted by emergency rules at 17 Ill. Reg. 13002, effective July 21, 1993, for a maximum of 150 days; emergency expired on December 18, 1993; Part repealed, new Part adopted at 18 Ill. Reg. 4320, effective March 1, 1994; emergency amendment at 20 Ill. Reg. 3974, effective February 16, 1996, for a maximum of 150 days; emergency expired on July 15, 1996; amended at 21 Ill. Reg. 2960, effective February 20, 1997; amended at 26 Ill. Reg. 421, effective January 1, 2002; emergency amendment at 26 Ill. Reg. 18051, effective December 6, 2002, for a maximum of 150 days; emergency expired May 4, 2003; amended at 27 Ill. Reg. 15973, effective October 1, 2003; amended at 28 Ill. Reg. 12030, effective August 3, 2004; amended at 30 Ill. Reg. _____, effective _____.

SUBPART B: ADMINISTRATION OF LOCAL HEALTH PROTECTION GRANTS

Section 615.210 Purpose and Distribution of Grant Funds

- a) The purpose of the Local Health Protection Grant program is to support a statewide system of local health departments to assure the protection of the public through the provision of various health protection programs. Local Health Protection Grants may be used by the participating local health department for any health protection program or service including, but not limited to, Infectious Diseases, Food Protection, Potable Water Supply, and Private Sewage Disposal. The Grants are intended to supplement other federal, State and local funds available to support local health protection programs, including the four programs that must be assured for participation. Provided the four programs are assured, the local health department may use the Grant funds for any health protection program, activity or service, or for shared management or administrative support costs.
- b) The Department shall award Local Health Protection Grant funds using a methodology developed in cooperation with the Illinois Association of Public Health Administrators and the Northern Illinois Public Health Consortium; however, the Director shall make the final determination of the methodology used. The allocation methodology shall be based upon the following criteria: population; number of persons with incomes below 200 percent of the Federal Poverty Level; and historical grant award levels.

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- c) Local health departments participating in the Local Health Protection Grant program shall receive, subject to the availability of funds, annual grant awards calculated by one of the following methods:
- 1) An amount equivalent to the previous year's award, adjusted for inflation, shall be reserved for each local health department that participated in the grant program the previous year. After that amount is reserved, additional funds shall be allocated to participating local health departments to achieve the following cumulative allocation:
 - A) Fifty percent (50%) of the annual Local Health Protection Grant funds shall be allocated based upon the populations of the local health departments' jurisdictions; and
 - B) Fifty percent (50%) of the annual Grant funds shall be allocated based upon the numbers of persons with income below 200% of the Federal Poverty Level within local health departments' jurisdictions.
 - 2) Minimum and Maximum Grant Awards. This subsection applies to all participating local health departments.
 - A) Subject to the availability of funds, the Department will establish a minimum grant award level annually. The minimum award will be applied if the methodology specified in subsection (c)(1) of this Section would result in a grant award to a local health department that is less than the minimum award. The minimum grant shall not be less than \$50,000. The minimum annual grant award to any participating multi-county local health department shall be the minimum award times the number of counties in the multi-county local health department.
 - B) If available Grant funds increase in subsequent fiscal years, the Department shall raise the minimum annual grant awards for participating single-county (or partial-county) local health departments by the same percentage as the percentage increase in Grant funds available for previously-participating local health departments.
 - C) If the methodology will result in a local health department

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receiving a grant award that will adversely affect the funding available to other local health departments, then the Department may establish a maximum grant award for that year. The maximum award shall be based on the total annual Local Health Protection Grant appropriation level, the allocation criteria, and/or the availability of other State or federal funds for performing the required programs described in Subpart C of this Part.

- 3) For newly certified local health departments, initial grant awards shall be determined by the methodology specified in subsection (c)(1)(A) and (B) or (2) of this Section.
 - 4) Multi-County Local Health Departments. The annual grant award for each participating multi-county local health department shall equal the sum of the annual grant awards that its individual counties could receive as single-county health departments.
 - 5) Maximum Annual Change. The Department may impose a maximum allowable annual percentage change (% increase or % decrease) in the total grant award for participating local health departments. Such limits shall not be imposed from one year to the next without granting the Illinois Association of Public Health Administrators and the Northern Illinois Public Health Consortium advance notice and an opportunity to comment. The Department's decision to impose the limitation shall be based on the number of participating local health departments, the unmet financial needs of participating local health departments, the adequacy of other funding available to local health departments, the availability of Local Health Protection Grant funds for that year, the inflation rate, and other issues affecting the fair distribution of grant funds.
 - 6) The methodologies specified in subsections (c)(1) through (5) of this Section shall not be applied to the distribution of additional funds appropriated for the Grant program, if that additional appropriation specifies the method by which the funds are to be distributed.
- d) Prior to the award of Grant funds, the Department and the local health department shall execute a grant agreement wherein the local health department, at a minimum, agrees to:
- 1) fulfill the requirements of this Part; and

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- 2) provide program statistical information to the Department. The requested information will be developed in cooperation with the Illinois Association of Public Health Administrators and the Northern Illinois Public Health Consortium.

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

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Manufactured Home Community Code
- 2) Code Citation: 77 Ill. Adm. Code 860
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
860.20	Amendment
860.200	Amendment
860.210	Amendment
860.250	Amendment
860.260	Amendment
860.270	Amendment
860.APPENDIX B	Repealed
860.TABLE B	Amendment
- 4) Statutory Authority: Implementing and authorized by the Mobile Home Park Act [210 ILCS 115]
- 5) A Complete Description of the Subjects and Issues Involved: This Part describes requirements for the design, construction, and operation of manufactured home communities. The proposed amendments clarify issues regarding the location of the home support system for homes at new sites, street lighting and fire hydrant compliance in accordance with current fire safety codes.
- 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 any incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not require additional expenditures by units of local government.
- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing, within 45 days after this issue of the *Illinois Register*, to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health

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535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217-782-2043
(E-mail: rules@idph.state.il.us)

- 12) Initial Regulatory Flexibility Analysis:
- A) Type of Small Businesses, Small Municipalities, and Not-For-Profit Corporations Affected: Manufactured home community owners
 - B) Reporting, Bookkeeping or Other Procedures Required for Compliance: No new procedures will be required for compliance.
 - C) Types of Professional Skills Necessary for Compliance: No professional skills will be required for compliance.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2002

The full text of the Proposed Amendments is identical to the text of the Emergency Rulemaking published at 29 Ill. Reg. 10305 and begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER q: MOBILE HOMESPART 860
MANUFACTURED HOME COMMUNITY CODE

SUBPART A: DEFINITIONS AND INCORPORATED MATERIALS

Section	
860.10	Definitions
860.20	Incorporated and Referenced Materials

SUBPART B: PERMITS

Section	
860.100	Required Permits
860.110	Applications
860.120	Plans
860.130	Flood Plain Requirements
860.140	Occupancy of New Sites
860.150	Immobilization
860.160	Deletion of Sites

SUBPART C: REQUIREMENTS OF THE MANUFACTURED HOME COMMUNITY

Section	
860.200	Layout of the Manufactured Home Community
860.210	Support Systems
860.220	Streets and Parking
860.230	Water
860.240	Sewage
860.250	Electrical
860.260	Fuel Supply
860.270	Fire Safety
860.280	Lighting
860.290	Pools and Beaches
860.300	Solid and Landscape Waste
860.310	Manufactured Home Community Appearance
860.320	Identification of Sites

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860.330	Vector Control
860.340	Fences
860.350	Inspection Doors
860.360	Recreational Vehicles
860.370	Animal Control
860.380	Vacant Sites
860.390	Duplex Units

SUBPART D: ADDITIONAL RESPONSIBILITIES OF THE LICENSEE

Section	
860.400	Required Documents
860.410	Manufactured Home Community Rules
860.420	Register
860.430	Inspections by Manufactured Home Community Management

SUBPART E: ADMINISTRATIVE ACTION BY THE DEPARTMENT

Section	
860.500	Variance Procedures
860.510	Enforcement Action
860.520	Common Operation
860.530	Existing Communities
860.ILLUSTRATION A	Manufactured Home Community Layout For Sites Constructed After July 1, 1998
860.ILLUSTRATION B	Typical Manufactured Home Site
860.ILLUSTRATION C	Water Service Connection
860.ILLUSTRATION D	Sewer Service Connection
860.ILLUSTRATION E	Sample Register Information
860.ILLUSTRATION F	Manufactured Home Community Electrical System
860.APPENDIX A	Regional Offices of the Department
860.APPENDIX B	Explanation of the 1996 National Electrical Code Requirements for Manufactured Home Communities (Repealed)
860.APPENDIX C	Unlicensed Motor Vehicles
860.APPENDIX D	Home Rule Units
860.TABLE A	Minimum Road Width
860.TABLE B	Water Distribution Pipe Size
860.TABLE C	Minimum Size and Slope of Sewer Mains

AUTHORITY: Implementing and authorized by the Mobile Home Park Act [210 ILCS 115].

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SOURCE: Adopted March 2, 1973; amended at 4 Ill. Reg. 46, p. 1286, effective January 1, 1981; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 17520, effective September 11, 1984; old Part repealed and new Part adopted at 22 Ill. Reg. 8863, effective May 8, 1998; emergency amendment at 29 Ill. Reg. 10305, effective July 1, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS AND INCORPORATED MATERIALS

Section 860.20 Incorporated and Referenced Materials

The following standards of nationally recognized organizations and federal and State regulations are incorporated or referenced in this Part:

- a) The following materials are incorporated by reference and include no later amendments or editions:
 - 1) Standard Specifications for Water and Sewer Main Construction in Illinois, 1996 Edition published by:

Illinois Society of Professional Engineers
1304 South Lowell Avenue
Springfield, Illinois 62704
Referenced in Section 860.230.
 - 2) Flood Insurance Rate Map and Flood Hazard Boundary Map published by:

Federal Insurance Administration
Region V
300 Wacker Drive, 24th Floor
Chicago, Illinois 60606
Referenced in Section 860.130.
 - 3) National Electrical Code, 1996 Edition (NFPA 70-96) published by:

National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
Referenced in Section 860.250 ~~and Appendix B.~~
 - 4) National Electrical Code, 2002 Edition (NFPA 70-02) published by:

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National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
Referenced in Section 860.250.

- 54) Installation of Oil Burning Equipment, 2001~~1992~~ Edition (NFPA 31-0192) published by:

National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
Referenced in Section 860.260.

- 65) National Fuel Gas Code, 1999~~1992~~ Edition (NFPA 54-9992) published by:

National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
Referenced in Sections 860.160 and 860.260.

- 76) Storage and Handling of Liquefied Petroleum Gases, 1998~~1995~~ Edition (NFPA 58-9895) published by:

National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
Referenced in Section 860.260.

- 87) ASTM International (formerly American Society of Testing and Materials, Standard Method ~~for~~ Test for Surface Burning Characteristics of Building Materials), Standard E84-1998, published by:

ASTM International
100 Barr Harbor Drive
P.O. Box C 700
West Conshohocken, Pennsylvania 19248-2959
American Society of Testing and Materials
1916 Race Street
Philadelphia, PA 19103

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Referenced in Section 860.270.

- 98) [Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards \(49 CFR 192\), Revised October 1, 2003 Pipeline Safety Regulations, 4a, CFR Part 192](#)

United States Department of Transportation
Office of Pipeline Safety
400 7th Street S.W.
Washington, D.C. 20590
Referenced in Section 860.260.

- b) The following materials are referenced in this Part:
- 1) State of Illinois statutes
 - A) Illinois Architectural Practice Act of 1989 [225 ILCS 305]
Referenced in Section 860.120.
 - B) Illinois Professional Engineering Act [225 ILCS 325]
Referenced in Section 860.120.
 - C) Illinois Vehicle Code [625 ILCS 5/4-203]
Referenced in Section 860.310 and Appendix C.
 - D) Mobile Home Park Landlord and Tenant Act [765 ILCS 745]
Referenced in Section 860.400.
 - E) Abandoned Mobile Home Act [210 ILCS 117]
Referenced in Section 860.310.
 - F) Private Sewage Disposal Licensing Act [225 ILCS 225]
Referenced in Section 860.240.
 - G) Smoke Detector Act [425 ILCS 60]
Referenced in Section 860.410.
 - H) Plumbing License Law [225 ILCS 320]
Referenced in Sections 860.230 and 860.240.
 - I) Swimming Pool and Bathing Beach Act [210 ILCS 125]

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Referenced in Sections 860.120 and 860.290.

- J) Illinois Mobile Home Tiedown Act [210 ILCS 120]
Referenced in Section 860.400.
 - K) Illinois Municipal Code [65 ILCS 5/11-40-3]
Referenced in Appendix C.
 - L) Counties Code [55 ILCS 5/5-1092]
Referenced in Appendix C.
 - M) Townships Code [60 ILCS 1/30-130]
Referenced in Appendix C.
 - N) [Manufactured Home Quality Assurance Act \[430 ILCS 117\]](#)
[Referenced in Section 860.210.](#)
- 2) Department of Public Health regulations
- A) Illinois Swimming Pool and Bathing Beach Code (77 Ill. Adm. Code 820)
Referenced in Section 860.290.
 - B) Illinois Plumbing Code (77 Ill. Adm. Code 890)
Referenced in Sections 860.230, 860.240 and Appendix B.
 - C) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
Referenced in Section 860.240.
 - D) Drinking Water Systems Code (77 Ill. Adm. Code 900)
Referenced in Section 860.230.
 - E) Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
Referenced in Section 860.230.
 - F) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
Referenced in Section 860.230.
 - G) Surface Source Water Treatment Code (77 Ill. Adm. Code 930)
Referenced in Section 860.230.

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- H) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
Referenced in Section 860.230.
 - I) ~~Manufactured Home Installation Code~~~~Mobile Home Tiedown Code~~ (77 Ill. Adm. Code 870)
Referenced in ~~Sections~~~~Section~~ 860.210, 860.360.
 - J) Rules ~~offer~~ Practice and Procedure ~~infor~~ Administrative Hearings (77 Ill. Adm. Code 100)
Referenced in Section 860.510.
- 3) Illinois Pollution Control Board regulations
- A) Public Water Supplies (35 Ill. Adm. Code Subtitle F)
Referenced in Section 860.230.
 - B) Waste Disposal (35 Ill. Adm. Code Subtitle G)
Referenced in Section 860.240.
 - C) Solid Waste and Special Waste Hauling (35 Ill. Adm. Code Subtitle G, Subchapter i)
Referenced in Section 860.300.
- 4) Illinois Environmental Protection Agency regulations
Illinois Recommended Standards for Sewage Works (35 Ill. Adm. Code 370)

Referenced in Section 860.240.
- 5) Materials of Other State Agencies
- A) Regulatory Flood Plain Map published by:

Illinois Department of Natural Resources
Division of Water Resources
310 South Michigan, Room 1606
Chicago, Illinois 60604
Referenced in Section 860.130.
 - B) Statewide Permit Number 6, issued September 15, 1993 by:

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Illinois Department of Transportation
Division of Water Resources
2300 South Dirksen Parkway
Springfield, Illinois 62764
Referenced in Section 860.130.

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

SUBPART C: REQUIREMENTS OF THE MANUFACTURED HOME COMMUNITY

Section 860.200 Layout of the Manufactured Home Community

- a) All areas of the manufactured home community shall be drained to prevent ponding of water. If necessary, a storm drainage system shall be installed.
- b) Section 9.3 of the Act specifies the minimum square footage of each site and the location of the homes on the site. (See Section 860. Illustrations A and B.) There shall be a minimum street frontage of 25 linear feet for each site.
- c) No mobile home shall be parked closer than 5 feet to the side lot lines of a park, or closer than 10 feet to a public street, alley or building. Each individual site shall abut or face on a private or public street. All streets shall have unobstructed access to a public street. There shall be an open space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home. [210 ILCS 115/9.3] Homes located on these sites shall not be closer to a private street than the previous home on that site. Manufactured homes located on sites constructed prior to July 1, 1998 shall be at least 5 feet from the property line of the manufactured home community and 10 feet from any public street, alley, or building. There shall be a minimum separation of 10 feet from the side of a manufactured home to another manufactured home and a minimum of 5 feet from the end of a manufactured home to another manufactured home.
- d) Manufactured homes located on sites constructed after July 1, 1998 shall be located at least 5 feet from the manufactured home community property line, 10 feet from public or private streets, alleys, buildings or other manufactured homes, and shall not extend over a sidewalk.
- e) All portions of sheds, carports, garages, porches and similar structures constructed after July 1, 1998 shall be at least 3 feet from the manufactured home community property line, 5 feet from any other structure on adjacent sites, and 10 feet from

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all streets. For corner sites, sheds shall be at least 3 feet from all streets. Existing portions of sheds, carports, garages, porches, and similar structures may be replaced at the same location without complying with the requirements of this subsection (e).

- f) If any portion of a home, porch or step is within 5 feet of a private street, a speed limit of 10 miles per hour or less shall be posted for that street.
- g) When questions arise concerning the property lines of the manufactured home community, the licensee shall be responsible for identifying the legal location.
- f) When questions arise concerning the property lines of the manufactured home community, the licensee shall be responsible for identifying the legal location.

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

Section 860.210 Support Systems

- a) Sites on which homes ~~were~~ installed on or before July 1, 2005 ~~prior to July 1, 1998~~ shall have a support system in accordance with the requirements as required by the Mobile Home Park Code in effect at the time of the installation.
- b) Manufactured home sites constructed after July 1, 2005 shall comply with the Manufactured Housing Quality Assurance Act [430 ILCS 117] and the Manufactured Home Installation Code (77 Ill. Adm. Code 870). ~~Homes installed after July 1, 1998, shall be installed on a level support system capable of supporting the design load of the home. The support system shall consist of a minimum 3 1/2 inches thick concrete pad, runners or pier. The support system shall be placed on undisturbed soil or compacted material. Alternative equivalent systems may be submitted for approval by the Department. Pads shall be the approximate dimension of the home. Runners shall be either parallel or perpendicular to the length of the home. Runners that are parallel with the length of the home shall be a minimum of 20 inches wide, extend the approximate length of the home and be located so that blocking rests entirely on the runners. Runners that are perpendicular to the length of the home shall be a minimum of 12 inches wide, extend the approximate width of the home and be spaced at maximum eight feet intervals center to center along the length of the home. Pier blocks shall bear entirely on the pier support system. The manufactured home community owner is responsible for determining that the support system is adequate for the specific soil conditions. A copy of manufactured home installation guidelines is available from the Department.~~

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- c) The owner or operator of a licensed manufactured home community must keep on file copies of the Installation Compliance Certificate required by the Manufactured Home Installation Code (77 Ill. Adm. Code 870). This information shall be made available by the owner or operator of the manufactured home community to the Department, the manufactured home owner and lessee, and the representative of the manufactured home owner and lessee.
- e) ~~The support system can extend below the frost depth to prevent the home from shifting as a result of the freezing and thawing of the soil. The entire support system must be installed at the same approximate depth to prevent damage to the home from frost heave.~~
- d) ~~The ground and impervious surfaces surrounding the perimeter of the home shall be sloped to direct all surface water away from the home for sites constructed after July 1, 1998.~~

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

Section 860.250 Electrical

- a) New Installations
 - 1) All electrical distribution systems constructed or replaced after July 1, 1998 and before July 1, 2005 shall be designed and constructed to conform to the requirements of the National Electrical Code, 1996 Edition. Article 550-C of the National Electrical Code contains specific requirements for manufactured home communities. After July 1, 2005, design, construction, and replacement of electrical distribution systems shall be in accordance with the 2002 Edition of the National Electrical Code. ~~(See Section 860 Appendix B.)~~
 - 2) For homes installed after July 1, 1998, the manufactured home community licensee shall be responsible for providing electrical service equipment at least equivalent to the amperage capacity of the home which it serves.
- b) Existing Installations

The following minimum requirements shall apply to electrical systems installed prior to July 1, 1998:

 - 1) The electrical distribution system to the manufactured home sites shall be

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single phase, 120/240 volts nominal.

- 2) The type, size, installation and location of all conductors shall comply with their approved use as indicated in the edition of the National Electrical Code in effect at the time of construction.
 - 3) The service equipment shall not be attached to the home, located under the home, or located anywhere that is not readily accessible. Obstructions such as bushes shall not be located within three feet of the front of the service equipment.
 - 4) All electrical equipment installed outdoors shall be the weatherproof type. Equipment located under the home shall be protected from the weather.
 - 5) The service equipment and any other electrical devices shall be at least 12 inches above grade and secured to prevent any movement.
 - 6) The manufactured home feeder conductor shall be either a cord which meets the requirements of the manufacturer of the home or a permanently installed feeder as specified by the National Electrical Code in effect at the time of installation.
 - 7) All circuits at the service equipment shall be protected by over-current protection as required by the National Electrical Code in effect at the time of installation.
 - 8) Overhead conductors shall provide an 18 feet vertical clearance over all streets, a 12 feet clearance over driveways, and a 10 feet clearance above grade in all other areas. Electrical conductors emerging from the ground shall be protected by enclosures or raceways for direct buried cable or to the approved buried depth for protected conductors and up to a point 8 feet above grade. Acceptable protection shall be rigid metal, intermediate metal or Schedule 80 non-metallic conduit or channel. Manufactured home power supply cords need not be enclosed in conduit or raceways.
- c) Maintenance of All Systems
- All electrical systems shall be maintained in a safe condition. All damaged or defective equipment shall be repaired or replaced, all loose equipment shall be secured, all faceplates and panel fronts shall be in place and all live parts shall be covered to prevent accidental contact. Dead tree branches which overhang distribution wiring shall be removed. All components of the manufactured home

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community electrical system shall be inspected by the manufactured home community management and it shall be the responsibility of the licensee to have any defects corrected.

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

Section 860.260 Fuel Supply

The distribution, storage, and use of natural gas, liquefied petroleum gas, fuel oil, or other fuels shall be in accordance with the following:

- a) The National Fire Protection Association's Installation of Oil Burning Equipment, 2001+1992 Edition.
- b) The National Fire Protection Association's National Fuel Gas Code, 1999+1992 Edition.
- c) The National Fire Protection Association's Storage and Handling of Liquefied Petroleum Gases, 1998+1995 Edition.
- d) The United States Department of Transportation's Pipeline Safety Regulations.

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

Section 860.270 Fire Safety

- a) Bales of straw or other flammable materials that do not meet the requirements of subsection (b) of this Section shall not be used for skirting or insulation of the manufactured home.
- b) Garages, carports, porches, awnings, sheds, skirting and other similar appurtenances shall be constructed of material designed for exterior use that meets the flame spread rating of 200 or less in accordance with the American Society of Testing and Materials, Standard Method of Test for Surface Burning Characteristics of Building Materials (Standard E84).
- c) Fire Hydrants
 - 1) If a manufactured home community has fire hydrants, the fire hydrant valves shall be tested annually and the flow rates documented annually by the local fire department, water department or other entity capable of

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analyzing the available flow from the hydrants. Such test results shall be available to the Department upon request.

2) The licensee shall provide notification in writing to the local fire department of the hydrants that have been deemed unsatisfactory, which includes an agreement to either remove the hydrants, reverse the top of the hydrant or provide some other identification acceptable to the fire department to indicate that the hydrant is not acceptable, or install a system that meets the requirements of subsection (d).

3) The residents of the manufactured home community shall be advised in writing by the licensee within 30 days when a manufactured home community licensee becomes aware that one or more hydrants in the community is inadequate. The location of these fire hydrants shall be specified in writing, along with a plan to correct the situation and an anticipated date for completion. A copy of the notification shall be provided to the Department's Springfield office.

de) Manufactured home communities constructed after ~~July 1, 2005~~July 1, 1998 must be located in an area protected by a fire department or a fire protection district and provided with fire hydrants within 500 feet of any structure in the manufactured home community. As an alternative to fire hydrants, a holding pond or other source of water of 100,000 gallons or more accessible to the fire department or fire protection district may be used, if the fire department or fire protection district is capable of pumping from the body of water. The minimum size water main for providing fire protection shall be six inches in diameter. The system shall be designed to maintain a minimum pressure of 20 psi at all points in the distribution system under normal conditions of flow. (See Table B.)

ed) Flammable liquids and gasoline-powered equipment other than motorized vehicles shall not be stored within five feet of a manufactured home, except when stored in a shed or garage.

fe) All intended means of egress shall not be obstructed.

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

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Section 860.APPENDIX B Explanation of the 1996 National Electrical Code Requirements for Manufactured Home Communities (Repealed)

~~All electrical distribution systems constructed or repaired after July 1, 1998 must meet the requirements of the 1996 National Electrical Code. Section 860.Illustration F contains a diagram of the electrical system in the manufactured home community. The following is an explanation of some of the specific requirements of the National Electrical Code.~~

TRANSFORMERS

- ~~1. Article 550-22(a) of the National Electrical Code requires, as a minimum, that the transformer be sized on the larger of (1) 16,000 volt-amperes (at 120/240 volts) for each manufactured home site or (2) the load calculated in accordance with Section 550-13 for the largest typical home that each site will accept. Table 550-22 contains the minimum demand factors. The following are examples:~~

<u>Number of Sites</u>	*	<u>Demand Factor</u>	=	<u>Minimum Capacity of Transformer</u> (volt-amperes)
1		100%		16,000
2		55%		17,600
3		44%		21,120
4		39%		24,960
5		33%		26,400
6		29%		27,840
7		28%		31,360
8		28%		35,840
9		28%		40,320
10		27%		43,200
11		27%		47,520
12		27%		51,840
13		26%		54,080
14		26%		58,240
15		26%		62,400
16		25%		64,000
17		25%		68,000
18		25%		72,000
19		25%		76,000
20		25%		80,000
21		25%		84,000

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22	24%	84,400
23	24%	88,320
24	24%	92,160
25	24%	96,000
26	24%	99,840
27	24%	103,680
28	24%	107,520
29	24%	111,360
30	24%	115,200
31	24%	119,040
32	24%	122,880
33	24%	126,720
34	24%	130,560
35	24%	134,400
36	24%	138,240
37	24%	142,080
38	24%	145,920
39	24%	149,760
40	24%	153,600
41	23%	150,880
42	23%	154,560
43	23%	158,240
44	23%	161,920
45	23%	165,600
46	23%	169,280
47	23%	172,960
48	23%	176,640
49	23%	180,320
50	23%	184,000
51	23%	187,680
52	23%	191,360
53	23%	195,040
54	23%	198,720
55	23%	202,400
56	23%	206,080
57	23%	209,760
58	23%	213,440
59	23%	217,120
60	23%	220,800

2. ~~The transformer shall be grounded as required by Article 250. This conductor~~

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shall be sized as required by Article 250-95.

~~SERVICE ENTRANCE CONDUCTORS~~

- ~~1. The service entrance conductor may either be overhead (see Article 230-B) or underground (see Article 230-C) (See Section 860. Illustration F).~~
- ~~2. The service entrance conductor shall contain a minimum of 2 hot conductors and 1 neutral, all individually insulated. Section 310-15 indicates the requirements and Table 310-16 specifies the minimum size of the underground conductors and Tables 310-17, 18 and 19 contain the minimum size of the overhead conductors.~~
- ~~3. Service entrance conductors shall not be spliced (Article 230-46).~~
- ~~4. Overhead conductors must meet the clearance requirement of Article 230-24 (18 feet clearance over streets, 15 feet over driveways, and 10 feet elsewhere). Be advised that height requirements are dependent on the voltage the conductors are carrying.~~
- ~~5. Direct buried cables must be buried a minimum of 24 inches. Rigid metal or intermediate metal conduit must be buried at least 6 inches. See Table 300-5 for other requirements.~~
- ~~6. Conductors emerging from the ground must be protected by enclosures or raceways extending 18 inches below grade for direct buried cable or to the approved buried depth for protected cable and up to a point 8 feet above grade. Acceptable protection shall be rigid metal conduit, intermediate metal conduit or Schedule 80 rigid non-metallic conduit.~~

~~SERVICE EQUIPMENT~~

- ~~1. The service entrance equipment must be readily accessible within 30 feet of the home it serves or a properly grounded disconnecting means within 30 feet of the home must be provided (Article 550-23(a)).~~
- ~~2. The service entrance equipment must be rated at least 100 amperes. The equipment may include up to a 50 ampere receptacle if the proper over-current protection is provided (Article 550-23(b)).~~
- ~~3. The equipment must also include provisions for a branch circuit to serve any auxiliary structures or equipment such as yard lights and lawn maintenance~~

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~~equipment (Article 550-23(e)).~~

- ~~4. All 15 and 20 ampere receptacles installed outdoors must be protected by approved ground fault circuit protection for personnel (Article 550-23(d)).~~
- ~~5. The required disconnection means shall be located between 2 feet and 6 1/2 feet from the ground (Article 550-23(e)).~~
- ~~6. The service equipment shall be grounded as required by Article 250-32. See Section 250-H for the requirements of the grounding electrode system.~~

FEEDERS

- ~~1. The manufactured home feeder conductor may either be a factory installed cord or a permanently installed feeder. Either shall contain 4 continuous insulated color coded conductors, one which shall be the grounding conductor (Article 550-24).~~
- ~~2. The feeders may be overhead or underground. Similar requirements for clearances and size of the conductors apply as indicated for the service conductor.~~
- ~~3. Underground feeders may be directly buried if they bear a UF or USE marking. Otherwise they must be protected as required by Table 300-5.~~
- ~~4. The underground feeders must be protected as required by Article 300-5(d) where it emerges from the ground both at the service equipment and under the home. Because the home may be subject to vertical movement due to the freezing of the soil, provisions shall be made to allow for this movement without causing damage to the conductors.~~

DISTRIBUTION PANEL

~~The wiring of the distribution panel, which is located in the home, is not within the Illinois Department of Public Health's jurisdiction. However, it is important that the following provisions of Article 550-11 be met.~~

- ~~1. The white (neutral) conductor is required to be run from the "insulated busbar" in the manufactured home panel to the service entrance equipment, where it is connected to the terminal at the point of connection to the grounding electrode conductor.~~
- ~~2. The green (grounding) conductor is required to be run from the "panel grounding~~

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~~bus" in the manufactured home to the service entrance equipment, where it is connected to the neutral conductor at the point of connection to the grounding electrode conductor.~~

- ~~3. The requirements provide that the grounded (white) conductor and the grounding (green) conductor be kept separate within the manufactured home structure and only connected at the service entrance equipment in order to secure the maximum protection against electric shock hazards if the supplied neutral conductor should become open.~~
- ~~4. The grounded circuit conductor (neutral) shall be insulated from the grounding conductors and from equipment enclosures and other grounded parts. The grounded (neutral) circuit terminals in the distribution panelboard shall be insulated from the equipment enclosure.~~
- ~~5. The green colored grounding wire in the feeder shall be connected to the grounding bus in the distribution panelboard.~~
- ~~6. All exposed non-current-carrying metal parts that may become energized shall be effectively bonded to the grounding terminal of the distribution panelboard. A bonding conductor shall be connected between each distribution panelboard and an accessible terminal on the chassis.~~

(Source: Repealed at 30 Ill. Reg. _____, effective _____)

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Section 860.TABLE B Water Distribution Pipe Size

Inside Diameter of Main (In inches)	Number of Manufactured Home Sites Connected	Maximum Length of Main (In feet)
2	20	600
3	60	1,800
4	120	3,600
6	400	12,000

NOTE: If local requirements exceed the above sizes, the local standards must be met. A minimum 6-inch diameter pipe is required if fire hydrants are installed in the water distribution system. (See Section 860.270(d).)

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

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- 1) Heading of the Part: Manufactured Home Installation Code
- 2) Code Citation: 77 Ill. Adm. Code 870
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
870.10	New Section
870.20	New Section
870.30	New Section
870.40	New Section
870.50	New Section
870.55	New Section
870.60	New Section
870.65	New Section
870.70	New Section
870.80	New Section
870.90	New Section
870.100	New Section
870.110	New Section
870.120	New Section
870.130	New Section
870.140	New Section
870.150	New Section
870.160	New Section
870.170	New Section
870.190	New Section
870.200	New Section
870.210	New Section
870.220	New Section
870.230	New Section
870.240	New Section
870.250	New Section
870.TABLE A	New Section
870.TABLE B	New Section
870.TABLE C	New Section
870.TABLE D	New Section
870.TABLE E	New Section
870.TABLE F	New Section
870.TABLE G	New Section
870.TABLE H	New Section

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- 4) Statutory Authority: Implementing and authorized by the Illinois Manufactured Home Installers Act [430 ILCS 120], the Manufactured Home Quality Assurance Act [430 ILCS 117] and the Illinois Mobile Home Tiedown Act [210 ILCS 120].
- 5) A Complete Description of the Subjects and Issues Involved: These rules will implement the Illinois Manufactured Home Quality Assurance Act (430 ILCS 117), which requires the Department to license manufactured home installers and manufacturers of manufactured homes, and to establish installation standards for homes without manufacturer's installation manuals. This rulemaking is a companion rulemaking to the repeal of the Illinois Manufactured Home Tiedown Code (77 Ill. Adm. Code 870) and the Manufactured Home Installer Accreditation Course Code (77 Ill. Adm. Code 885). Requirements being repealed from those two Parts are incorporated into this Part, thus consolidating rules on the installation of manufactured homes.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain any incorporations by reference? Yes
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules do not create or expand a State mandate.
- 12) Time, Place and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing, within 45 days after this issue of the *Illinois Register*, to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217-782-2043
(E-mail: rules@idph.state.il.us)

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- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities, and not-for-profit corporations affected: The manufacturers of the modular dwellings and commercial mobile structures.
 - B) Reporting, bookkeeping or other procedures required for compliance: Proper reporting by the authorized inspection agencies.
 - C) Types of professional skills necessary for compliance: The authorized inspection agencies will be required to meet the professional skills listed in the proposed rules. The agencies which the Department currently deals with have the appropriate personnel.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2002

The text of the Proposed Repealer is identical to the text of the Emergency Repealer published at 29 Ill. Reg. 10371 and begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER q: MOBILE HOMES

PART 870
MANUFACTURED HOME INSTALLATION CODE

SUBPART A: DEFINITIONS AND INCORPORATED MATERIALS

- Section
870.10 Definitions
870.20 Incorporated and Referenced Materials

SUBPART B: MANUFACTURED HOME INSTALLER ACCREDITATION COURSES

- Section
870.30 Accreditation of Manufactured Home Installer Course
870.40 Responsibilities of Entities Offering Accredited Manufactured Home Installer Courses
870.50 Requirements for Accredited Manufactured Home Installer Course Curriculum
870.55 Reciprocity
870.60 Revocation of Accreditation

SUBPART C: MANUFACTURED HOME INSTALLER REQUIREMENTS

- Section
870.65 Requirements for Manufactured Home Installers License
870.70 Continuing Education
870.80 Installation Seals and Compliance Certificates

SUBPART D: REQUIREMENTS FOR THE INSTALLATION
OF MANUFACTURED HOMES

- Section
870.90 Requirements for the Installation of Manufactured Homes
870.100 Site Location
870.110 Support Systems
870.120 Structural Connections, Sealing and Patching
870.130 Electrical Hookup of Manufactured Homes
870.140 Plumbing

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- 870.150 Heating and Air Conditioning
- 870.160 Natural and Liquefied Petroleum Gas Installation
- 870.170 Perimeter Enclosures

SUBPART E: MANUFACTURED HOME ANCHORING

- Section
- 870.190 Tiedown Equipment Approval
- 870.200 Equipment Specifications
- 870.210 Compliance
- 870.220 Tiedown Installation Requirements

SUBPART F: MANUFACTURERS OF MANUFACTURED HOMES

- Section
- 870.230 Manufacturer's Responsibilities

SUBPART G: ADMINISTRATIVE HEARINGS

- Section
- 870.240 Penalties
- 870.250 Injunctive Relief

- 870.TABLE A Soil Pressure
- 870.TABLE B Footing Areas Required for Soil's Load-Bearing Capacity – Design Roof Load 20 Pounds Per Square Foot
- 870.TABLE C Footing Areas Required for Soil's Load-Bearing Capacity – Design n Roof Load 30 Pounds Per Square Foot
- 870.TABLE D Footing Areas Required for Soil's Load-Bearing Capacity – Design Roof Load 40 Pounds Per Square Foot
- 870.TABLE E Pier Load and Minimum Pier Capacity for 12 Foot Wide Section (Pounds)
- 870.TABLE F Pier Load and Minimum Pier Capacity for 14 Foot Wide Section (Pounds)
- 870.TABLE G Pier Load and Minimum Pier Capacity for 16 Foot Wide Section (Pounds)
- 870.TABLE H Multi-Section Fastening Schedule

AUTHORITY: Implementing and authorized by the Illinois Manufactured Home Installers Act [430 ILCS 120], the Manufactured Home Quality Assurance Act [430 ILCS 117], and the Illinois Mobile Home Tiedown Act [210 ILCS 120].

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SOURCE: Adopted at 4 Ill. Reg. 25, p. 148, effective July 1, 1980; codified at 8 Ill. Reg. 17513; amended at 21 Ill. Reg. 9475, effective July 1, 1997; emergency amendment at 22 Ill. Reg. 2626, effective January 14, 1998, for a maximum of 150 days; emergency expired June 13, 1998; amended at 23 Ill. Reg. 5609, effective June 1, 1999; old Part repealed by emergency rulemaking at 29 Ill. Reg. 10371 and new Part adopted by emergency rulemaking at 29 Ill. Reg. 10327, effective July 1, 2005, for a maximum of 150 days; old Part repealed at 30 Ill. Reg. _____, and new Part adopted at 30 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS AND INCORPORATED MATERIALS

Section 870.10 Definitions

For purposes of this Part, the following terms have the meanings ascribed in this Section.

"Accessory structure" means a structure such as a shed, garage, carport, deck or porch on a manufactured home site.

"Anchor" means any device used for securing the manufactured home to the foundation system or ground.

"Anchoring equipment" means bolts, straps, cables, turnbuckles, and chains, including tensioning devices, that are used with ties to secure a manufactured home to ground anchors or the foundation system.

"Anchoring system" means any method used for securing the manufactured home to a foundation system or the ground.

"Department" means the Illinois Department of Public Health. [430 ILCS 117/10]

"Footing" means that portion of the support system that transmits loads directly to the soil.

"Foundation system" is a support system that transfers design loads into the underlying ground. Examples of acceptable foundation systems include, but are not limited to, a floating support system consisting of concrete runners under each frame I-beam, or a concrete pad that extends beneath the entire home and is at least 3½" thick, or individual footing designed to support the home.

"Frost depth" means the depth of frost penetration into the soil.

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"Frost heave" is an uplift of ground or pavement caused by freezing of moist soil.

"Ground anchor" means any device at the manufactured home installation site designed to transfer manufactured home anchoring loads to the ground.

"Independent testing laboratory" is an organization that:

Primarily is interested in testing and evaluating equipment; and

Is qualified and equipped to conduct and evaluate experimental testing in accordance with approved standards; and

Makes available a published report in which specific information is included stating that the equipment and installations have been tested and found safe for use in a specific manner; and

Is not under the jurisdiction or control of any manufacturer or supplier of any industry.

"Installation" means assembly, at the site of occupancy, of all portions of the manufactured home, connection of the manufactured home to utilities, and installation of support and anchoring systems.

"Installation certificate of compliance" means the certificate provided by the Department that is completed by the licensed manufactured home installer, which certifies that the manufactured home installation complies with this Part.

"Installation instructions" means those instructions provided by the manufacturer detailing the manufacturer's requirements for supports, anchoring system attachments and utility connections.

"Installation seal" means a sticker issued by the Department to a licensed manufactured home installer to be displayed on the manufactured home to indicate compliance with the Department's rules pertaining to manufactured home installation.

"Installers Act" means the Illinois Manufactured Home Installers Act [430 ILCS 120].

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"Length of manufactured home" is the distance from the exterior of the front wall (nearest to the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, or other attachments.

"Licensed manufactured home installer" means a person who has successfully completed a manufactured home installation course approved by the Illinois Department of Public Health, paid the license fee and been issued a current license. [430 ILCS 117/10]

"Manufactured home" is synonymous with "mobile home" and means a structure that is a factory-assembled, completely integrated structure designed for permanent habitation, with a permanent chassis and so constructed as to permit its transport, on wheels temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is placed on a support system for use as a permanent habitation, and designed and situated so as to permit its occupancy as a dwelling place for one or more persons; provided, that any such structure resting wholly on a permanent foundation, as defined in this Part, shall not be construed as a mobile home or manufactured home. The term "manufactured home" includes manufactured homes constructed after June 30, 1976 in accordance with the federal National Manufactured Housing Construction and Safety Standards Act of 1974 and does not include an immobilized mobile home as defined in Section 2.10 of the Mobile Home Park Act. [430 ILCS 117/10]

"Manufacturer" means a manufacturer of a manufactured home whether the manufacturer is located within or outside the State of Illinois. [430 ILCS 117/10]

"Minimum frost depth" means 35 inches, except in those areas where local ordinance establishes a different frost depth.

"On-site" means the physical presence of the licensed manufactured home installer at the installation site of a manufactured home.

"Permanent foundation" is a continuous perimeter foundation of material, such as mortared concrete block, mortared brick, or concrete, that extends into the ground below the established frost depth and to which the home is secured with foundation bolts at least one-half inch in diameter, spaced at intervals of no more

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than 6 feet and within one foot of the corners, and embedded at least 7 inches into concrete foundations or 15 inches into block foundations. [430 ILCS 117/10]

"Piers" means that portion of the support system between the footing and the manufactured home, exclusive of shims. Types of piers include concrete blocks, manufactured steel stands, and manufactured concrete stands.

"Site" is a parcel of land for the accommodation of a manufactured home.

"Stabilizing device" means a device or provision made to minimize the deflection or slicing through the soil by a ground anchor rod at ground level.

"Support system" means a combination of footings, piers and shims designed to support the home when properly installed.

"Tie" means a strap, cable, or securing device used to connect the manufactured home to the anchors.

"Tiedown Act" means the Illinois Mobile Home Tiedown Act [210 ILCS 120].

"Tiedown manufacturer" is any person or business engaged in the manufacturing of tiedown equipment that is offered for sale or use in this State.

"Training hour" means at least 50 minutes of actual teaching, including time devoted to lecture, learning activities, small group activities, demonstrations, evaluations and/or practical, hands-on instruction.

Section 870.20 Incorporated and Referenced Materials

- a) The following standards and regulations are incorporated in this Part:
 - 1) Regulations of federal agencies:
 - A) United States Department of Transportation, Office of Pipeline Safety
400 7th Street, S.W.
Washington, D.C. 20590

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Transportation of Natural and Other Gas by Pipeline:
Minimum Federal Safety Standards (49 CFR 192; October
1, 2004)

- B) United States Department of Housing and Urban Development
451 N. 7th Street
Washington, D.C. 20410

Manufactured Home Construction and Safety Standards (24
CFR 3280; April 1, 2004)

- 2) Standards of a nationally or internationally recognized organization:

- A) National Fire Protection Association
1 Batterymarch Park
P.O. Box 9101
Quincy, Massachusetts 02269-9101

- i) National Electrical Code, 2002 Edition (NFPA 70)
- ii) Standards for the Installation of Oil Burning Equipment,
2001 Edition (NFPA 31)
- iii) National Fuel Gas Code, 1999 Edition (NFPA 54-99)
- iv) Standard for the Storage and Handling of Liquefied
Petroleum Gases, 1998 Edition (NFPA 58-98)

- B) American Wood-Preservers' Association
P.O. Box 5690
Granbury, Texas 76049

AWPA C22-03 Standard: Lumber and Plywood for
Permanent Wood Foundations – Preservative Treatment by
Pressure Processes (2003)

- C) American Society for Testing and Materials
100 Barr Harbor Drive
West Conshohocken, Pennsylvania 19428

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- i) ASTM A 254-97 Standard Specification for Copper-Braized Steel Tubing (2002)
 - ii) ASTM C 90-03 Standard Specification for Load-Bearing Concrete Masonry Units (2003)
 - iii) ASTM D 2513-04A Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing and Fittings (2003)
 - iv) ASTM D 3953-91 Standard Specification for Strapping, Flat Steel and Seals (2003)
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) The following standards, regulations and laws are referenced in this Part:
- 1) Rules of the Illinois Department of Public Health:
 - A) Manufactured Home Community Code (77 Ill. Adm. Code 860)
 - B) Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - C) Plumbers Licensing Code (68 Ill. Adm. Code 750)
 - 2) State of Illinois statutes:
 - A) Illinois Mobile Home Park Act [210 ILCS 115]
 - B) Illinois Mobile Home Tiedown Act [210 ILCS 120]
 - C) Illinois Plumbing License Law [225 ILCS 320]
 - D) Manufactured Home Quality Assurance Act [430 ILCS 117]
 - E) Illinois Manufactured Home Installers Act [430 ILCS 120]

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SUBPART B: MANUFACTURED HOME INSTALLER ACCREDITATION COURSES

Section 870.30 Accreditation of Manufactured Home Installer Course

- a) An entity that offers or plans to offer a manufactured home installer course shall obtain Department accreditation for the course by submitting to the Department in writing the following information at least 60 days before the beginning of the course:
- 1) The name, address and telephone number, and the name of a contact person, for the entity providing the course.
 - 2) The course location and written documentation that the course provides facilities of sufficient size to accommodate the maximum enrollment of the course for classroom and hands-on field training.
 - 3) Beginning and ending dates for the course.
 - 4) A course schedule and syllabus.
 - 5) Student and instructor manuals for the course.
 - 6) Documentation of a principal instructor who shall be responsible for the organization of the course and oversight of the teaching of all course material. Guest instructors may be utilized as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course. The principal instructor shall have the following qualifications:
 - A) at least two years of post high school education in building construction technology; or
 - B) two years of experience in managing a training program specializing in the installation of manufactured homes.
 - 7) A final examination for the course that includes criteria for pass/fail. The course must require at least 70% correct on the final examination as a passing score.

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- 8) An example of the certificate of course completion that includes the following information:
 - A) the name, address, and telephone number of the entity providing the course;
 - B) the name, dates of attendance at course, and indication of pass/fail for the student to whom the certificate is issued.
- b) The Department shall provide written notice via certified mail to the course sponsor whether the request for accreditation has been approved.
- c) For requests that are not approved, the Department's notification will include the reason for disapproval and notice that the course sponsor shall have 10 days to submit a written request for an administrative hearing to contest the Department's decision. In lieu of a request for hearing, the course sponsor may submit a revised request for accreditation in which items noted to be incomplete in the initial request are completed.
- d) The Department shall maintain and make available to the public a list of approved course sponsors.

Section 870.40 Responsibilities of Entities Offering Accredited Manufactured Home Installer Courses

- a) The entity offering an accredited training course shall be responsible for maintaining training course records and making such records available to the Department as necessary.
 - 1) Course records shall be retained at the address specified on the approved training program accreditation application for a minimum of 3 years.
 - 2) The entity shall notify the Department in writing within 30 days after changing the address specified on the training course accreditation application or transferring records to a new address.
 - 3) The Department shall have the authority to enter, inspect and audit training facilities and to examine records to determine compliance with the Act and this Part.

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- b) Training course records that shall be maintained include the following:
 - 1) All documents that demonstrate the qualifications of the principal instructor, as specified in Section 870.30(a)(6).
 - 2) Current curriculum/course materials and documents reflecting any changes made to these materials.
 - 3) A copy of the course final examination.
 - 4) Results of the course final examination and a record of each certified installer's course completion.
 - 5) Any other materials specified in Section 870.30 that have been submitted to the Department as part of the program approval.
- c) Entities offering accredited courses shall submit to the Department a list of installers completing a course within 30 days after course completion.

Section 870.50 Requirements for Accredited Manufactured Home Installer Course Curriculum

Each accredited manufactured home installer course shall provide instruction on how to install a manufactured home to the specifications of the manufacturer, review Subpart D of this Part for homes without manufacturer specifications, and test the written and practical installation skills of the individual installer (Section 15 of the Installers Act). Each course shall consist of at least 10 training hours that include the following topics:

- a) The installer's responsibility to obtain a copy of the home manufacturer's setup manual to ensure proper setup of the home in accordance with the home's warranty.
- b) The inspection of the proposed site of the home prior to setup to ensure proper location.
- c) Ensuring that the proposed site has drainage away from the home, vegetation cleared from under the home, and vapor barriers provided.
- d) Support of the home by a foundation system in accordance with the design loads of the home, the existing soil load bearing capacity of the home location, the

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Illinois Mobile Home Park Act [210 ILCS 115], the Manufactured Home Community Code (77 Ill. Adm. Code 860), and local authority requirements.

- e) Safety considerations for the setup of a home.
- f) Proper leveling of the home and placement of piers or foundation walls in accordance with the home manufacturer's specifications.
- g) Proper anchoring in accordance with the Tiedown Act and Subpart E of this Part.
- h) The installation of the plumbing for the home in accordance with the Illinois Plumbing License Law and the Illinois Plumbing Code.
- i) The installation of the electrical system for the home in compliance with the National Electrical Code.
- j) The installation of the gas or oil utilities for the home in compliance with the requirements of the Installation of Oil Burning Equipment, National Fuel Gas Code Standard for the Storage and Handling of Liquefied Petroleum Gas Code, and the Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards.

Section 870.55 Reciprocity

The Department may grant approval of a training program of another state that is determined to be equivalent to the requirements of Subpart B of this Part. Individuals must obtain an Illinois license. Installers who have completed a training course that has reciprocity with Illinois must also obtain an Illinois license, but need not complete an examination.

Section 870.60 Revocation of Accreditation

The Department shall provide written notice via certified mail to the course sponsor of its decision to revoke, for a period not exceeding 6 months, the course sponsor's accreditation. The course sponsor shall have 10 days to submit a written request for an administrative hearing to contest the Department's decision. The Department's decision to revoke a course sponsor's accreditation shall be based upon a course sponsor's violation of the Manufactured Home Quality Assurance Act [430 ILCS 117] or this Part. Notice and opportunity for an administrative hearing shall conform to the provisions of Section 870.240 of this Part.

SUBPART C: MANUFACTURED HOME INSTALLER REQUIREMENTS

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Section 870.65 Requirements for Manufactured Home Installers License

- a) To qualify for a license as a manufactured home installer, an applicant shall meet the following requirements:
 - 1) Be at least 18 years of age;
 - 2) Complete a Department-approved manufactured home installer course and pass the examination administered at the conclusion of the course, or complete a course offered by another state that has been granted reciprocal approval in accordance with Section 870.55;
 - 3) Submit the completed application form provided by the Department;
 - 4) Submit a 1 inch by 1 inch head and shoulder current photo of the license applicant;
 - 5) Submit the required license application fee of \$150.
- b) A licensed manufactured home installer must provide proof of licensure at the installation site when requested by a Department representative.
- c) A licensed manufactured home installer is not exempt from the requirements of the Illinois Plumbing License Law.

Section 870.70 Continuing Education

Licensed manufactured home installers must accumulate 4 hours of training approved by the Department every 2 years to be eligible for license renewal. Continuing education training must comply with Sections 870.30 and 870.40 with the exception that an exam is not required.

Section 870.80 Installation Seals and Compliance Certificates

- a) The licensed installer who installs the support system for each home must purchase from the Department installation seals and installation compliance certificates for all homes to be installed in Illinois after December 31, 2001. A \$25 check or money order payable to the Illinois Department of Public Health shall be submitted to the Illinois Department of Public Health, Division of Environmental Health, 525 West Jefferson, Springfield, Illinois 62761. Multiple

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seals and certificates of compliance may be purchased. The seals and compliance certificates may be purchased only by a licensed installer.

- b) Location of Seal. The installation seal must be placed directly above the HUD label upon completion of the installation of the home by the installer responsible for the support system for the home. In the event there is no HUD label on the home, the seal shall be placed where the HUD label would normally be. When a home with an installation seal is relocated, the original installation seal shall be removed or covered with the new installation seal.
- c) Installation Compliance Certificate
 - 1) The licensed manufactured home installer shall complete the installation compliance certificate within 30 days after the date of the installation. The installer shall mail copies of the completed certificate, via certified mail, to: the Department, the dealer, the homeowner, and the owner/operator of the licensed manufactured home community, if the home is installed in a community.
 - 2) The installation compliance certificate shall contain the following information:
 - A) Name and address of the licensed installer.
 - B) Installer's license number.
 - C) Name of manufacturer.
 - D) Manufacturer's serial number.
 - E) Home owner's name and address, if available.
 - F) Installation date.
 - G) Number of the installation seal that was affixed to the home.
- d) Lost or Damaged Installation Seals or Compliance Certificates. If a seal or compliance certificate becomes lost or damaged, the Department shall immediately be notified in writing by the installer. If possible, the assigned number shall be indicated. All damaged seals or compliance certificates or those

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unused from an installer who ceases business in Illinois shall be returned to the Department. No refund will be granted.

- e) Partially Completed Compliance Certificates. The licensed installer shall be responsible for completing as much information on the compliance certificates as is known prior to submitting the form to the Department, dealer and homeowner.

SUBPART D: REQUIREMENTS FOR THE INSTALLATION
OF MANUFACTURED HOMES

Section 870.90 Requirements for the Installation of Manufactured Homes

- a) *All manufactured homes installed after December 31, 2001 shall be installed under the on-site supervision of a licensed manufactured home installer.* [430 ILCS 117/25] The licensed installer shall provide sufficient on-site supervision to ensure quality installation as required by the manufacturer's specifications or, in the absence of the instructions provided by the manufacturer, this Part.
- b) Homes installed on a permanent foundation are not required to be installed by a licensed manufactured home installer.
- c) All homes shall comply with the anchoring requirements contained in Subpart E of this Part.
- d) The requirements of Sections 870.110 through 870.170 shall apply to homes installed where the instructions are not available.
- e) Nothing in this Part shall preclude local ordinances, including but not limited to zoning, building codes, or other ordinances not affecting installation standards or other exclusive State powers or functions under Section 60 of the Manufactured Home Quality Assurance Act.
- f) The home manufacturer data plate specifies the design criteria of the homes. For homes that do not have a data plate, the installation shall be designed for a roof live load design of 20 pounds per square foot.

Section 870.100 Site Location

- a) The portion of the lot used for the placement of the manufactured home must be firm, undisturbed soil or compacted fill. The soil must be tested for its load-

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bearing capacity and graded to prevent surface water or drainage from accumulating under the home. For sites constructed after July 1, 2005, the ground must be sloped a minimum of ½ inch per foot for at least 6 feet from the perimeter of the home. Impervious surfaces such as concrete and asphalt in this area shall be sloped away from the home at least one inch per 6 feet.

- b) All decayable material, such as grass, twigs, and wood scraps, shall be removed from under the home. Shrubs and overhanging branches that will impede installation in accordance with this Part shall be removed.
- c) A minimum 6-mil visqueen vapor barrier, secured and extending to the dimensions of the home, must be placed on the ground underneath the manufactured home before the perimeter enclosure is installed, unless the home is placed on a poured concrete slab.
- d) When gutters and downspouts are installed, the discharge shall be directed away from the home.

Section 870.110 Support Systems

Each manufactured home shall be installed on a support system capable of supporting a total of 80 pounds per square foot.

- a) Footings. Footings must be placed on level, firm, undisturbed soil or compacted or controlled fill that is free of grass and organic materials, compacted to a minimum load bearing capacity of 2,000 pounds per square foot. Pre-owned homes for which the manufacturer of the home is no longer in business or for which the installation instructions are not available may be placed on an existing footing system if the system meets the requirements of this Section.
 - 1) Area. The area in square inches of the footings is based on the width of the home, the roof design loads, the soil load-bearing capacity and the intended spacing of the piers. (See 870.Tables A-G.)
 - 2) Types. Footings may consist of the following:
 - A) Individual pier footings consisting of precast or poured-in-place individual pier footing concrete at least 3½ inches thick with a 28-day compressive strength of 3,000 pounds per square inch.

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- B) Concrete runners a minimum of 3½ inches thick under each I-beam or perpendicular to the I-beams at no more than 8 foot intervals.
 - C) Concrete pads a minimum of 3½ inches thick the approximate dimension of the home.
 - D) Pressure treated wood having a 0.60 retention in accordance with the AWWA C22-03 Standard.
 - E) Acrylonitrile butadiene styrene (ABS) footing pads in accordance with pad manufacturer installation instructions and listed for the required load capacity and type of installation. Support devices and piers must not overlap the footings.
 - F) A support system approved by a licensed professional engineer.
- b) Piers. Piers or load-bearing supports or devices shall be designed and constructed to transmit the vertical live and dead loads to the foundation below. In order to properly support the home, the piers must be of the proper type, size, location and spacing. Piers shall be installed directly under the main frames of the home. Piers shall be no more than two feet from each end of the frame and adequately spaced. (See 870.Tables A-G.) Piers may be concrete blocks or adjustable metal or concrete devices approved and listed for the required load capacities. Load bearing supports or devices shall be listed and labeled, or shall be designed by a licensed professional engineer in Illinois, and shall be approved for the use intended, prior to installation.
- 1) Types. Non-mortared concrete blocks conforming to ASTM C 90-96 Type N with a nominal size of 8 inches by 8 inches by 16 inches shall be installed with the 16 inch dimension perpendicular to the main frame (I-beam), the open cells vertical, stacked level. A 2 or 4 inch thick 8 inch by 16 inch solid concrete cap block that conforms to ASTM C 90-96 Type N shall be placed on the top of each stack. The vertical load shall not exceed 8,000 pounds per single stack and 14,000 pounds for a double stack. The blocks must be stacked on a solid base pad in accordance with the soil bearing capacity. As many as 2 wood plates not exceeding 3 inches in combined thickness and 2 shims not exceeding 1 inch total thickness must be used to fill any gap between the concrete cap and main frame.

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Hardwood shims must be a minimum of 3 inches wide and 6 inches long fitted tight between cap or wood plate and main frame.

- 2) Clearance and Height. A minimum clearance of 12 inches must be provided between the ground and the bottom of the frame. If piers exceed 36 inches in height, they shall be double blocked. If the height exceeds 80 inches, the pier must be double blocked and mortared with rebar. If the home is placed in an area subject to flooding, a licensed professional engineer in Illinois shall design a support and anchoring system that will resist flood forces. The Federal Emergency Management Agency has information that may assist in the design.
- 3) Load-Bearing Openings. In addition to the piers under the main I-beams of the home, piers must be placed under openings in the perimeter walls and center-mating wall openings greater than 4 feet. (See 870.Tables E-G.)
- 4) Elevated Manufactured Homes. When more than $\frac{1}{4}$ of the area of a home is installed so that the bottom of the main frame is more than 7 feet above ground level, the home support system shall be designed by a licensed professional engineer in Illinois and installation shall be approved by the Department prior to the installation.

Section 870.120 Structural Connections, Sealing and Patching

- a) Structural Connections. Multi-section manufactured homes must be secured to immobilize each section, allow for the transfer of required loads, and protect interior and enclosed spaces. (See 870.Table H, Multi-Section Fastening Schedule.)
- b) Sealing. During installation, joints between all multi-section homes must be cleaned and shimmed where the gap exceeds $\frac{1}{2}$ inch top or bottom, then sealed with a weather-stripping gasket material to limit heat loss and prevent air, moisture and other damaging infiltration. The gasket material must be durable, non-porous caulking, closed cell foam, urethane or sill seal. Caulking, if used, must be capable of compressing and stretching. Sill seal, if used, must be a minimum of $5\frac{1}{2}$ inches wide and attached with fasteners staggered at 6 inches on center.

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- c) Patching. All cuts, holes or tears in the bottom board or floor insulation, including areas around structural connections and plumbing, mechanical and heating equipment penetrations, must be adequately repaired to help prevent the entrance of rodents, to limit heat loss and to prevent air, moisture and other damaging infiltration.

Section 870.130 Electrical Hookup of Manufactured Homes

All electrical distribution and services must comply with the National Electrical Code in existence at the time of the installation of the electrical service. The electrical service site supply must be a minimum of 100 amperes and rated for the capacity of the home.

Section 870.140 Plumbing

As specified by the Illinois Plumbing License Law [225 ILCS 320], all plumbing installed in Illinois shall be done by an Illinois licensed plumber or the owner and occupant of the home and shall comply with the Illinois Plumbing Code. A person who installs plumbing and is not a licensed Illinois plumber or is not the owner and occupant of the home can be fined up to \$5,000 in accordance with the provisions of Illinois Plumbing License Law and Plumbers Licensing Code.

Section 870.150 Heating and Air Conditioning

All on-site installations of heating and air conditioning systems shall meet the equipment manufacturer's specifications, comply with local code, and be performed by qualified personnel approved or licensed by the local jurisdiction for this work, a licensed manufactured home installer or the homeowner.

- a) Heating Equipment. The heating systems for most homes are provided with the duct systems installed. On-site installation consists of connecting the crossover duct for multi-section homes. Crossover ducts for multi-section homes must be supported aboveground, sealed to prevent air leaks and cut to length to avoid kinks.
- b) Air Conditioning Equipment. Air conditioning equipment must be installed in accordance with the manufacturer's specifications and comply with local codes. The maximum electrical full load ampere draw for the desired air conditioning unit must not exceed the home manufacturer's circuit rating. Any field-installed wiring beyond the junction box must include a fused disconnect located within sight of the condensing unit. The maximum fuse size is marked on the condenser

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data plate. Charging of the air conditioning equipment must be performed by qualified personnel. Condensation from the air conditioning equipment must not drain underneath the home.

- c) Clothes dryer vents must exhaust outside the exterior of the home, or any perimeter foundation or skirting. The exhaust duct must be adequately supported and sealed. The installation of the duct must be in accordance with the manufacturer's instructions.

Section 870.160 Natural and Liquefied Petroleum Gas Installation

- a) Natural Gas. There are three codes affecting the operation of natural gas facilities in manufactured homes: the Pipeline Safety Regulations administered by the U.S. Department of Transportation for the pipeline to the meter; the National Fuel Gas Code written by the National Fire Protection Association for the piping from the meter to underneath the home, and the Manufactured Home Construction and Safety Standards, administered by the Department of Housing and Urban Development for the appliance installation, operation and venting in the home.
 - 1) Piping. Natural gas piping must be of approved materials.
 - A) Plastic piping approved for natural gas, ASTM 2513, must be installed below ground level, except that it may terminate aboveground if:
 - i) The aboveground part of the plastic service line is protected against deterioration and external damage; and
 - ii) The plastic service line is not used to support external loads. Plastic pipe, tubing and fittings shall be joined in accordance with manufacturer's instructions. An electrically continuous corrosion resistant tracer wire (Minimum 14 AWG (American wire gauge)) or tape shall be buried with the plastic pipe to facilitate locating.
 - B) Metallic pipe shall be at least standard weight, Schedule 40. Copper and brass pipe shall not be used if the gas contains more than an average of 0.3 grains of hydrogen sulfide per 100 standard cubic feet of gas. Metallic tubing such as seamless copper (ASTM

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A254) shall be permitted to be used with gas not corrosive to such material.

- 2) Support. All piping under the home must be supported with appropriate hangers spaced at no more than 6 foot intervals for 1 inch diameter or less pipe and no more than 10 foot intervals for piping 1¼ inch in diameter or more.
 - 3) Defects and Corrosion. Defects in pipe, tubing or fittings shall not be repaired. When defective pipe, tubing or fittings are located in a system, the defective material shall be replaced. Gas piping in contact with earth or other material that could corrode the piping shall be protected against corrosion in an approved manner.
 - 4) Meters, Valves and Regulators. Meters and regulators must be installed in a readily accessible location and be protected from corrosion and other damage. Each service line must have a service line valve located upstream of the regulator or meter.
 - 5) Location and Testing. Each buried main must be installed with at least 24 inches of cover and service lines with at least 18 inches of cover. The service line cover can be reduced to 12 inches if external damage to the pipe is not likely to result. The gas piping system must be tested for leaks prior to occupancy of the home.
- b) Liquefied Petroleum Gas (LP). LP gas containers must be approved for the intended use and properly located in accordance with the Standard for the Storage and Handling of Liquefied Petroleum Gases (NFPA 58-98) (Table 9 – Proper Location of Liquefied Petroleum Gas Containers).
 - c) Oil Burning Equipment. Fuel oil burning equipment must be installed in accordance with the Standards for the Installation of Oil Burning Equipment (NFPA 31).

Section 870.170 Perimeter Enclosures

- a) Material and Ventilation. The perimeter enclosure material shall be of material manufactured for this purpose. The material must be installed in a manner that will not allow water to be trapped between the perimeter material and the siding or trim to which it is attached. The perimeter enclosure material is to be vented

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according to the manufacturer's recommendation to prevent moisture buildup. If the manufacturer's specifications are not available, to assure proper ventilation, the open area of the vents must be equal to at least 1/300 of the floor area of the home.

- b) Installation. Perimeter enclosure material must be installed to accept possible frost heave. The perimeter enclosure must be installed to the manufacturer's specifications.
- c) Access. A utility inspection panel that can be opened without the use of tools and that is a minimum of 24 inches by 18 inches must be provided.

SUBPART E: MANUFACTURED HOME ANCHORING

Section 870.190 Tiedown Equipment Approval

- a) Manufacturer's Approval. Each tiedown manufacturer shall file with the Department a written request for approval to sell tiedown equipment in Illinois. In order to obtain approval, each tiedown manufacturer must submit the following:
 - 1) Detailed plans and specifications of all tiedown equipment, showing model identification number, pertinent dimensions, materials, and method of securing ties. Each drawing shall bear the seal of a licensed professional engineer in Illinois.
 - 2) Test data regarding the strength of all equipment, which has been prepared and certified by a recognized independent testing laboratory, demonstrating that the anchor and all tiedown equipment meet the requirements of this Section. Each piece of equipment must be tested a minimum of three times and be shown to meet the requirements of Section 870.200. The tests must be conducted with the equipment installed according to the installation instructions.
 - 3) A copy of the installation instructions for each anchor must accompany all anchors when sold. For ground anchors, the instructions shall include information as to the holding capability of the soils in which the anchor is certified to be installed, the method of installation, the type and size of stabilization devices required, the amount of pre-loading, and the method of tension adjustment after installation. The instructions for installation

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must be consistent with the testing of the equipment, especially with regard to the angle and depth of installation of ground anchors. The instructions for concrete anchors shall specify the minimum amount of concrete required, the distance from the edge of the concrete to the anchor and the compressive strength of the concrete. A copy of all instructions, including any revisions, must be submitted prior to the issuance of approval.

- 4) Each anchor shall be permanently marked with an identification number that is visible when the equipment is installed.
 - 5) If the design, construction or installation instructions of any approved equipment are changed, approval must be obtained from the Department.
- b) **Alternative Approval.** A home owner, dealer, or installer who wishes to tie down a manufactured home with a unique system or materials different from one approved under subsection (a) must submit all information on material specifications, strength of equipment, and system design to the Department for approval. The approval will be based upon the criteria specified in Sections 870.200 and 870.220.
 - c) **Evidence of Approval.** The tiedown manufacturer shall present evidence of Department approval to any homeowner or installer upon request. Approval shall be evidenced by the letter of approval from the Department for the specific equipment.
 - d) **Previous Approvals.** All previous approvals issued by the Department for tiedown equipment shall become void January 1, 2006. New approval will be granted for the tiedown equipment previously approved with the exception that the ground anchor equipment will be rated at the soil holding capability of tests on file and not soil class ratings.

Section 870.200 Equipment Specifications

- a) Tie materials shall be capable of resisting a force of 3,150 pounds with no more than 2 percent elongation and shall withstand at least 4,725 pounds without failure. Strapping must meet the requirements of ASTM D 3953-91, and cable must be a minimum of ¼ inch diameter galvanized 7 by 19 strand cable.

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- b) Anchor equipment and ties shall be weather resistant. Each anchor, when installed, shall be capable of resisting a working load at least equal to 3,150 pounds in the direction of the tie plus 50 percent overload (4,725 pounds) without failure. Double headed anchors must resist vertical and horizontal loads. Failure shall be considered to have occurred when the point of connection between the tie and the anchor moves more than 2 inches at 4,725 pounds in the vertical direction. Anchors designed to be installed so that the loads on the anchor are other than direct withdrawal shall be designed and installed to resist an applied design load of 4,725 pounds at 45 degrees from horizontal without displacing the anchor more than 3 inches horizontally at the point where the tie attaches to the anchor.

Section 870.210 Compliance

- a) All manufactured homes and manufactured accessory structures installed after July 1, 2005 must be tied down in accordance with this Part, the home manufacturer's instructions and the tiedown manufacturer's instructions within 30 days after the home is installed on the site. All manufactured accessory structures shall be secured in accordance with the manufacturer's instructions.
- b) If frozen soil or wet soil prevents the installation of ground anchors, the 30 day deadline shall not apply. The home must, in this case, be anchored at the earliest possible date after the soil thaws or dries.

Section 870.220 Tiedown Installation Requirements

- a) Equipment. All manufactured homes installed after July 1, 2005 must be installed with equipment approved by the Department.
- b) Ties
 - 1) Cable, strapping or other approved material shall be used for ties.
 - 2) The ties shall connect from an anchor to the closest I-beam beneath the home. Ties shall not connect to steel outriggers, unless specifically stated in the home manufacturer's installation instructions. The angle formed between the tie and the ground shall be between 40 and 50 degrees. If this angle exceeds 50 degrees when the tie is connected to the nearest I-beam, a tie shall connect from an anchor to both I-beams of the unit.

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- 3) Ties shall be evenly spaced on each side of the length of the home with a maximum separation of 12 feet and with the end ties within 2 feet of each end.
 - 4) If steel strapping is used, it must be secured around the I-beam using an approved connecting device. Straps shall go from the anchor to the top of I-beam unless the home manufacturer's instructions indicate otherwise. Care shall be exercised to ensure that minimum bending radius is adhered to, so that the breaking strength of the strapping is not reduced.
 - 5) The ties shall be secured to the I-beam of the home so that they will not become disconnected if the tension is loosened.
 - 6) Ties must terminate with a D-ring, bolt or other tensioning device that will not lower the material strength below that stated in Section 870.200(a).
 - 7) All cable ends shall be secured with at least two utility bolt type clamps or other fastening device.
- c) Anchors
- 1) All anchors must be installed to full depth as specified in the anchor manufacturer's installation instructions.
 - 2) Stabilizing devices must be utilized when the load on the ground anchor is not applied in line with the anchor. Provisions shall be made to minimize the deflection or slicing through the soil by the anchor rod at ground level. The method of restricting deflection may be the encasement of the top portion of the anchor in a concrete collar or by the use of a stabilizer plate.
 - 3) Ground anchors installed in line with the load of the anchor must be a minimum of 48 inches in length.
- d) Frost Heave. The following measures shall be taken for the specific type of installation in order to prevent frost heave, which can cause damage to a home:
- 1) If the support system for the home does not extend below the frost depth but the anchors do, the ties shall be adjusted (loosened slightly in the fall and tightened in the spring) to compensate for the tension caused by the earth movement.

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- 2) If the support system for the home extends below the frost depth but the anchoring system does not, the ties shall be tightened in the fall and loosened slightly in the spring.
 - 3) If the anchoring system and the support system for the home both extend below the frost depth or neither extends below the frost depth, no provisions for frost heave are necessary.
- e) Permanent Foundation. Homes installed on a permanent foundation as defined in Section 870.10 are exempted from this Part.

SUBPART F: MANUFACTURERS OF MANUFACTURED HOMES

Section 870.230 Manufacturer's Responsibilities

- a) Manufacturers shall include a copy of their installation requirements with each home located in Illinois.
- b) Upon request from the Department, manufacturers shall provide the Department with a copy of the installation requirements for a specific home.
- c) If a manufacturer will honor its home warranty for an installation system that is different than that specified in the installation instructions, such information shall be provided to the Department in writing.

SUBPART G: ADMINISTRATIVE HEARINGS

Section 870.240 Penalties

The Department may revoke a license issued under the Manufactured Home Quality Assurance Act for a period not to exceed 6 months for a violation under the Act. A licensee is entitled to a hearing in accordance with the Illinois Administrative Procedure Act (IAPA). [430 ILCS 117/45]

- a) The Director, after notice and opportunity for hearing to the license holder, may revoke, for cause, a license issued under the Act for a period not to exceed 6 months.

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- b) For purposes of this Section, "cause" means a violation of any provision of the Act or any rule adopted pursuant to the Act.
- c) The Department shall serve on the license holder a Notice of Opportunity for an Administrative Hearing, which shall contain:
 - 1) a statement of the nature of the action;
 - 2) a statement of the legal authority and jurisdiction under which the action is being initiated;
 - 3) a reference to the particular Sections of the statutes and rules involved;
 - 4) allegations of noncompliance;
 - 5) a statement of the procedure for requesting an administrative hearing (Section 10-25 of the IAPA).
- d) Notice shall be provided by certified mail or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 10 days from the date of the mailing or service, within which time the license holder must request, in writing, a hearing. Failure to serve upon the Department a written request for hearing within the time provided in the notice shall constitute a waiver of the person's right to an administrative hearing.
- e) Upon receipt of a timely request for hearing, the Department shall issue a Notice of Hearing or Pre-hearing Conference. The notice shall contain:
 - 1) a statement of the nature of the hearing;
 - 2) a statement of the time and place that the hearing or pre-hearing conference will be held;
 - 3) a statement of the legal authority and jurisdiction under which the hearing is to be held; and
 - 4) the names and mailing addresses of the administrative law judge, all parties, and all other persons to whom the agency gives notice of the hearing, unless otherwise confidential by law.

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- f) The license holder shall file a written Answer to the Allegations of Noncompliance. The answer must be served on all parties within 20 days after receipt of the notice alleging noncompliance. If a license holder fails to file an answer, each alleged violation of a statute or Department rule by the license holder shall be deemed to have been admitted. If the license holder has insufficient knowledge of the facts to form a belief as to the truth of the allegation, the license holder may so state with an affidavit of insufficient knowledge.
- g) The hearing shall be conducted by the Director or by an individual designated by the Director as an Administrative Law Judge to conduct the hearing. The Director, or Administrative Law Judge, shall give written notice of the time and place of the hearing, by certified mail or personal service, to the applicant or license holder at least 10 days prior to the hearing. On the basis of the hearing, or upon default of the applicant or license holder, the Director shall make a determination specifying his or her findings and conclusions. A copy of the determination shall be sent by certified mail or served personally upon the applicant, license holder, or registrant. The decision of the Director shall be final on issues of fact and final in all respects unless judicial review is sought as provided in this Act.
- h) The procedure governing hearings authorized by this Section shall be in accordance with rules promulgated by the Department Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)).
- i) A full and complete record shall be kept of all proceedings, including the notice of hearing, complaint, and all other documents in the nature of pleadings, written motions filed in the proceedings, and the report and orders of the Director and hearing officer.
- j) The Department, at its expense, shall provide a court reporter to take testimony. Technical error in the proceedings before the Director or Administrative Law Judge or their failure to observe the technical rules of evidence shall not be grounds for the reversal of any administrative decision unless it appears to the Court that such error or failure materially affects the rights of any party and results in substantial injustice to any party.
- k) The Director or Administrative Law Judge may compel the attendance of witnesses and the production of books, papers, records, or memoranda.

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Section 870.250 Injunctive Relief

If the Department finds that any installer or manufacturer is operating without a valid license, the Director of the Department may request that the Attorney General file a complaint in circuit court in the name of the People of the State of Illinois to enjoin that installer or manufacturer from engaging in unlicensed activities. [430 ILCS 117/50]

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Section 870.TABLE A Soil Pressure

<u>Soil Type</u>	<u>Allowable Pressure (lbs/sq. ft.)</u>
Hard Pan or Rock	4,000 and up
Gravel or Sandy Gravel	2,000
Sandy or Silty Sand	1,500
Clay or Silty Clay	1,000
Peat or Uncompacted Fill	Special Analysis Required

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Section 870.TABLE B Footing Areas Required for Soil's Load-Bearing Capacity – Design Roof Load 20 Pounds Per Square Foot

Section Width (feet)									
	12	14	16	12	14	16	12	14	16
Support Spacing (feet)									
	6	6	6	8	8	8	10	10	10
Support Loading (pounds per pier)									
	3200	3700	4250	4250	4950	5650	5300	6150	7050
Soil's Load-Bearing Capacity (lbs/ft ²)	Footing Area (square inches)								
1000	461	533	612	612	713	814	763	886	1015
1500	307	355	408	408	475	542	509	590	677
2000	230	266	306	306	356	407	382	443	508
3000	154	178	204	204	238	271	254	295	338
4000	144	144	153	153	178	203	191	221	254

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Section 870.TABLE C Footing Areas Required for Soil's Load-Bearing Capacity – Design Roof Load 30 Pounds Per Square Foot

Section Width (feet)									
	12	14	16	12	14	16	12	14	16
Support Spacing (feet)									
	6	6	6	8	8	8	10	10	10
Support Loading (pounds per pier)									
	3550	4150	4750	4750	5550	6350	5950	6950	7950
Soil's Load-Bearing Capacity (lbs/ft ²)	Footing Area (square inches)								
1000	511	598	684	684	799	914	857	1001	1145
1500	341	398	456	456	533	610	571	667	763
2000	256	299	342	342	400	457	428	500	572
3000	170	199	228	228	266	305	286	334	382
4000	144	148	171	171	200	229	214	250	286

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Section 870.TABLE D Footing Areas Required for Soil's Load-Bearing Capacity – Design Roof Load 40 Pounds Per Square Foot

Section Width (feet)									
	12	14	16	12	14	16	12	14	16
Support Spacing (feet)									
	6	6	6	8	8	8	10	10	10
Support Loading (pounds per pier)									
	3950	4650	5300	5300	6150	7050	6600	7700	8800*
Soil's Load-Bearing Capacity (lbs/ft ²)	Footing Area (square inches)								
1000	569	670	763	763	886	1015	950	1109	1267
1500	379	446	509	509	590	677	634	739	845
2000	284	335	382	382	443	508	475	554	634
3000	190	223	254	254	295	338	317	370	422
4000	144	167	191	191	221	254	238	277	317

- a) First footing centered within 2 feet from end of home.
- b)* Individual supports, concrete 8"x8"x16" blocks, shall NOT support loads greater than 8,000 pounds for a single stack and 14,000 pounds for a double stack pier.

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Section 870.TABLE E Pier Load and Minimum Pier Capacity for 12 Foot Wide Section (Pounds)

	Roof Live Load (psf)	Mating/Perimeter Wall Opening (feet)						
		5	10	15	20	25	30	35
	20	900	1800	2600	3500	4400	5300	6100
	30	1200	2300	3500	4700	5800	7000	8200
	40	1500	2900	4400	5800	7300	8800*	10200*
Soil's Load-Bearing Capacity (psf)	Footing Area (square inches)							
1000	20	144	259	374	504	634	763	878
	30	173	331	504	677	835	1008	1181
	40	216	417	634	835	1051	1267	1469
1500	20	144	173	250	336	422	509	586
	30	144	221	336	451	557	672	787
	40	144	278	422	557	701	845	979
2000	20	144	144	187	252	317	382	439
	30	144	166	252	338	418	504	590
	40	144	209	317	418	526	634	734
3000	20	144	144	144	168	211	254	293
	30	144	144	168	226	278	336	394
	40	144	144	211	278	350	422	490
4000	20	144	144	144	144	191	191	220
	30	144	144	144	169	209	252	295
	40	144	144	158	209	263	317	367

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- * Individual supports shall NOT support loads greater than 8000 pounds for a single stack of 8"x8"x16" stack of blocks, 14000 pounds for a double stack.

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Section 870. TABLE F Pier Load and Minimum Pier Capacity for 14 Foot Wide Section (Pounds)

	Roof Live Load (psf)	Mating/Perimeter Wall Opening (feet)						
		5	10	15	20	25	30	35
	20	1000	2000	3000	4100	5100	6100	7100
	30	1400	2700	4100	5400	6800	8100*	9500*
	40	1700	3400	5100	6800	8400*	10100*	11800*
Soil's Load-Bearing Capacity (psf)	Footing Area (square inches)							
1000	20	144	288	432	590	734	878	1022
	30	202	389	590	778	979	1166	1368
	40	245	490	734	979	1210	1454	1699
1500	20	144	192	288	394	490	586	682
	30	144	259	394	518	653	778	912
	40	163	326	490	653	806	970	1133
2000	20	144	144	216	295	367	439	511
	30	144	194	295	389	490	583	684
	40	144	245	367	490	605	727	850
3000	20	144	144	144	197	245	293	341
	30	144	144	197	260	326	389	456
	40	144	163	245	326	403	485	566
4000	20	144	144	144	148	184	220	256
	30	144	144	148	194	245	292	342
	40	144	144	184	245	302	364	425

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- * Individual supports shall NOT support loads greater than 8000 pounds for a single stack of 8"x8"x16" stack of blocks, 14000 pounds for a double stack.

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Section 870.TABLE G Pier Load and Minimum Pier Capacity for 16 Foot Wide Section (Pounds)

	Roof Live Load (psf)	Mating/Perimeter Wall Opening (feet)						
		5	10	15	20	25	30	35
	20	1200	2300	3500	4700	5800	7000	8100*
	30	1600	3100	4700	6200	7800	9300*	10900*
	40	1900	3800	5800	7500	9700*	11600*	13600*
Soil's Load-Bearing Capacity (psf)	Footing Area (square inches)							
1000	20	173	331	504	677	835	1008	1166
	30	230	446	677	893	1123	1339	1570
	40	274	547	835	1080	1397	1670	1958
1500	20	144	221	336	451	557	672	778
	30	154	298	451	595	749	893	1046
	40	182	365	557	720	931	1114	1306
2000	20	144	165	252	338	418	504	583
	30	144	223	338	446	562	670	785
	40	144	144	418	540	698	835	979
3000	20	144	144	168	226	278	336	389
	30	144	149	226	298	374	446	523
	40	144	182	278	360	466	557	653
4000	20	144	144	144	169	209	252	292
	30	144	144	169	223	281	335	392
	40	144	144	209	270	349	418	490

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- * Individual supports shall NOT support loads greater than 8000 pounds for a single stack of 8"x8"x16" stack of blocks, 14000 pounds for a double stack.

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Section 870.TABLE H Multi-Section Fastening Schedule

CONNECTOR LOCATION	FASTENER SIZE	FASTENER ANGLE	FASTENER SPACING
Roof ridge beam connection	½ inch carriage bolts	90 degrees	48 inches on center
Roof ridge beam connection	¾ inch lag screws with washers	45 degrees or less	24 inches on center
Roof rafter connection	4 inch by 10 inch 18 gauge straps with 10-10d nails	90 degrees	48 inches on center
Floor rim joist connection	¾ inch lag screws with washers	45 degrees or less	32 inches on center
Floor connection	Marriage clips	90 degrees	Where installed

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- 1) Heading of the Part: Manufactured Home Tiedown Code
- 2) Code Citation: 77 Ill. Adm. Code 870 (Repealer)
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
870.10	Repealed
870.20	Repealed
870.30	Repealed
870.40	Repealed
870.50	Repealed
870.60	Repealed
870.70	Repealed
870.TABLE A	Repealed
- 4) Statutory Authority: Authorized by and implementing the Illinois Mobile Home Tiedown Act [210 ILCS 120]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed and replaced with new proposed rules. The content of the manufactured home tiedown code will be included in the proposed Manufactured Home Installation Code (77 Ill. Adm. Code 870).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed repealer replace an emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed repealer contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or expand expenditures by units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written or e-mail comments may be submitted within 45 days after this issue of the *Illinois Register* to:

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Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217-782-2043
(E-mail: rules@idph.state.il.us)

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: This repealer will not have an impact on small businesses.
 - B) Reporting, bookkeeping or other procedures required for compliance: This repealer will not create any new requirements.
 - C) Types of Professional skills necessary for compliance: No professional skills are required for compliance.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2002
- 15) Does this repealer require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]?

The text of the Proposed Repealer is identical to the text of the Emergency Repealer published at 29 Ill. Reg. 10371 and begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER q: MOBILE HOMES

PART 870

ILLINOIS MANUFACTURED HOME TIEDOWN CODE (REPEALED)

Section

870.10	Statutory Authority
870.20	Definitions
870.30	Tiedown Equipment Approval
870.40	Compliance
870.50	Tiedown Installation Requirements
870.60	Equipment Specifications
870.70	Administrative Hearings
870.TABLE A	Soil Class Marking of Anchors

AUTHORITY: Implementing and authorized by the Illinois Mobile Home Tiedown Act [210 ILCS 120].

SOURCE: Adopted at 4 Ill. Reg. 25, p. 148, effective July 1, 1980; codified at 8 Ill. Reg. 17513; amended at 21 Ill. Reg. 9475, effective July 1, 1997; emergency amendment at 22 Ill. Reg. 2626, effective January 14, 1998, for a maximum of 150 days; emergency expired June 13, 1998; amended at 23 Ill. Reg. 5609, effective June 1, 1999; old Part repealed by emergency rulemaking at 29 Ill. Reg. 10371 and new Part adopted by emergency rulemaking at 29 Ill. Reg. 10327, effective July 1, 2005, for a maximum of 150 days; repealed at 30 Ill. Reg. _____, effective _____.

Section 870.10 Statutory Authority

This Part is promulgated pursuant to authority granted by the Illinois Mobile Home Tiedown Act [210 ILCS 120].

Section 870.20 Definitions

In addition to the definitions contained in the Illinois Mobile Home Tiedown Act [210 ILCS 120] the following definitions shall apply:

Frost Depth. The normal maximum depth that frost penetrates the earth in a given area.

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Frost Heave. An upthrust of ground or pavement caused by freezing of moist soil.

Independent Testing Laboratory. An organization which:

Primarily is interested in testing and evaluating equipment; and

Is qualified and equipped to conduct and evaluate experimental testing in accordance with approved standards; and

Makes available a published report in which specific information is included stating that the equipment and installations have been tested and found safe for use in a specific manner; and

Is not under the jurisdiction or control of any manufacturer or supplier of any industry.

Length of a Manufactured Home. The distance from the exterior of the front wall (nearest to the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, or other attachments.

Manufactured Home. A structure, transportable in one or more sections, which, while in the traveling mode, is eight body feet or more in width or 40 feet or more in length, or, when erected on site, is 320 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Any home defined in the Mobile Home Park Act [210 ILCS 115] as a "mobile home" is defined as a "manufactured home" for the purpose of this Part.

Permanent Foundation. A continuous perimeter formation intended to support and anchor the unit to withstand the specified design loads. It shall consist of materials such as concrete, mortared concrete block or mortared brick, steel or treated lumber extending into the ground below the frost depth which shall include basements or crawl spaces.

Site. The location where the manufactured home is connected to the required utilities for habitation.

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Tiedown Manufacturer. Any person or business engaged in the manufacturing of tiedown equipment which is offered for sale or use in this State.

Section 870.30 Tiedown Equipment Approval

- a) **Manufacturer's Approval.** Each tiedown manufacturer shall file with the Department a written request for approval to sell tiedown equipment in Illinois. The installation of such equipment shall not be permitted unless such equipment is approved by the Department. In order to obtain approval, each tiedown manufacturer must submit the following:
 - 1) Detailed plans and specifications of all tiedown equipment showing model identification number, pertinent dimensions, materials, and method of securing ties. Each drawing shall bear the seal of a registered Professional Engineer.
 - 2) Test data regarding the strength of all equipment, which has been prepared and certified by a recognized independent testing laboratory, demonstrating that the anchor and all tiedown equipment meets the requirements of Section 870.60. Each piece of equipment must be tested a minimum of three times and shown to meet the requirements of Section 870.60. The tests must be conducted with the equipment installed according to the installation instructions.
 - 3) A copy of the installation instruction for each anchor. These must accompany all anchors when sold. For ground anchors, information as to the types of soil in which the anchor is certified to be installed, the method of installation, the type and size of stabilization devices required, the amount of preloading, and the method of tension adjustment after installation. The instructions for installation must be consistent with the testing of the equipment especially with regard to the angle and depth of installation of ground anchors. The instructions for concrete anchors shall specify as a minimum the minimum amount of concrete required, the distance from the edge of the concrete and the compressive strength of the concrete. A copy of all revisions to instructions must be submitted prior to the issuance of approval.
 - 4) Each anchor shall be permanently marked with an identification number that is visible when the equipment is installed. This identification number

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must also include a soil class marking that indicates the soil class for which the anchor was approved. Table A indicates the markings to be used for the different types of soil classifications.

- 5) If the design, construction or installation instructions of any approved equipment are changed, approval must be obtained from the Department.
- b) **Alternate Approval.** A home owner, dealer, or installer who wishes to tie down a manufactured home with a unique system or materials different from one approved under subsection (a) above must submit all such information on material specifications, strength of equipment, and system design to the Department for approval. The approval will be based upon the criteria specified in Sections 870.50 and 870.60.
- c) **Evidence of Approval.** The tiedown manufacturer shall present evidence of Department approval to any homeowner or installer upon request. Approval shall be evidenced by the letter of approval from the Department for the specific equipment.
- d) **Previous Approvals.** All approvals issued by the Department previously for tiedown equipment shall become void on June 1, 1999. New approval must be obtained to sell tiedown equipment in Illinois after June 1, 1999, in accordance with the criteria in subsection (a) of this Section.

Section 870.40 Compliance

- a) All manufactured homes and room expansions installed after June 1, 1999 must be tied down in accordance with this Part, the home manufacturer's instructions and the tiedown manufacturer's instructions within 30 days after the home is installed on the site. All room expansions shall be secured in accordance with the manufacturer's instructions. Failure to comply with these requirements may void the home manufacturer's warranty.
- b) In the case where frozen soil or wet soil prevents the installation of ground anchors, this 30 day limit shall not apply. The home must, in this case, be anchored at the earliest possible date after the soil thaws or dries.

Section 870.50 Tiedown Installation Requirements

- a) **Design Criteria.** Homes placed in Illinois shall resist a minimum horizontal wind

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load of 22.5 pounds per square foot and a minimum uplift load of 13.5 pounds per square foot (Wind Zone 1).

- b) Ties.
- 1) Cable, strapping or other approved material shall be used for ties.
 - 2) The ties shall connect from an anchor to the closest I-beam beneath the home. Ties shall not connect to steel outriggers, unless specifically stated in the home manufacturer's installation instructions. The angle formed between the tie and the ground shall be between 40 and 50 degrees. If this angle exceeds 50 degrees when the tie is connected to the nearest I-beam, a tie shall connect from an anchor to both I-beams of the unit.
 - 3) Ties shall be evenly spaced on each side of the length of the home with a maximum separation of 12 feet and with the end ties within two feet of each end.
 - 4) If steel strapping is used, it must be secured around the I-beam using an approved connecting device. Straps shall go from the anchor to the top of the I-beam unless the home manufacturer's instructions are provided indicating otherwise. Care shall be exercised to ensure that minimum bending radius is adhered to so that the breaking strength of the strapping is not reduced.
 - 5) The ties shall be secured to the I-beam of the home so that they will not become disconnected if the tension is loosened.
 - 6) Ties must terminate with a D-ring, bolt or other tensioning device that will not lower the material strength below that stated in Section 870.60(a).
 - 7) All cable ends shall be secured with at least two utility bolt type clamps or other fastening device.
- c) Anchors.
- 1) All anchors must be installed to full depth as specified in the anchor manufacturer's installation instructions.
 - 2) Stabilizing devices must be utilized when the load on the ground anchor is

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not applied in line with the anchor. Provisions shall be made to minimize deflection or slicing through the soil by the anchor rod at ground level. The method of restricting deflection may be the encasement of the top portion of the anchor in a concrete collar or by the use of a stabilizer plate.

- 3) Ground anchors installed in line with the load of the anchor must be a minimum of 48 inches in length.
- d) Frost Heave. The following measures shall be taken by the homeowner for the specific type of installation in order to prevent frost heave, which can cause damage to a home:
 - 1) If the support system for the home does not extend below the frost depth but the anchors do, the ties shall be adjusted (loosened slightly in the fall and tightened in the spring) to compensate for the tension caused by the earth movement.
 - 2) If the support system for the home extends below the frost depth but the anchoring system does not, the ties shall be tightened in the fall and loosened slightly in the spring.
 - 3) If the anchoring system and the support system for the home both extend below the frost depth or neither extends below the frost depth, no provisions for frost heave are necessary.
- e) Permanent Foundation. Homes installed on a permanent foundation are not required to comply with this Code if the foundation is constructed and the home anchored according to the requirements of the CABO One and Two Family Dwelling Code, 1995 Edition, published by the Council of American Building Officials. Copies of the code are available from the Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, 708/799-2300.

Section 870.60 Equipment Specifications

- a) Tie materials shall be capable of resisting a force of 3,150 pounds with no more than 2 percent elongation and shall withstand at least 4,725 pounds without failure. Strapping must meet the requirements of ASTM D3953.91 and cable must be a minimum $\frac{1}{4}$ inch diameter galvanized 7 by 19 strand cable.

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- b) Anchors. Anchor equipment and ties shall be weather resistant. Each anchor, when installed, shall be capable of resisting a working load at least equal to 3,150 pounds in the direction of the tie plus a 50 percent overload (4,725 pounds) without failure. Double headed anchors must resist the vertical and horizontal loads. Failure shall be considered to have occurred when the point of connection between the tie and anchor moves more than two inches at 4,725 pounds in the vertical direction. Those anchors that are designed to be installed so that the loads on the anchor are other than direct withdrawal shall be designed and installed to resist an applied design load of 4,725 pounds at 45 degrees from horizontal without displacing the anchor more than 3 inches horizontally at the point where the tie attaches to the anchor.

Section 870.70 Administrative Hearings

Any request for a hearing and the conduct for such hearing shall be governed by the Illinois Department of Public Health Rules of Practice and Procedures in Administrative Hearings (77 Ill. Adm. Code 100).

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Section 870.TABLE A Soil Class Marking of Anchors

SOIL CLASS MARKING OF ANCHORS

Soil Class	Soil Description	Torque Probe Value*	Anchor Marking
1	Sound hard rock.	N/A	C-1
2	Very dense and/or cemented sands, coarse gravels/cobbles, preloaded silts, clays and coral.	550 inch pounds and up	C-2
3	Medium dense coarse sands, sandy gravels, very stiff silts and clays.	350 to 550 inch pounds	C-3
4A	Loose to medium dense sands, firm to stiff clays and silts, alluvial fill.	276 to 350 inch pounds	C-4A
4B	Loose sands, firm clays and silts, alluvial fill.	175 to 275 inch pounds**	C-4B

Note: Ground anchors are designed for different soil classifications, longer models for loose soils, shorter models for harder soils. Prior to installing any ground anchor, the soil must be tested with a soil test probe in order to match approved ground anchors with site soil class. Also be advised that the manufacturers recommend different size stabilizer plates for the different soil classes.

* A soil test probe is a device for measuring the torque value of soils to assist in evaluating the holding capability of the soils in which the anchor is placed. The soil test probe has a helix on it. The overall length of the helical section is 10.75 inches; the major diameter is 1.25 inches; the minor diameter is 0.81 inches; the pitch is 1.75 inches. The shaft must be of suitable length for anchor depth.

** Below these values, a professional engineer should be consulted.

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Manufactured Housing and Mobile Structures
- 2) Code Citation: 77 Ill. Adm. Code 880
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
880.5	New
880.10	Amended
880.15	New
880.20	Amended
880.30	Amended
880.40	Amended
880.50	Amended
880.60	Repealed
880.65	Amended
880.70	Amended
APPENDIX A	Repealed
- 4) Statutory Authority: Implementing and authorized by the Illinois Manufactured Housing and Mobile Home Safety Act (430 ILCS 115/1-15).
- 5) A Complete Description of the Subjects and Issues Involved: These rules describe requirements for the design, approval and construction of modular dwellings and commercial mobile structures. The existing rules establish the requirements for the design, approval and construction of modular dwellings and commercial mobile structures. The proposed amendments will utilize more current building codes, help defray costs of the program and insure that the units are properly inspected.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain any incorporations by reference? Yes
- 10) Are there any Other Proposed Amendments Pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require additional expenditures by units of local government.

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- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning these rules by writing, within 45 days after this issue of the *Illinois Register*, to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217-782-2043
(E-mail: rules@idph.state.il.us)

- 13) Initial Regulatory Flexibility Analysis:
- A) Type of Small Businesses, Small Municipalities, and Not-For-Profit Corporations Affected: The manufacturers of the modular dwellings and commercial mobile structures.
 - B) Reporting, bookkeeping or other procedures required for compliance: Proper reporting by the authorized inspection agencies.
 - C) Types of Professional Skills Necessary for Compliance: The authorized inspection agencies will be required to meet the professional skills listed in the proposed rules. The agencies which the Department currently deals with have the appropriate personnel.

- 14) Regulatory Agenda on which this rulemaking was summarized: July 2002

The text of the Proposed Amendments is identical to the text of the Emergency rulemaking published at 29 Ill. Reg. 10381 and begins on the next page:

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TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER q: MOBILE HOMES

PART 880

ILLINOIS MODULAR DWELLINGS~~MANUFACTURED HOUSING~~ AND MOBILE
 STRUCTURES CODE

Section

<u>880.5</u>	<u>Scope</u>
880.10	Definitions
<u>880.15</u>	<u>Incorporated and Referenced Materials</u>
880.20	Plan Approval
880.30	Seals and Code Compliance Certificates
880.40	Fees
880.50	Inspections
880.60	Applicable Safety Codes (<u>Repealed</u>)
<u>880.65</u>	<u>Approval of Inspection Agencies</u>
880.70	Enforcement
880.APPENDIX A	Amendments to the Adopted Codes (<u>Repealed</u>)

AUTHORITY: Implementing and authorized by the Illinois Manufactured Housing and Mobile Home Safety Act [430 ILCS 115/1-15].

SOURCE: Filed May 13, 1975, effective May 23, 1975; amended at 3 Ill. Reg. 27, p. 100, effective July 6, 1979; codified at 8 Ill. Reg. 17514; Part repealed; new Part adopted at 9 Ill. Reg. 12839, effective September 1, 1985; amended by emergency rulemaking at 29 Ill. Reg. 10381, effective July 1, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. _____, effective _____.

Section 880.5 Scope

- a) Applicability. This Part governs the design, construction, and installation of modular dwellings and mobile structures intended for installation in Illinois or any state that accepts the Department's approval of modular dwellings and mobile structures through a reciprocal agreement. Modular dwellings and mobile structures shall not be located in Illinois unless they have been approved pursuant to the Illinois Manufactured Housing and Mobile Home Safety Act.

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- b) The construction of single family mobile structures known as "manufactured homes" is not regulated under this Part, but is regulated by the federal Department of Housing and Urban Development under the National Manufactured Housing Construction and Safety Standards Act of 1974 (federal Act) (42 USC 5401). Units regulated under the federal Act are identified by a red emblem on the exterior of each section at the floor level opposite the towing hitch. Section 5403(d) of the federal Act prohibits any state or political subdivision from enforcing more stringent construction standards.
- c) The construction of commercial modular structures is not regulated under this Part. The Department has not been granted statutory authority to regulate the construction of such structures; however, local jurisdictions may regulate the construction of commercial modular structures.
- d) Design Acts. All activities concerning buildings and structures that are regulated by this Part that meet the definition of "project" in the Illinois Architecture Practice Act of 1989 [225 ILCS 305], the Professional Engineering Practice Act of 1989 [225 ILCS 325], and the Structural Engineering Practice Act of 1989 [225 ILCS 340] shall apply to any project defined within the scope of those Acts.
- e) Fire Safety. In addition to the requirements of this subchapter, all modular dwellings and mobile structures shall comply with the applicable provisions of the Fire Prevention and Safety Code (41 Ill. Adm. Code 100). Smoke detectors in modular dwellings and mobile structures shall comply with the applicable provisions of the Fire Prevention and Safety Code (41 Ill. Adm. Code 100). All modular dwellings must comply with the Smoke Detector Act [425 ILCS 60].
- f) Plumbing. All modular dwelling units and mobile structures shall conform to the Illinois Plumbing Code (77 Ill. Adm. Code 890).
- g) Schools. All mobile structures designed to be used as a classroom shall conform to the Health/Life Safety Code for Public Schools (23 Ill. Adm. Code 180).

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

Section 880.10 Definitions

- a) "Act" means the Illinois Manufactured Housing and Mobile Home Safety Act [430 ILCS 115], Ill. Rev. Stat. 1983, ch. 67½, par. 501 et seq.

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- b) "Alteration" means the replacement, modification, or removal of any system or installations ~~that which~~ may affect the structural, plumbing, electrical or mechanical system or the functioning ~~of those elements thereof~~ of units subject to ~~the this~~ Act, but does not mean the replacement of free-standing appliances requiring plug-in to an electrical receptacle.
- e) "~~Approved Inspection Agency~~" "~~Authorized Agency~~" means any person, firm, corporation, unit of government or employee thereof that is ~~authorized approved~~ ~~or hired~~ by the Department to perform inspections or evaluation services.

"Building System" means the method of constructing a type of modular dwelling or mobile structure described by plans, specifications, and other documentation that together establish a set of criteria meeting the building codes, standards, and other requirements of this Part for that type of building or building components, which may include structural, electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety.

"Department" means the Illinois Department of Public Health.

"Manufactured Home" means a structure that is transportable in one or more sections that, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet; that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and that includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. These units previously were known as "mobile homes". The construction of these units is regulated by the federal Department of Housing and Urban Development.

"Manufactured Housing" or "Manufactured Housing Unit" means a building assembly, or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating, and other service systems that is of closed or open construction and is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site with a permanent foundation. (Section 2(i) of the Act) This term shall include modular dwellings.

"Mobile Home" means a movable or portable unit that is 8 body feet or more in width and 32 body feet or more in length, constructed to be towed on its own

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chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations, subject to the provisions of Chapter 15, Article I (Size, Weight, and Load) of the Illinois Vehicle Code [625 ILCS 5/Ch. 15, Art. I], and designed to be used without a permanent foundation and connected to utilities for year round occupancy with or without a permanent foundation. The term shall include units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity, and units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing. The term shall include mobile structures designed to be used for residential, commercial, educational or industrial purposes, excluding, however, recreational vehicles. (Section 2(a) of the Act)

- Ⓓ) "Mobile Structures" means those units defined in the Act as "mobile homes":
The term shall include units designed for the purpose of housing more than one family, commercial units, industrial units and educational units. Manufactured homes that are single family units constructed in accordance with the Federal Manufactured Home Construction and Safety Standard (42 ~~USCU.S.C.~~ 5401) are not considered "mobile structures":
These units are identified by a red emblem at the tailgate end of each unit.
- Ⓔ) "Model" means a specific floor plan of a unit that is to be constructed.
- Ⓕ) "Model Code Organization" means the International Code Council (ICC)~~of American Building Officials (CABO)~~ or one of the three organizations that compose~~which comprise~~ the International Code Council of American Building Officials. These include the Building Officials and Code Administrators International, Inc. (BOCA), the Southern Building Code Congress International (SBCC) and the International Conference of Building Officials (ICBO).
- Ⓖ) "Model Group" means a series of models having the same structural components. Configurations such as two story, L-shaped and bi-level shall constitute separate model groups. Each different width of the above-listed configurations constitutes a different model group.
- "Modular Dwellings" means those units defined in the Act as "manufactured housing" or "manufactured housing units". This term shall include both sectional and panelized structures and shall include individual rooms that meet this criteria. Apartments, condominiums, and hotel and motel units shall be included as

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modular dwellings.

"Multiple Family Dwelling Unit" means a building or portion of a building containing more than two dwelling units.

- h) "Testing Agency" means an organization determined by the Department to be qualified by reason of facilities, personnel, experience, demonstrated reliability and independence of judgment to observe experimental testing in accordance with prescribed standards contained within the adopted codes in Section ~~880.15880.60~~ of this Part and prepares a report with the result of the test.
- i) "Variation to an Approved Model ~~approved model~~" means a change to the design of an approved model of one or more of the following types:
- 1) The extension or reduction in length of the home not to exceed ~~4~~four (4) feet.
 - 2) The relocation or addition of non-load bearing walls, resulting in modification of a maximum of two ~~which changes not more than two~~ (2) rooms of the model.
 - 3) The relocation of doors or windows within a room.
 - 4) Other changes that do not affect the plumbing, electrical, mechanical or structural integrity of the units, such as the reversal of the floor plan layout, the relocation of an electrical receptacle ~~by six inches, the addition of a built-in bookcase in a non-load bearing wall~~, or the installation of sliding closet doors instead of hinged doors.

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

Section 880.15 Incorporated and Referenced Materials

- a) Incorporations by Reference
All modular dwellings and mobile structures constructed for location in Illinois shall conform to the standards of the nationally recognized organizations listed in this subsection (a) and the standards listed in this subsection (a) are hereby incorporated by reference in this Part. These standards do not include amendments or editions after the date specified. Copies of the incorporated codes are available for public inspection at the Illinois Department of Public Health,

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Division of Environmental Health, 525 West Jefferson Street, Springfield, Illinois 62761, 217-782-5830.

1) Building

- A) All one and two family modular dwellings and duplex mobile structures shall conform to the International Residential Code, 2003 Edition, published by:

International Code Council, Inc. (ICC)
5203 Leesburg Pike, Suite 600
Falls Church, Virginia 22041-3401
703-931-4533

Chapters 25 through 32 are excluded from this incorporation.

- B) All multiple family modular dwellings and mobile structures other than duplex dwelling units shall conform to the International Building Code, 2003 Edition, published by:

International Code Council, Inc. (ICC)
5203 Leesburg Pike, Suite 600
Falls Church, Virginia 22041-3401
703-931-4533

2) Electrical

- A) All one and two family dwellings and duplex mobile structures shall conform to the International Residential Code, 2003 Edition.

- B) All multiple family modular dwellings and mobile structures other than duplex dwelling units shall conform to the National Electrical Code, 2002 edition (NFPA 70-2002), published by:

National Fire Protection Association (NFPA)
1 Batterymarch Park
Quincy, Massachusetts 02269-7471
800-344-3555

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- 3) Energy. All modular dwellings and mobile structures shall conform to the International Energy Conservation Code, 2003 Edition, published by:

International Code Council, Inc. (ICC)
5203 Leesburg Pike, Suite 600
Falls Church, Virginia 22041-3401
703-931-4533

- 4) Mechanical

A) All one and two family modular dwelling units and duplex mobile structures shall conform to the International Residential Dwelling Code, 2003 Edition, and the International Fuel Gas Code, 2003 Edition.

B) All multiple family modular dwellings and mobile structures shall conform to the International Mechanical Code and International Fuel Gas Code, 2003 Edition, published by:

International Code Council, Inc. (ICC)
5203 Leesburg Pike, Suite 600
Falls Church, Virginia 22041-03401
703-931-4533

- 5) Personnel. Inspection agencies shall conform to the personnel requirements of ASTM E 541-01 (2001), Standard Specification for Agencies in System Analysis and Compliance Assurance for Manufactured Building, published by:

American Society for Testing and Materials
100 Barr Harbor Drive
West Conshohocken, Pennsylvania 19428

- 6) General

A) General Exceptions to the Incorporated Codes

i) The requirements of the incorporated codes pertaining to the administration and enforcement of the codes shall not apply because this Part and the Act address those areas. All

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definitions remain unchanged, except that terms such as "building official" and "authority having jurisdiction" shall mean the Department.

ii) The Department is responsible for regulating the portion of the modular dwelling unit and mobile structure constructed at the factory. The on-site assembly shall not cause the unit to be in violation of any of the incorporated or referenced codes. Such aspects as the location of the units, their foundations and the installation of on-site utilities shall be subject to regulation by the local jurisdiction.

iii) The provisions of the incorporated codes are not intended to limit the appropriate use of materials, appliances, equipment or methods of design or construction not specifically prescribed by the incorporated codes. Research reports from a model code organization or nationally recognized testing agency approving the use of alternate materials or methods of construction shall be considered sufficient evidence of compliance with the requirements of the incorporated or referenced codes subject to the limitations and conditions of the testing agency's written approval. All requests for approval of alternatives shall be submitted in writing to the Department. The Department shall respond to those requests in writing within 30 days after receipt.

iv) No revisions to the applicable code and requirements shall apply retroactively. The Department shall notify all manufacturers and approved inspection agencies of all code changes as reflected by amendments to this Part. Previously approved units manufactured on or after December 28, 2005 shall obtain new plan approval prior to their construction.

B) Exceptions to Specified Design Criteria. The following provisions shall apply to the design and construction of all modular dwellings and mobile structures:

i) Roofs shall be designed for a minimum live load of 30

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pounds per square foot.

- ii) Horizontal wind pressure shall be considered as acting on the gross area of the vertical projection and shall be considered for design purposes as not less than 25 pounds per square foot to a height of 30 feet and 30 pounds per square foot for heights over 30 feet above grade.
- iii) Carpet or padding shall not be placed under any load-bearing walls.
- iv) Ceiling material that is placed directly above top plates of bearing walls shall be of compressive strength capable of transmitting the required design loads without any type of failure to transmit the required ceiling and roof loads, or provisions shall be made to transfer the loads through material of sufficient strength.
- v) Modular dwellings and mobile structures shall be fastened together at the floor system and roof systems to minimize any movement between multiple units.
- vi) The following design parameters shall be used for the energy criteria in the use of the International Energy Conservation Code for all modular dwellings and mobile structures:

 - The winter design dry-bulb temperature shall be 4° Fahrenheit.
 - The summer design dry-bulb temperature shall be 93° Fahrenheit.
 - The summer wet-bulb temperature shall be 77° Fahrenheit.
 - The degree days heating shall be 6800.

- b) Materials Referenced in this Part
The following State statutes and regulations are referenced in this Part.

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- 1) Illinois Accessibility Code (71 Ill. Adm. Code 400) promulgated by:

Capital Development Board
401 South Spring Street
Springfield, Illinois 62706
217-782-2864

- 2) Building Standards. The Illinois Architecture Practice Act of 1989 [225 ILCS 305], the Professional Engineering Practice Act [225 ILCS 325], and the Structural Engineering Practice Act [225 ILCS 340] can be obtained from:

Department of Financial and Professional Regulation-Division of Professional Regulation
320 West Washington
Springfield, Illinois 62786

- 3) Fire Safety
 - A) The Fire Prevention and Safety Code (41 Ill. Adm. Code 100) promulgated by:

Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Illinois 62703-4529
217-785-4714

 - B) The Smoke Detector Act [425 ILCS 60].

- 4) Plumbing. The Illinois Plumbing Code (77 Ill. Adm. Code 890) promulgated by:

Illinois Department of Public Health
525 West Jefferson
Springfield, Illinois 62761
217-782-5830

- 5) Schools. The Health/Life Safety Code for Public Schools (23 Ill. Adm. Code 180) promulgated by:

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Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217-785-8779

- 6) Travel. Travel expenses shall be reimbursed in accordance with the rules of the Governor's Travel Control Board (80 Ill. Adm. Code 2800) available from:

Central Management Services
William G. Stratton Building
Springfield, Illinois 62706

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

Section 880.20 Plan Approval

- a) General Requirements. All manufacturers must obtain written approval from the Department for each model to be manufactured for location in Illinois prior to manufacturing the model unless the provisions for reciprocity are met. Written approval is not required for a variation to an approved model. Two copies of the~~The~~ following must be provided for Department approval, along with the plan review fee specified in Section 880.40:
- 1) General information including:
 - A) the manufacturer's name, address and telephone number;
 - B) the location of each manufacturing facility where the models will be manufactured;
 - C) name or number ~~that~~which identifies each model for which approval is requested;
 - D) name of ~~contact~~the person ~~whom the Department should contact~~ regarding the submittal ~~(two copies of these items)~~;
 - E) name and address of the approved inspection agency employed by the manufacturer.

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- 2) Plans, specifications and test results as required by subsection (b).Section 880.20(b) of this Part (two copies);
 - 3) Quality control manual containing the requirements of subsection (c).Section 880.20(c) of this Part (two copies);
 - 4) Plan review fee as specified in Section 880.40 of this Part.
- b) Construction Details. Plans and specifications shall be drawn to scale and indicate the following minimum details:
- 1) Building Requirements
 - A) General
 - i) Floor Plan of each unit with all dimensions specified.
 - ii) Complete fastening schedule.
 - iii) Stair details.
 - iv) Moisture content of lumber.
 - v) Size of all doors and windows including installed height of egress window.
 - vi) Light and ventilation schedule.
 - vii) Size and location of crawl space and attic accesses.
 - viii) Safety glazing specifications.
 - ix) Flashing for doors and windows.
 - x) Recommended foundation detail and crawl space ventilation.
 - xi) Design loads for floor, walls, and roof systems.
 - xii) Method of fire stopping openings.

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- xiii) Pertinent engineering calculations and/or test data reports on structural members, splices and connections.
- xiv) Research reports from a model code organization indicating the approval of any material ~~that~~which is proposed to be used but not specifically approved in one of the adopted codes.

B) Floor System

- i) Spacing, size, grade and species of framing material including the allowable stress and modulus of elasticity.
- ii) Lateral and end support.
- iii) Location and size of notches and holes.
- iv) Method of framing around openings such as stairways, plumbing pipes, heating components and wheel wells.
- v) Size and type of subfloor/underlayment and panel identification index and method of installation.
- vi) Type and "R" value of floor or foundation insulation.
- vii) Type of vapor barrier.

C) Wall System

- i) Ceiling height.
- ii) Spacing, grade and species of framing materials.
- iii) Typical framing details of corners, doors, windows, etc.
- iv) Fire separation method and material between dwelling units and between dwelling unit and garage.
- v) Method of corner bracing.

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- vi) Type of exterior sheathing and siding.
 - vii) Type of finished interior material and flame spread.
 - viii) Type and "R" value of insulation.
 - ix) Type of vapor barrier.
- D) Roof/Ceiling System
- i) Spacing, grade and species of framing material.
 - ii) Size and type of roof sheathing, panel index, and method of installation.
 - iii) Pitch of roof.
 - iv) Method and amount of attic ventilation.
 - v) Type and "R" value of insulation.
 - vi) Type of vapor barrier.
 - vii) Type of roof covering and underlayment.
 - viii) Type and flame spread of ceiling finish material.
 - ix) Detail and calculations of ridge beams.
 - x) Test results of trusses if evidence of design approval by a registered engineer or architect is not provided.
- 2) Plumbing
- A) Schematic of water supply, drainage and vent layout including size and type of all pipes, fittings, cleanouts and valves.
 - B) Method and interval of supporting all pipes.

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- C) Maximum trap to vent distances.
 - D) Slope of drainage and vent pipes.
 - E) Location of vacuum breakers, relief valves and air chambers.
- 3) Electrical
- A) A schematic of the electrical system showing the location of all receptacles, lights, switches, junction boxes and panel boxes.
 - B) Type and location of ground fault circuit interrupters.
 - C) Type and location of smoke detectors.
 - D) Size of all feeders and branch circuits.
 - E) Method and detail for grounding service equipment.
 - F) Typical load calculations for service and feeders.
 - G) Size and rating of main disconnect/overcurrent protective devices.
 - H) Protection and support of conductors.
 - I) Method of mounting fixtures and wiring installation.
 - J) Method of interconnection between two or more separately towable components and location of connections.
- 4) Mechanical
- A) Location and clearances of all mechanical equipment and appliances.
 - B) [Manufacturers'](#)~~Manufacturers~~ listing or labeling of all equipment.
 - C) Size and location of all registers.
 - D) Drawing of the duct system including the supply, return and

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combustion air with indication of the size, gauge and type of material and the method of support.

- E) Location of flues, vents, clearances from air intakes and other vents and flues.
 - F) Venting of appliances.
 - G) Heat loss and heat gain calculations.
 - H) Drawings of the fuel supply system indicating the type and size of pipe, method and interval of support and required valves.
- 5) Verification of plans
- A) The plans for all multiple family modular manufactured housing units and mobile structures other than duplex units shall bear the seal of an Illinois registered architect or equivalent if required by the Illinois Architecture Practice Act of 1989 [225 ILCS 305(III- Rev. Stat. 1983, ch. 111, par. 1201 et seq.).
 - B) When designs cannot be verified by the incorporated or referenced ~~adopted~~ codes of Section 880.15 ~~880.60 of this Part~~ or by calculations, tests of the components in question must be conducted by an independent testing agency.
- 6) Simplification of submittal
- A complete set of plans for each separate model is not required if reference is made to the manufacturer's standard construction plans and if plans and specifications are provided for the specific changes from those standards.
- c) Quality Control Procedures
- 1) The manufacturer shall develop a procedure to assure that all operations at the plant are performed to conform to the requirements of this Part. Such procedures shall be contained in a quality control manual, which shall be available at the plant. As a minimum the following shall be contained in this manual:

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- A) Material receiving inspection procedure.
 - B) Material storage and stock rotation procedure.
 - C) Description of construction stages with the title of the person responsible for each phase.
 - D) Detailed list of all items that shall be inspected.
 - E) Test procedures for testing the plumbing, fuel supply and electrical systems.
 - F) Delivery procedures.
 - G) Recordkeeping procedures, including the procedures for ordering, assigning and filing the Department seal and compliance certificate and the approved inspection agency's report.
- 2) The manufacturer shall update the manual to reflect any changes in the operation. These revisions shall be submitted to the Department ~~in duplicate.~~
- d) Evidence of Plan Approval
- 1) If, after a review of the required plans, specifications and supporting information required in this Section 880.20 of this Part, it is determined that the material is in compliance with this Part, an approval shall be issued to the manufacturer by the Department in writing. A copy of this approval will be sent to the approved inspection agency employed by the manufacturer. This approval shall specify the particular models ~~that~~which are approved and the location of the factory where construction of the units is approved. The manufacturer shall keep one (+) set of approved plans at the manufacturing facility. ~~There shall be two types of approval issued, provisional and final.~~
- A) ~~Provisional approval shall be granted if the review indicates items that are deficient but they are determined by the Department to be minor in nature. Items that are "minor in nature" are those deficiencies that would have little, if any, affect on the safety of the occupants of the home if not corrected. Examples include a slightly~~

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~~undersized window, a plumbing vent that is not located within the proper distance from the fixture and an electrical receptacle that is not properly located. Such items shall be clearly specified as conditions of the approval. The deficiencies must be corrected both in the plan submittal package and the actual construction of the units. Provisional approval shall expire on a specified date within six (6) months from the date of issuance.~~

~~B) Only provisional approval shall be granted to a new manufacturer until an inspection of the manufacturing facility by the Department or an authorized agency has been performed.~~

~~C) Final approval shall be issued if the plan review of the model(s) indicates compliance with all aspects of this Part and the manufacturing facility has been inspected by the Department or an authorized agency and found to comply with the adopted codes in Section 880.60 of this Part.~~

- 2) The Department shall compile a list of all manufacturers approved to locate models in Illinois. The list shall be available to any person by contacting the Illinois Department of Public Health, Division of ~~Environmental Health~~Engineering and Sanitation, 525535 West Jefferson, Springfield, Illinois ~~62761, 217-782-5830~~62701.

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

Section 880.30 Seals and Code Compliance Certificates

- a) Requirements. Each ~~modular dwelling~~manufactured housing unit and mobile structure manufactured or offered for sale or rent for location in Illinois shall bear an Illinois seal as required by the Act unless the unit bears a seal from a state which has a reciprocity agreement with this State. The approved inspection agency must also place a label of approval on the finished unit and provide a copy of the inspection report of the structure to the manufacturer. The seal and label shall be placed on the unit before it is shipped from the plant. A code compliance certificate is required for all units manufactured or offered for sale or rent for location in Illinois.
- b) Acquisition. Seals and code compliance certificates shall be issued to an approved manufacturer, upon request, after written approval as specified in

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Section 880.20(d) ~~of this Part~~ is obtained from the Department and the required fees specified in Section 880.40 ~~of this Part~~ are submitted.

- c) Location of Seal and Inspection Agency's Label. The Illinois seal and the label of the approved inspection agency that inspected the structure shall be placed on the electrical panel box of the modular dwellingmanufactured housing unit or mobile structure. Only one Illinois seal and one inspection agency label ~~are~~ required per each complete modular dwelling ~~unit~~ or ~~totally assembled~~ mobile structure, regardless of the number of sections that constitute the unit. A seal and label shall be required for each apartment unit, each half of a duplex unit and each motel room.
- 1) If an electrical panel box is not provided by the manufacturer, the seal and label shall be placed on the inside of the cabinet door under the kitchen sink.
 - 2) Upon receipt of a written request from a manufacturer, the Department shall grant permission to locate the seal and label in another specific location if the seal and label cannot be located in either of the above-specified locations ~~accordance with Section 880.30(c)(1) of this Part~~.
- d) Code Compliance Certificate:
- 1) Each code compliance certificate provided by the Department consists of four identical forms. Within ~~thirty (30) days~~ after ~~from~~ the shipment of the modular dwellingmanufactured housing unit or mobile structure from the plant, the manufacturer shall complete and forward the white copy of the certificate and forward it to the Department. The manufacturer ~~He~~ shall keep the yellow copy and shall; distribute the blue copy to the approved inspection agency ~~dealer~~ and the pink copy to the owner of the manufactured unit.
 - 2) This certificate shall contain the following information:
 - A) Name of the manufacturer.
 - B) Location of manufacturing facility.
 - C) Manufacturer's serial number.

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- D) Model name or number.
 - E) Department approval number. If the model is a variation to an approved model, two copies of the floor plan of the approved model shall be submitted to the Department with the minor changes indicated in red.
 - F) State seal number assigned to the unit.
 - G) Final location of structure including street address if known.
 - H) Name and location of dealer.
 - I) Date manufactured.
 - J) Signature of manufacturer's authorized representative.
 - K) Name of the inspection agency that inspected the structure.
 - L) Dates of inspection by the approved inspection agency.
- e) Lost or Damaged Seals or Code Compliance Certificates. If a seal or code compliance certificate becomes lost or damaged, the manufacturer shall immediately notify the Department ~~shall immediately be notified~~ in writing ~~by the manufacturer~~. If possible, the assigned number shall be indicated. All damaged seals or code compliance certificates or those unused from a manufacturer who ceases business in Illinois shall be returned to the Department, but no refund ~~will~~shall be granted.

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

Section 880.40 Fees

- a) All fees shall be in the form of a check, certified check or money order payable to the Illinois Department of Public Health.
- b) A schedule of fees is established as follows:
 - 1) Plan Review

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- A) A fee of \$150.~~00~~ per model group is required for the Department's review of the required plans and specifications.
- B) In addition to the model group fee, each model shall require a fee of \$25.~~00~~.
- C) There shall be no fee required for variations to an approved model as defined in Section 880.10 of this Part.
- 2) Seal and Code Compliance Certificate. The fee for each seal shall be \$25.~~00~~ and the fee for each code compliance certificate shall be \$25.~~00~~.
- 3) Plant Inspections. Out-of-state manufacturers shall reimburse the Department for ~~the~~ travel expenses ~~of the inspector~~ to and from the inspector's headquarters for an inspection by Department staff. The rules of the Governor's Travel Control Board~~Illinois Travel Regulations~~ (80 Ill. Adm. Code 2800) shall serve as the schedule for the reimbursable expenses. In the case where more than one manufacturing facility is inspected during an out-of-state trip, the total travel expenses incurred will be divided equally by the number of facilities inspected. The plant inspection fee shall be required to be paid within ~~ten (10)~~ days ~~after~~of the date of receipt of the bill.
- 4) Inspection Agencies
- A) The initial application fee for approval of an inspection agency shall be \$500.
- B) The annual renewal fee for each calendar year shall be \$300, which shall be due January 1 of each year.
- 5) Annual Review of Inspection Agencies. The Department shall conduct an annual evaluation of each inspection agency at a factory or the agency's office. The inspection agency shall reimburse the Department for the allowable expenses to and from the Department's headquarters associated with the annual evaluation. Travel regulations of the Governor's Travel Control Board (80 Ill. Adm. Code 2800) shall serve as the schedule for the reimbursable expenses. In the case where more than one inspection agency is reviewed, the total travel expenses incurred will be divided equally by the number of agencies reviewed. The travel expenses shall be

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paid within 10 days after receipt of the bill.

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

Section 880.50 Inspections

- a) Approved Inspection Agency. After January 1, 2005, all modular dwellings and mobile structures located in Illinois shall be inspected at the factory by an approved inspection agency. Each manufacturer shall submit to the Department, in writing, the name of the inspection agency that will be conducting its inspections. Any changes to this information shall be provided to the Department in writing. The Department shall maintain a list of approved inspection agencies, which shall be available to interested individuals upon request.
- b) Responsibility. The inspection agency shall be responsible for review of manufacturer plans, documents and procedures for completeness and compliance with the requirements of this Part. The inspection agency shall then conduct inspections to ensure compliance with the plans and procedures. The inspection must occur when all portions of the construction can be inspected.
- c) Monitoring. Representatives of the Department shall conduct periodic inspections to monitor the inspection agencies and the manufacturers for compliance with the Act and this Part.
- d) Violations. All violations cited at the factory shall be corrected prior to placing the Illinois seal and inspection agency's label on the structure. Violations discovered at the final location shall be corrected within 30 days after written notification, except that serious violations that threaten the safety of the occupants of the structure shall be corrected within 5 days after notification. The Department may require the manufacturer to remove, at the manufacturer's expense, building materials that prevent the Department from inspecting the entire unit. Such removal will be requested only if the unit was constructed without the necessary approval or if plans for the unit were approved but items that can be inspected are not in accordance with approved plans.
- e) Factory Closing. If a manufacturer closes its operation, it shall notify the Department and the inspection agency in writing. Unused Illinois seals and code compliance certificates shall be returned to the Department when a factory closes. ~~a) Authority. Representatives of the Department shall perform inspections necessary to assure compliance of manufactured housing units and mobile~~

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~~structures with the requirements of this Part and the Act. The manufacturer shall be responsible for correcting, within a specific period of time, any violations revealed as a result of an inspection. The specified period of time will depend upon the nature and severity of the violations (usually less than thirty (30) days). Any violations which pose an immediate hazard to the health of any occupants, such as faulty electrical wiring, must be corrected immediately. The Department shall have the authority to require the manufacturer to remove at his expense building materials which prevent the Department from inspecting the entire unit. Such removal can be requested only if the unit has been determined to be in violation of this Part or the Act. Examples would be if the unit was constructed without the necessary approval or if the plans for the unit were approved but items that can be inspected are not in accordance with the approved plans.~~

- b) ~~Authorized Agency. The Department may approve or hire an authorized agency to inspect manufactured housing units and mobile structures. Such approval shall be based on an evaluation of the qualifications of agency personnel to perform the particular inspection and shall be in writing. All inspectors must have a minimum of a high school education and two years of experience in the building construction industry.~~
- e) ~~Inactive Status. An approved manufacturer may request in writing to be placed on inactive status if he does not intend to manufacture any units for location in Illinois for a period of at least three (3) months. The Department will not perform routine inspections of the facility until written notice from the manufacturer is received indicating intent to produce units for location in Illinois. The manufacturer shall not manufacture any units for location in Illinois while on inactive status. It shall be the responsibility of the manufacturer to notify the Department in writing if the plant is to close permanently.~~
- d) ~~If a manufacturer is not going to be open for business for more than three days, then the manufacturer must contact the Department prior to this time in order to avoid charges for any inspections attempted while the manufacturer was closed.~~

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

Section 880.60 Applicable Safety Codes (Repealed)

~~All manufactured housing units and mobile structures constructed for location in Illinois shall conform to the following adopted safety codes and the requirements contained in Appendix A.~~

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- a) ~~Accessibility. The requirements of the Accessibility Standards Illustrated (71 Ill. Adm. Code 400) promulgated by the Capital Development Board, 401 South Spring Street, Springfield, Illinois 62706 shall be met for units within the scope of the standards.~~
- b) **Building**
- 1) ~~All one and two family manufactured housing units and duplex mobile structures shall conform to the One and Two Family Dwelling Code, 1983 edition, published by the Council of American Building Officials (CABO), 1201 One Skyline Place, 5205 Leesburg Pike, Falls Church, Virginia 22041, Parts V, VI and VII shall be excluded from adopted by this Department.~~
- 2) ~~All multiple family manufactured housing units and multiple family mobile structure dwelling units shall conform to the BOCA Basic National Building Code, 1984 edition, published by the Building Officials and Code Administrators International, Inc. (BOCA), 4051 West Flossmoor Road, Country Club Hills, Illinois 60477.~~
- 3) ~~All mobile structures other than dwelling units shall comply with the Standard for Mobile Homes, 1974 edition, (NFPA No. 501B or ANSI.A119.1) published jointly by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269 and the American National Standard Institute, Inc., 1430 Broadway, New York City, New York 10018.~~
- e) ~~Electrical. All manufactured housing units and mobile structures shall conform to the National Electrical Code, 1984 edition, (NFPA 70-1984) as published by the the National Fire Protection Association (NPPA) Batterymarch Park, Quincy, Massachusetts 02269.~~
- d) ~~Energy. All manufactured housing units and mobile structures designed as dwellings shall conform to the Model Energy Code, 1983 edition, as published by the Council of American Building Officials (CABO), 1201 One Skyline Place, 5205 Leesburg Pike, Falls Church, Virginia 22041.~~
- e) ~~Fire Safety. All manufactured housing units and mobile structures shall comply with the applicable provisions of the Fire Prevention and Safety Code, (41 Ill. Adm. Code 100) promulgated by the Office of the State Fire Marshal, 3150~~

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~~Executive Park Drive, Springfield, Illinois 62706.~~

- f) ~~Mechanical. All multiple family manufactured housing units shall conform to the BOCA Basic National Mechanical Code, 1984 edition, as published by the Building Officials and Code Administrators International, Inc. (BOCA), 4051 West Flossmoor Road, Country Club Hills, Illinois 60477. One and two family dwelling units shall conform to the mechanical requirements contained in the One and Two Family Dwelling Code, 1983 edition.~~
- g) ~~Plumbing. All manufactured housing units and mobile structures shall conform to the Illinois Plumbing Code (77 Ill. Adm. Code 890) promulgated by the Illinois Department of Public Health, 535 West Jefferson, Springfield, Illinois 62761.~~
- h) ~~Schools. All mobile structures designed to be used as a classroom shall conform to the Efficient and Adequate Standards for the Building Specifications for the Construction of Schools (Standard A-156) (23 Ill. Adm. Code 175) promulgated by the Illinois State Board of Education, 100 North First, Springfield, Illinois 62777.~~
- i) ~~Other Requirements.~~
- 1) ~~The adopted nationally recognized codes listed above do not include amendments or editions made after the date specified.~~
- 2) ~~Local governmental units may enforce requirements in accordance with Section 4 of the Act.~~
- j) ~~Availability. Copies of the adopted codes are available for public inspection at the Illinois Department Public Health's Central Office identified in Section 880.20(d)(2) of this Part.~~

(Source: Repealed at 30 Ill. Reg. _____, effective _____)

Section 880.65 Approval of Inspection Agencies

- a) Initial Approval Procedures
- 1) Application Requirements. An inspection agency seeking approval shall submit a written application to the Department that shall include the following items:

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- A) The original articles of incorporation of the agency and all subsequent amendments to those articles, as filed in the state of incorporation.
- B) The bylaws of the organization, if any.
- C) The names, addresses, and business interests of all members of the board of directors and of management personnel.
- D) Certification by the agency that:
- i) Its board of directors and technical personnel can exercise independence of judgment;
 - ii) Its activities will result in no financial benefit to the agency via stock ownership, or other financial interests in any producer, supplier, or vendor of products involved, other than through standard published fees for services rendered.
- E) Names, years of experience, state in which professionally registered, and other qualifications of the directors of inspection programs.
- F) Names and years of experience of employees practicing in the following disciplines: architecture, structural engineering, mechanical engineering, electrical engineering, fire protection, and other branches of professional engineering; the states in which each is registered; and the services each performs.
- G) An organizational chart showing management and supervisory persons, including the number of graduate engineers and architects and the names of all consulting engineers or architects, designating which are full-time and which are part-time. The personnel requirements of the American Society for Testing and Materials (ASTM E-54), Criteria for Agencies in System Analysis and Compliance Assurance for Manufactured Buildings, shall be met.
- H) Number and location of factory inspectors, supervisors, and other technicians, including evaluators of factory inspectors and the

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- qualifications of each specialized group, including records of work experience, licenses held, and other pertinent qualifications. Descriptions shall be included of the type of work each group and each technician is expected to perform.
- I) Statement from the agency to assure that all inspectors, evaluators, and other technicians are properly trained to do each job assigned to them.
- J) An outline of the general procedures for supervision of inspectors and evaluators, including checking and evaluation of their work.
- K) Names of all engineers, technicians, and other personnel who will perform services for the organization but who are not employees of the organization, and the supervisory and other relationships that each will have to the agency.
- L) A list of the types of products, components, equipment, structures, and other items that the organization has evaluated, tested, or inspected, and the number of years of experience the organization has had with each.
- M) A list of the types of codes, standards, specifications, and requirements with which the organization has had experience in providing inspection or testing services, and the number of years of experience with each.
- N) Description of the recordkeeping system the agency proposes to use, with particular regard to availability of records to the Department and the capacity to send reports to the Department.
- O) Description of the frequency with which the agency performs inspections or evaluations.
- P) List of the states in which the agency is now approved to inspect or evaluate modular dwellings, mobile structures or building components for compliance with approved building systems.
- 2) Incomplete or incorrect applications will not be accepted for processing and will be returned to the applicant within 30 days after receipt by the

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Department, with a written explanation of the reasons why the application was not acceptable to the Department. Applications can be resubmitted with necessary corrections.

- 3) Complete applications will be accepted for processing and the applicant will be notified in writing of that acceptance within 30 days after the date the application is received by the Department.
 - A) The Department shall conduct an evaluation either at the agency's office or at a manufacturing facility within 30 days after the application is determined to be in compliance with this Part, but prior to the issuance of the initial approval.
 - B) The Department shall approve inspection agencies that meet the requirements of this subsection (a) and that the Department finds qualified to perform the functions proposed to be delegated to them.
 - C) In the event the evaluation of the agency's office or factory finds those facilities to be inadequate to meet the requirements of this Part, the Department shall return the complete application to the applicant with a written explanation of the reasons for disapproval.
 - 4) Approved inspection agencies shall be notified by the Department in writing. The approval letter will state the specific functions that the applicant has been approved to perform. The initial approval shall expire December 31 of the year following the date of the approval letter.
- b) Annual Approval of Inspection Agencies
- 1) The Department shall conduct an annual evaluation of each approved inspection agency for the purpose of evaluating the performance of each agency in monitoring the manufacturer's compliance assurance program.
 - 2) These evaluations may be conducted at any reasonable time, with or without prior notice, at either the inspection agency's office or at a manufacturer's place of business.
 - 3) Each evaluation shall investigate:

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- A) The adequacy of all engineering evaluations of plans, specifications and test results;
 - B) Testing and analysis of compliance assurance programs;
 - C) Procedures used by the agency in the monitoring activity, including personnel selection, training, supervision, reporting accuracy, use of approved documents, evaluation of reports, decision criteria, and all other activities that measure the effectiveness of the manufacturer's program.
- 4) A report of evaluation results will be compiled and maintained by the Department. A copy of the report will be sent to the inspection agency, along with notification of any deficiencies determined during the evaluation and the means and time frame for correction of the deficiencies.
- 5) If deemed necessary by the Department, an agency's approval may be suspended or revoked as provided in subsection (c).
- c) Suspension and Revocation
- 1) Grounds
 - A) The Department may suspend or revoke its approval of any inspection agency if the approval was issued on the basis of incorrect information or issued in violation of the Act or this Part.
 - B) If the Department determines that the inspection agency has failed to perform its functions properly, the Department shall notify the agency and arrange for an informal presentation of views. If an informal presentation of views fails to achieve resolution, the Department shall notify the agency in writing of its intent to suspend or revoke the approval.
 - 2) Procedures in Event of Suspension or Revocation
 - A) General. If the Department suspends or revokes the approval of an inspection agency, the manufacturers being evaluated by the agencies shall be given notice in writing after the disposition of any appeal of the suspension or revocation.

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- B) Temporary Arrangement to Continue Manufacturing. After the suspension or revocation of any inspection agency, the Department, upon the request of any manufacturer affected, shall establish a temporary arrangement by which the manufacturer can continue to manufacture, sell, lease, deliver and install modular dwellings and mobile structures in accordance with the Act and this Part until the suspension or revocation is removed or arrangements are completed to utilize another approved inspection agency.

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

Section 880.70 Enforcement

- a) Violations and Remedial Actions
- 1) Whenever the Department's authorized inspection agency determines that a structure constructed under this Part fails to conform to the requirements of this Part or that the approved compliance assurance program is not followed, the inspection agency shall notify the manufacturer of the existence of the violation. The manufacturer shall be provided the opportunity to correct the violation in a manner acceptable to the inspection agency. If the violation comes first to the attention of the Department, the Department shall notify the inspection agency so that it can carry out its responsibilities under this Section.
 - 2) If the manufacturer fails to successfully resolve the problem or correct the violation within 30 calendar days, the inspection agency shall notify the Department of the failure. The Department shall order the manufacturer to correct the violation.
 - 3) If a manufacturer fails to correct a violation within the period specified by the Department, that failure shall subject the manufacturer to the penalties provided in Section 10 of the Act.
- b) Failure to comply with any provisions of this Part or the Act shall constitute sufficient grounds for suspension, revocation or refusal to grant approval to a manufacturer or an authorized inspection agency. The Department's Rules ~~and Regulations~~ of Practice and Procedure in Administrative Hearings (77 Ill. Adm.

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Code 100) will govern [thesesuch](#) actions.

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

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Section 880.APPENDIX A Amendments to the Adopted Codes (Repealed)a) **General Amendments**

- 1) ~~The requirements to the adopted codes pertaining to the administration and enforcement of the codes shall not apply since this Part and the Act addresses those areas. All definitions remain unchanged except terms such as "building official" and "authority housing jurisdiction" shall mean the Illinois Department of Public Health.~~
- 2) ~~The Department is responsible for regulating the portion of the manufactured housing unit or mobile structure constructed at the factory. The on-site assembly shall not cause the unit to be in violation of any of the adopted codes. The local jurisdiction shall have the authority to regulate such aspects as the location of the units, their foundation and the installation of the on-site utilities.~~
- 3) ~~The provisions of the adopted codes are not intended to limit the appropriate use of materials, appliances, equipment or methods of design or construction not specifically prescribed by the codes. The approval in writing by the Building Officials and Code Administrators International, Inc., the Council of American Building Officials, the International Conference of Building Officials, the National Fire Protection Association, or the Southern Building Code Congress International of alternate material or methods of construction shall be considered sufficient evidence of compliance with the requirements of the adopted codes, subject to the limitations or conditions of such written approval. All requests for approval shall be in writing to the Department. The Department shall respond to such requests in writing within sixty (60) days of receipt of a written request.~~

b) ~~The following provisions shall apply to the design and construction of all manufactured housing units:~~

- 1) ~~Roofs shall be designed for a minimum live load of 30 pounds per square foot.~~
- 2) ~~Horizontal wind pressure shall be considered as acting on the gross area of the vertical projection and shall be considered for design purposes as not less than 25 pounds per square foot to a height of 30 feet and 30 pounds~~

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~~per square foot for heights over 30 feet above grade.~~

- ~~3) The manufacturer must comply with the requirements for seismic loads, frost depth and termite infestation specified by the adopted building codes for the area of the State the unit is expected to be located during the design, construction and installation of the unit.~~
 - ~~4) Carpet or padding shall not be placed under any bearing walls.~~
 - ~~5) Ceiling material which is placed directly above top plates of bearing walls shall be of compressive strength capable of transmitting the required design loads without any type of failure to transmit the required ceiling and roof loads or provisions shall be incorporated to transfer the loads through material of sufficient strength.~~
 - ~~6) Manufactured housing units shall be fastened together at the floor system and roof system to prevent any movement.~~
- e) In the use of the Model Energy Code, the following design parameters shall be used for all manufactured housing units:
- ~~1) The winter design dry bulb temperature shall be 4° Fahrenheit,~~
 - ~~2) The summer design dry bulb temperature shall be 93° Fahrenheit,~~
 - ~~3) The summer design wet bulb temperature shall be 77° Fahrenheit,~~
 - ~~4) The degree days heating shall be 6800.~~

(Source: Repealed at 30 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Manufactured Home Installer Course Accreditation Code
- 2) Code Citation: 77 Ill. Adm. Code 885
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
885.10	Repealed
885.20	Repealed
885.30	Repealed
885.40	Repealed
885.50	Repealed
- 4) Statutory Authority: Authorized by and implementing the Illinois Manufactured Home Installers Act [430 ILCS 120]
- 5) A Complete Description of the Subjects and Issues Involved: These rules are being repealed and replaced with new proposed rules. The Manufactured Home Installer Accreditation Code is to be included with the proposed Manufactured Home Installation Code (Part 870 new)
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed repealer replace an emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed repealer contain incorporations by reference? NA
- 10) Are there any other proposed amendments pending on this Part? NA
- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or expand expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written or e-mail comments may be submitted within 45 days after this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health

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535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217-782-2043
(E-mail: rules@idph.state.il.us)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This repealer will not have an impact on small businesses.
 - B) Reporting, bookkeeping or other procedures required for compliance: This repealer will not create any new requirements.
 - C) Types of Professional skills necessary for compliance: No professional skills are required for compliance.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: This rulemaking was published in the January 2002 Regulatory Agenda
- 15) Does this repealer require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

The full text of the Proposed Repealer is identical to the text of the emergency rulemaking published at 29 Ill. Reg. 10417 and begins on the next page:

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NOTICE OF PROPOSED REPEALER

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER q: MOBILE HOMES

PART 885

| MANUFACTURED HOME INSTALLER COURSE ACCREDITATION CODE (REPEALED)

Section

885.10	Definitions
885.20	Incorporated and Referenced Materials
885.30	Accreditation of Manufactured Home Installer Course
885.40	Responsibilities of Accredited Manufactured Home Installer Courses
885.50	Accredited Manufactured Home Installer Course Curriculum

AUTHORITY: Implemented and authorized by the Illinois Manufactured Home Installers Act [430 ILCS 120].

SOURCE: Adopted at 25 Ill. Reg. 8297, effective June 25, 2001; repealed by emergency rulemaking at 29 Ill. Reg. 10417, effective July 1, 2005, for a maximum of 150 days; repealed at 30 Ill. Reg. _____, effective _____.

Section 885.10 Definitions

"Act" means the Illinois Manufactured Home Installers Act [430 ILCS 120].

"Department" means the Illinois Department of Public Health.

"Training hour" means at least 50 minutes of actual teaching, including time devoted to lecture, learning activities, small group activities, demonstrations, evaluations and/or practical, hands-on instruction.

Section 885.20 Incorporated and Referenced Materials

- a) Incorporations by Reference
 - 1) The following standards, regulations, and laws are incorporated in this Part:
 - A) Regulations and guidelines of federal agencies:

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Transportation of Natural and Other Gas by Pipeline:
Minimum Federal Safety Standards (49 CFR 192)
United States Department of Transportation, Office of Pipeline
Safety
400 7th Street, S.W.
Washington, D.C. 20590

B) Standards of nationally recognized organizations:

National Fire Protection Association
1 Batterymarch Park
P.O. Box 9101
Quincy, Massachusetts 02269-9101:

- i) National Electrical Code, 1999 Edition (NFPA 70-99)
 - ii) Installation of Oil Burning Equipment, 1997 Edition (NFPA 31-97)
 - iii) National Fuel Gas Code, 1996 Edition (NFPA 54-99)
 - iv) Liquefied Petroleum Gas Code, 1998 Edition (NFPA 58-98)
- 2) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
 - 3) All citations to federal regulations in this Part concern the specified regulation in the 1997 Code of Federal Regulations, unless another date is specified.

b) Referenced Materials

The following standards, regulations, and laws are referenced in this Part:

- 1) State of Illinois rules:
 - A) Manufactured Home Community Code (77 Ill. Adm. Code 860)

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- B) Illinois Manufactured Home Tiedown Code (77 Ill. Adm. Code 870)
 - C) Illinois Plumbing Code (77 Ill. Adm. Code 890)
- 2) State of Illinois statutes:
- A) Illinois Mobile Home Park Act [210 ILCS 115]
 - B) Illinois Mobile Home Tiedown Act [210 ILCS 120]
 - C) Illinois Plumbing License Law [225 ILCS 320]

Section 885.30 Accreditation of Manufactured Home Installer Course

- a) An entity that offers or plans to offer a manufactured home installer course shall obtain Department accreditation for the course by submitting to the Department in writing the following information at least 60 days before the beginning of the course:
- 1) The name, address, telephone number, and contact person for the entity providing the course.
 - 2) The course location and written documentation that the course provides facilities for classroom and field hands-on training of sufficient size to accommodate the maximum enrollment of the course.
 - 3) Beginning and ending dates for the course.
 - 4) A course schedule and syllabus.
 - 5) Student and instructor manuals for the course.
 - 6) Documentation of a principal instructor who shall be responsible for the organization of the course and oversight of the teaching of all course material. Guest instructors may be utilized as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course. The principal instructor shall have the following qualifications:

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- A) at least two years of education in building construction technology;
or
 - B) two years of experience in managing a training program specializing in the installation of manufactured homes.
- 7) A final examination for the course that includes criteria for pass/fail. The course must require at least 70% correct on the final examination as a passing score.
- 8) An example of the certificate of course completion that includes the following information:
- A) the name, address, and telephone number of the entity providing the course;
 - B) the name, dates of attendance at course, and indication of a passing grade for the student to whom the certificate is issued.
- b) The Department shall notify the course sponsor in writing whether the request for accreditation has been approved.
- c) For requests that are not approved, the Department's notification will include the reason for disapproval. The course sponsor may submit a revised request for accreditation in which items noted to be incomplete in the initial request are completed.
- d) The Department shall maintain and make available to the public a list of approved course sponsors.

Section 885.40 Responsibilities of Accredited Manufactured Home Installer Courses

- a) The entity offering an accredited training course shall be responsible for maintaining training course records and making such records available to the Department as necessary.
 - 1) Course records shall be retained at the address specified on the training program accreditation application, as modified, for a minimum of 3 years.
 - 2) The entity shall notify the Department in writing within 30 days:

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- A) after changing the address specified on the training course accreditation application; or
 - B) transferring records to a new address.
- 3) The Department shall have the authority to enter, inspect and audit training facilities and to examine records to determine compliance with the Act and this Part.
- b) Training course records that shall be maintained include the following:
 - 1) All documents that demonstrate the qualifications of the principal instructor, as specified in Section 885.30(a)(6).
 - 2) Current curriculum/course materials and documents reflecting any changes made to these materials.
 - 3) A copy of the course final examination.
 - 4) Results of the course final examination and a record of each certified installer's course completion.
 - 5) Any other materials specified in Section 885.30 that have been submitted to the Department as part of the program approval.
 - c) Within 30 days after course completion, entities offering accredited courses shall submit to the Department a list of installers completing a course.

Section 885.50 Accredited Manufactured Home Installer Course Curriculum

Each accredited manufactured home installer course shall provide instruction on how to install a manufactured home to the specifications of the manufacturer, *review the* Guidelines for the Installation of Manufactured Homes published by the Department, *and test the written and practical installation skills of the individual installer* (Section 15 of the Act). Each course shall consist of at least 10 training hours that include the following topics:

- a) The installer's responsibility to obtain a copy of the home manufacturer's setup manual to ensure proper setup of the home in accordance with the home's warranty.

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- b) The inspection of the proposed site of the home prior to setup to ensure proper location.
- c) Ensuring that the proposed site has drainage away from the home, vegetation cleared from under the home, and vapor barriers provided.
- d) Support of the home by a foundation system in accordance with the design loads of the home, the existing soil load bearing capacity of the home location, the Illinois Mobile Home Park Act, the Manufactured Home Community Code, and local authority requirements.
- e) Safety consideration for the setup of a home.
- f) Proper leveling of the home and placement of piers or foundation walls in accordance with the home manufacturer's specifications.
- g) Proper anchoring in accordance with the Illinois Mobile Home Tiedown Act and the Illinois Manufactured Home Tiedown Code.
- h) The installation of the plumbing for the home in accordance with the Illinois Plumbing License Law and the Illinois Plumbing Code.
- i) The installation of the electrical system for the home in compliance with the National Electrical Code.
- j) The installation of the gas or oil utilities for the home in compliance with the requirements of the Installation of Oil Burning Equipment, National Fuel Gas Code, Liquefied Petroleum Gas Code, and the Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Motor Carrier Safety Regulations: General
- 2) Code Citation: 92 Ill. Adm. Code 390
- 3) Section Numbers: 390.2000 Proposed Action: Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].
- 5) A Complete Description of the Subjects and Issues Involved: The Federal Motor Carrier Safety Administration (FMCSA) has determined that the new hours of service regulations adopted at 70 FR 49978, August 25, 2005, provide an increased opportunity for drivers to obtain necessary rest and restorative sleep, while recognizing the business needs of drivers and motor carriers in the industry. Therefore, by this Notice, the Department is proposing to incorporate by reference changes made in the following Docket:

Docket FMCSA-2004-19608 (70 FR 49978, August 25, 2005): This final rule amends the hours of service regulations for drivers of property-carrying commercial motor vehicles. The rule addresses requirements for driving, duty, and off-duty time, a recovery period, sleeper berth, and new requirements for short-haul drivers. The hours of service regulations published on April 28, 2003, and effective January 1, 2004, were vacated by the U.S. Court of Appeals for the District of Columbia Circuit on July 16, 2004. Congress subsequently provided, through the Surface Transportation Extension Act of 2004, that the 2003 regulations would remain in effect until the effective date of a new federal rule that addressed the issues raised by the court or September 30, 2005, whichever occurred first. This new final rule meets that requirement.

70 FR 49978, August 25, 2005, revises 49 CFR 390.23(b) and (c), incorporated by reference at Section 390.2000, to address the new hours of service requirements as they pertain to relief from the regulations due to local or regional emergencies.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes

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- 10) Are there any other proposed amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
390.1010	Amend	29 Ill. Reg. 5323, April 15, 2005
390.1020	Amend	29 Ill. Reg. 5323, April 15, 2005
390.1030	Amend	29 Ill. Reg. 5323, April 15, 2005
390.2000	Amend	29 Ill. Reg. 5323, April 15, 2005

- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

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

Any interested party may submit written comments or arguments concerning this proposed amendment. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212

(217) 785-3031

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 311

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

Springfield, Illinois 62764

(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: This rulemaking affects small businesses that own or operate property-carrying commercial motor vehicles in Illinois.
 - B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking affects the hours of duty status for drivers of commercial motor vehicles that will be responding to local or regional emergencies.
 - C) Types of professional skills necessary for compliance: No new or additional skills are necessary for compliance
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent agendas because: This rulemaking is responsive to the new federal rule recently adopted by the FMCSA.

The full text of this Proposed Rulemaking begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 390
MOTOR CARRIER SAFETY REGULATIONS: GENERAL

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section	
390.1000	Purpose
390.1010	General Applicability
390.1020	Definitions
390.1030	Rules of Construction

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section	
390.2000	Incorporation by Reference

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15519, effective September 10, 1990; amended at 15 Ill. Reg. 13171, effective August 21, 1991; amended at 16 Ill. Reg. 14435, effective September 8, 1992; amended at 18 Ill. Reg. 754, effective January 11, 1994; amended at 18 Ill. Reg. 10362, effective June 15, 1994; amended at 19 Ill. Reg. 13050, effective August 30, 1995; amended at 20 Ill. Reg. 15344, effective November 18, 1996; amended at 23 Ill. Reg. 5105, effective March 31, 1999; amended at 24 Ill. Reg. 1954, effective January 19, 2000; amended at 25 Ill. Reg. 2100, effective January 17, 2001; amended at 26 Ill. Reg. 8978, effective June 5, 2002; amended at 26 Ill. Reg. 12749, effective August 12, 2002; amended at 27 Ill. Reg. 9218, effective June 2, 2003; amended at 28 Ill. Reg. 1152, effective January 4, 2004; emergency amendment at 28 Ill. Reg. 12479, effective August 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15636, effective November 19, 2004; amended at 30 Ill. Reg. _____, effective _____.

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section 390.2000 Incorporation by Reference

- a) 49 CFR 390, subpart B, is hereby incorporated by reference as that subpart of the

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Federal Motor Carrier Safety Regulations (FMCSR) that was in effect on October 1, 2002, as amended at 67 FR 61818, October 2, 2002, as amended at 67 FR 63019, October 9, 2002, ~~and~~ as amended at 68 FR 22456, April 28, 2003, and as amended at 70 FR 49978, August 25, 2005, subject only to the exceptions in subsection (b). No later amendments to or editions of 49 CFR 390, subpart B are incorporated.

b) The following interpretations of, additions to and deletions from 49 CFR 390, subpart B shall apply for the purposes of this Subpart:

- 1) 49 CFR 390.9 is deleted and not incorporated.
- 2) 49 CFR 390.15 is not incorporated and the following is substituted therefor:

A motor carrier shall make all records and information pertaining to an accident available to an authorized representative or special agent of the Federal Motor Carrier Safety Administration or Illinois Department of Transportation upon request or as part of any inquiry within such time as the request or inquiry may specify. A motor carrier shall give an authorized representative of the Federal Motor Carrier Safety Administration or Illinois Department of Transportation all reasonable assistance in the investigation of any accident including providing a full, true and correct answer to any question of the inquiry.

- 3) 49 CFR 390.21 applies only to commercial motor vehicles engaged in interstate commerce.
- 4) 49 CFR 390.23(a)(2)(i)(A) is not incorporated and the following substituted therefor:

An emergency has been declared by a Federal, State, or local government official having authority to declare an emergency, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his designee.

- 5) 49 CFR 390.25 applies only to commercial motor vehicles engaged in interstate commerce.

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- 6) 49 CFR 390.29(b) is not incorporated and the following is substituted therefor:

All records and documents required by this Subchapter d that are maintained at a regional office or driver work-reporting location shall be made available for inspection upon request by a special agent or authorized representative of the Federal Highway Administration or Illinois Department of Transportation at the motor carrier's principal place of business or other location specified by the agent or representative within 48 hours after a request is made. Saturdays, Sundays, and Federal and State holidays are excluded from the computation of the 48-hour period of time.

- 7) Any reference to "this Part" in the incorporated material shall mean 92 Ill. Adm. Code 390.
- 8) Any reference to "this Chapter" or "this Subchapter" in the incorporated material shall mean 92 Ill. Adm. Code: Chapter I, Subchapter d.
- 9) Any reference to a section in the incorporated material shall be read to refer to that Section in the IMCSR.
- 10) Any reference to "Part 325 of Subchapter A" shall be read to refer to "Compliance with Interstate Motor Carrier Noise Emission Standards" (49 CFR 325, October 1, 2002).

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

DEPARTMENT OF TRANSPORTATION

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The August 25, 2005 rule provides new requirements for the short-haul operations of drivers of property-carrying CMVs who are not required to hold a commercial driver's license and who work within a 150 air mile radius of their normal work reporting location. These drivers:

may drive a maximum of 11 hours after coming on duty following 10 or more consecutive hours off duty;

are not required to keep records of duty status; and

may not drive after the 14th hour after coming on duty 5 days a week or after the 16th hour after coming on duty 2 days a week.

Employers of short-haul drivers must maintain and retain accurate time records for a period of 6 months showing the time the duty period began, ended, and total hours on duty each day in place of the record of duty status.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
395.2000	Amend	29 Ill. Reg. 5959, April 29, 2005

- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Any interested party may submit written comments or arguments concerning this proposed amendment. Written submissions shall be filed with:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212

(217) 785-3031

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764

(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that own or operate property-carrying commercial motor vehicles in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking affects the hours of duty status for drivers of property-

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carrying commercial motor vehicles. Hours of duty status relates to driver requirements for completing driving log books and timecards that are used to either record how many hours a driver is actually driving a commercial motor vehicle or the driver's start/stop times and total number of driving hours.

- C) Types of professional skills necessary for compliance: No new or additional skills are necessary for compliance.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent agendas because: This rulemaking is responsive to the new federal rule recently adopted by the FMCSA.

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 395
HOURS OF SERVICE OF DRIVERS

Section

395.1000	General
395.2000	Incorporation by Reference of 49 CFR 395

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15507, effective September 10, 1990; amended at 15 Ill. Reg. 13161, effective August 21, 1991; amended at 16 Ill. Reg. 14425, effective September 8, 1992; amended at 18 Ill. Reg. 743, effective January 11, 1994; amended at 19 Ill. Reg. 13041, effective August 30, 1995; amended at 20 Ill. Reg. 15335, effective November 18, 1996; amended at 23 Ill. Reg. 5096, effective March 31, 1999; amended at 24 Ill. Reg. 1944, effective January 19, 2000; amended at 25 Ill. Reg. 2092, effective January 17, 2001; amended at 26 Ill. Reg. 9009, effective June 5, 2002; amended at 26 Ill. Reg. 12766, effective August 12, 2002; amended at 27 Ill. Reg. 9251, effective June 2, 2003; amended at 28 Ill. Reg. 1161, effective January 4, 2004; emergency amendment at 28 Ill. Reg. 6654, effective April 14, 2004, for a maximum of 150 days; emergency expired September 10, 2004; amended at 30 Ill. Reg. _____, effective _____.

Section 395.2000 Incorporation by Reference of 49 CFR 395

- a) "Hours of Service of Drivers" (49 CFR 395) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397) that was in effect on October 1, 2002, as amended at 68 FR 22456, April 28, 2003, ~~and~~ as amended at 68 FR 56208, September 30, 2003, and as amended at 70 FR 49978, August 25, 2005 subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 395 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to and deletions from 49 CFR 395

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shall apply for purposes of this Part.

- 1) 49 CFR 395.1(h) and 395.1(i) are deleted and not incorporated.
- 2) 49 CFR 395.1(e)(1) as it applies to intrastate carriers is amended to establish that *drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status.* (Section 18b-105(d) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(d)])
- 3) 49 CFR 395.13 is not incorporated and the following substituted therefor:
 - A) Authority to declare drivers out-of-service due to any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined in 92 Ill. Adm. Code 390.1020. Every Illinois State Police officer certified to conduct Commercial Vehicle Inspections, Levels 1, 2, 3, 4 or 5 (as defined in 92 Ill. Adm. Code 390) is authorized to declare a driver out-of-service as set forth in subsection (c)(3)(B) and to notify the motor carrier of that declaration upon finding at the time and place of examination that declaring the driver out-of-service is warranted. Notification to the motor carrier is accomplished when the Illinois State Police officer presents the Illinois Commercial Driver/Vehicle Inspection Report (Form ISP 5-238) to the driver.
 - B) Out-of-Service Criteria
 - i) No driver shall drive after being on duty in excess of the maximum periods permitted by 49 CFR 395.
 - ii) No driver required to maintain a record of duty status under 49 CFR 395.8 or 395.15 shall fail to have a record of duty status current on the day of examination and for the prior seven consecutive days.
 - iii) Exception. A driver failing only to have possession of a record of duty status current on the day of examination and the prior day, but who has completed records of duty status

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up to that time (previous 6 days), will be given the opportunity to make the duty status record current.

C) Responsibilities of motor carriers

i) No motor carrier shall:

Require or permit a driver who has been declared out-of-service to operate a commercial motor vehicle until that driver may lawfully do so under the requirements in 49 CFR 395.

Require a driver who has been declared out-of-service for failure to prepare a record of duty status to operate a commercial motor vehicle until that driver has been off duty for the appropriate number of consecutive hours required by 49 CFR 395, as amended at 68 FR 22456, April 28, 2003, and is in compliance with this Section. The appropriate consecutive hours off duty period may include sleeper berth time.

ii) A motor carrier shall, if required (refer to 92 Ill. Adm. Code 396.2010 for requirement), complete the "Notice to Motor Carrier" portion of the Form ISP 5-238 (Illinois Commercial Driver/Vehicle Inspection Report) and deliver the copy of the form either personally or by mail to the Illinois State Police Motor Carrier Safety Section at the address specified upon the form within 15 days following the date of examination. If the motor carrier mails the form, delivery is made on the date it is postmarked.

D) Responsibilities of the Driver:

i) No driver who has been declared out-of-service shall operate a commercial motor vehicle until that driver may lawfully do so under the requirements of 49 CFR 395.

ii) No driver who has been declared out-of-service, for failing to prepare a record of duty status, shall operate a commercial motor vehicle until the driver has been off duty

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for the appropriate number of consecutive hours required by 49 CFR 395, as amended at 68 FR 22456, April 28, 2003, and is in compliance with this Section.

- iii) A driver to whom a form has been tendered declaring the driver out-of-service shall within 24 hours thereafter deliver or mail the copy to a person or place designated by motor carrier to receive it.
 - iv) This Section does not alter the hazardous materials requirements prescribed in 92 Ill. Adm. Code 397 pertaining to attendance and surveillance of commercial motor vehicles.
- 4) Part 395 *shall not apply to agricultural movements* that are engaged in intrastate commerce during planting and harvesting season as defined in 92 Ill. Adm. Code 390.1020. (Section 18b-105(c)(6) of the Law)
 - 5) Part 395 *shall not apply to all farm to market agricultural transportation* as defined in 92 Ill. Adm. Code 390.1020 that is engaged in intrastate commerce. (Section 18b-105(c)(6) of the Law)
 - 6) Part 395 *shall not apply to any grain hauling operations* that are engaged in intrastate commerce *within a radius of 200 air miles of the normal work reporting location.* (Section 18b-105(c)(6) of the Law)
- d) *A contract carrier shall limit the hours of service by a driver transporting employees in the course of their employment on a road or highway of this State in a vehicle designed to carry 15 or fewer passengers to 12 hours of vehicle operation per day, 15 hours of on-duty service per day, and 70 hours of on-duty service in 7 consecutive days. The contract carrier shall require a driver who has 12 hours of vehicle operation per day or 15 hours of on-duty service per day to have at least 8 consecutive hours off duty before operating a vehicle again.* (Section 18b-106.1 of the Law)

Agency Note: See 92 Ill. Adm. Code 386, Subpart C: Public Utility Exemptions, for provisions relating to possible exemptions from the IMCSR for applicable intrastate public utility commercial motor vehicles.

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Organizational Chart, Description, Rulemaking Procedure, and Programs
- 2) Code Citation: 2 Ill. Adm. Code 700
- 3) Section Number: 700.Appendix D Adopted Action: Amended
- 4) Statutory Authority: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]; Appendix D implementing and authorized by the Soybean Marketing Act [505 ILCS 130]
- 5) Effective Date of Amendment: January 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: Not applicable, pursuant to Section 5-15 of the Illinois Administrative Code [5 ILCS 100/5-15] and Section 100.810 of the Secretary of State's regulations addressing rulemaking (1 Ill. Adm. Code 100.810).
- 10) Has JCAR issued a Statement of Objection to this rulemaking? JCAR review at 2nd Notice is not required.
- 11) Difference between proposal and final version: No proposal. Not applicable, pursuant to Section 5-15 of the Illinois Administrative Code [5 ILCS 100/5-15] and Section 100.810 of the Secretary of State's regulations addressing rulemaking (1 Ill. Adm. Code 100.810).
- 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 required.
- 13) Will this rule replace any emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Amendment: Changes are mandated as a result of P.A. 94-0061, which amends the Soybean Marketing Act. The amendments change the program operating board from 18 to 24 members and establish at-large directorships.

Pursuant to 2 Ill. Adm. Code 700.Appendix D, Article XII, a public hearing was held on October 5, 2005, attended by Margaret L. van Dijk, Chief Legal Counsel of the Department of Agriculture, Lyle Roberts, Executive Director of the Illinois Soybean Association, and Steve Scates, Mary Burke and Philip Bradshaw, members of the Illinois Soybean Association. After reviewing the proposed amendment, the Board is in full agreement with the rule change.

- 16) Information and questions regarding this Adopted Amendment shall be directed to:

Linda Rhodes
Illinois Department of Agriculture
P. O. Box 19281, State Fairgrounds
Springfield, Illinois 62794-9281

217/785-5713
Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER I: DEPARTMENT OF AGRICULTURE

PART 700

ORGANIZATIONAL CHART, DESCRIPTION, RULEMAKING PROCEDURE,
AND PROGRAMS

SUBPART A: DESCRIPTION OF THE DEPARTMENT OF AGRICULTURE

Section	
700.10	Scope of the Department of Agriculture
700.20	Office of the Assistant Director
700.30	Division of Animal Industries
700.35	Division of Consumer Services
700.40	Division of Marketing and Promotion
700.50	Division of Agricultural Industry Regulation
700.60	Division of Fairs and Horse Racing
700.70	Division of Natural Resources
700.80	Statutorily Established Advisory Boards and Committees

SUBPART B: ORGANIZATIONAL CHART

Section	
700.100	Illinois Department of Agriculture Organization Chart

SUBPART C: REQUEST FOR INFORMATION

Section	
700.110	Information About Programs, Activities, Laws and Rules
700.120	Information On Employment

SUBPART D: PROGRAMS (LAWS) ADMINISTERED BY THE
DEPARTMENT OF AGRICULTURE

Section	
700.130	Code Indicating Administrative Enforcement
700.140	Statutes Administered by the Department of Agriculture

SUBPART E: RULES AND REGULATIONS

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

DEPARTMENT OF AGRICULTURE

Section

700.150 Rules and Regulations Promulgated by the Department of Agriculture

SUBPART F: PROVISIONS AND PROCEDURES GOVERNING THE
PROMULGATION OF RULES AND REGULATIONS

Section

700.160 General, Emergency, and Peremptory Rules; Internal Rules (Agency's
Organization, Description and Rule-making Procedures)

700.170 Public Participation and Comments

700.180 Consideration of Rules by Advisory Boards

700.190 Public Comment Period; Submission of Written Comments; Extending the Public
Comment Period

700.200 Public Hearing Procedure

700.210 Director's Decision

700.220 Second Review Period; Final Disposition of Rulemaking Proposal

700.230 Computing Time

700.240 Interested Person May Request Rulemaking

SUBPART G: RULEMAKING FLOW CHARTS

Section

700.300 General Rulemaking Initiated by Department

700.310 Rulemaking Requested by Advisory Board or Committee

700.320 Emergency or Peremptory Rulemaking by Department

700.APPENDIX A Marketing Program for Illinois Apples and Peaches (Repealed)

700.APPENDIX B Marketing Program for Illinois Corn and Corn Products

700.APPENDIX C Marketing Program for Illinois Eggs (Repealed)

700.APPENDIX D Marketing Program for Illinois Soybeans and Soybean Products

700.APPENDIX E Fertilizer Research and Education Program

700.APPENDIX F Procedures for Conducting Corn Marketing Program Referendums

AUTHORITY: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]; Appendix A implementing and authorized by the Apple and Peach Marketing Act [505 ILCS 20]; Appendix B implementing and authorized by the Illinois Corn Marketing Act [505 ILCS 40]; Appendix C implementing and authorized by the Egg Market Development Act [505 ILCS 55]; Appendix D implementing and authorized by the Soybean Marketing Act [505 ILCS 130]; Appendix E implementing and authorized by the

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Illinois Fertilizer Act of 1961 [505 ILCS 80/6A].

SOURCE: Rules and Regulations Relating to the Illinois Administrative Procedure Act, filed December 30, 1977, effective January 15, 1978; amended at 5 Ill. Reg. 10257, effective September 29, 1981; codified at 2 Ill. Adm. Code 450 at 5 Ill. Reg. 10255; amended at 5 Ill. Reg. 13418, effective November 24, 1981; amended at 6 Ill. Reg. 11826, effective September 21, 1982; amended at 7 Ill. Reg. 9147, effective July 26, 1983; amended at 8 Ill. Reg. 13124, effective July 12, 1984; amended at 10 Ill. Reg. 13168, effective July 25, 1986. Rules and Regulations Relating to the Procedures for the Establishment of an Apple and Peach Marketing Program, filed and effective March 10, 1972; amended at 4 Ill. Reg. 19, p.181, effective April 28, 1980; codified as 8 Ill. Adm. Code 300 at 5 Ill. Reg. 10547; Part repealed at 6 Ill. Reg. 10908, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11154, effective August 31, 1983. Corn Marketing Program adopted at 3 Ill. Reg. 47, p. 72, effective November 9, 1979; codified as 8 Ill. Adm. Code 310 at 5 Ill. Reg. 10549; Part repealed at 6 Ill. Reg. 10909, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 3407, effective March 21, 1983. Rules and Regulations Relating to the Procedures for the Establishment of an Egg Marketing Program, filed January 3, 1973, effective January 13, 1973; codified as 8 Ill. Adm. Code 320 at 5 Ill. Reg. 10551; Part repealed at 6 Ill. Reg. 10915, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11171, effective August 31, 1983. Rules and Regulations Relating to Procedures for the Establishment of a Soybean Marketing Program, filed March 20, 1974, effective April 1, 1974; amended May 2, 1974, effective May 12, 1974; codified as 8 Ill. Adm. Code 330 at 5 Ill. Reg. 10553; Part repealed at 6 Ill. Reg. 10916, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11189, effective August 31, 1983. 2 Ill. Adm. Code 450 recodified to 2 Ill. Adm. Code 700, 8 Ill. Adm. Code 300 recodified to 2 Ill. Adm. Code 700.Appendix A, 8 Ill. Adm. Code 310 recodified to 2 Ill. Adm. Code 700.Appendix B, 8 Ill. Adm. Code 320 recodified to 2 Ill. Adm. Code 700.Appendix C, and 8 Ill. Adm. Code 330 recodified to 2 Ill. Adm. Code 700.Appendix D at 11 Ill. Reg. 15602, effective September 10, 1987; amended at 11 Ill. Reg. 18605, effective October 28, 1987; amended at 12 Ill. Reg. 6648, effective March 25, 1988; amended at 12 Ill. Reg. 22135, effective December 8, 1988; amended at 13 Ill. Reg. 5066, effective March 31, 1989; amended at 14 Ill. Reg. 584, effective December 27, 1989; amended at 14 Ill. Reg. 4093, effective March 2, 1990; amended at 14 Ill. Reg. 9009, effective May 29, 1990; amended at 14 Ill. Reg. 20586, effective December 14, 1990; amended at 15 Ill. Reg. 6105, effective April 16, 1991; amended at 16 Ill. Reg. 3893, effective February 28, 1992; amended at 17 Ill. Reg. 19895, effective November 8, 1993; amended at 20 Ill. Reg. 12773, effective September 5, 1996; amended at 24 Ill. Reg. 1564, effective January 12, 2000; amended at 29 Ill. Reg. 18407, effective January 1, 2006.

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Section 700.APPENDIX D Marketing Program For Illinois Soybeans and Soybean Products

Agency Note: Section 15 of the "Soybean Marketing Act" [[505 ILCS 130](#)] (~~Ill. Rev. Stat. 1987, ch. 5, par. 565~~) requires any soybean marketing program that is approved by Illinois soybean producers through referendum to be filed by the Department of Agriculture as provided in Section 5-65 of the "Illinois Administrative Procedure Act" [[5 ILCS 100](#)] (~~Ill. Rev. Stat. 1991, ch. 127, par. 1005-65~~). The filing of the adopted program is exempt from the rulemaking requirements of Sections 5-35 and 5-40 of the "Illinois Administrative Procedure Act" and the program is exempt from review under Sections 5-100, 5-105, 5-110, 5-120, 5-125 and 5-130 of the "Illinois Administrative Procedure Act". In 1974, a Marketing Program For Illinois Soybeans and Soybean Products was approved through referendum. In 1988, an amendment to Article VIII of the Marketing Program was added. On March 1, 1989, Article VIII of the Marketing Program was amended.

ARTICLE I

PURPOSE:

This program is developed to enable Illinois soybean producers to coordinate more effectively the maintenance and development of markets for soybeans and soybean products; to provide for the needed production and utilization research; to develop new uses for soybeans and soybean products; and to provide for more efficient and economical production.

To accomplish this objective, it is essential to provide procedures for the development of new and larger markets for soybeans; to provide procedures to engage in research directed toward more efficient utilization and production of soybeans; to provide procedures to support world-wide market development programs and cooperate with other states, organizations, agencies, and persons in market development, market information, and research programs; and to provide procedures to elect an initial producer board and its successors to operate this program.

ARTICLE II

AUTHORITY:

This marketing program for Illinois soybeans, its procedures, and regulations, is established pursuant to [the Soybean Marketing Act, 505 ILCS 130/1 et. seq.](#) "~~An Act in relation to soybean marketing programs,~~" being Public Act No. 78-739, approved September 11, 1973.

ARTICLE III

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PROGRAM EXTENT:

All producers of soybeans in Illinois are qualified to participate and all soybeans sold to a first purchaser are subject to the program.

ARTICLE IV

DEFINITIONS:

Terms used in this marketing program shall be defined in the Act and as follows unless context clearly requires otherwise:

- (a) "Act" means [the Soybean Marketing Act, 505 ILCS 130/1 et. seq. an act in relation to soybean marketing programs, Public Act No. 78-739, approved September 11, 1973.](#)
- (b) "Soybean" means and includes all kinds of varieties of soybeans grown in this State and marketed and sold as soybeans by the producer.
- (c) "Person" means any natural person, partnership, corporation, society, association, representative or other fiduciary.
- (d) "Producer" means any person engaged in this State in the business of producing and marketing soybeans and who is affected by this program by virtue of having the first right of ownership in any soybeans for which payment is received at the first point of sale.
- (e) "First Purchaser" means any person who resells soybeans purchased from a producer or offers for sale any product produced from such soybeans for any purpose.
- (f) "Market Development" means to engage in research and educational programs directed toward better and more efficient utilization of soybeans; to provide methods and means for the maintenance of present markets; for the development of new and larger domestic and foreign markets.
- (g) "Marketing Program" means any program established under this Act which prescribes rules, regulations and procedures for the development of markets for soybeans and soybean products.

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- (h) "Program Operating Board" means the board established by any marketing program to administer such programs. Also referred to as "Board".
- (i) "Director" means the Director of the Department of Agriculture of the State of Illinois.
- (j) "Department" means the Department of Agriculture of the State of Illinois.
- (k) "Bushel" means 60 pounds of soybeans by weight.
- (l) "District" means the geographical divisions of the State established pursuant to this marketing program.
- (m) "Sale" or "Sold" means a transaction wherein the property in or to soybeans is transferred from the producer to a first purchaser for consideration.
- (n) "Eligible Voter" means one who is defined both as a person and as a producer in this program.
- (o) "Affected Producers" means any person defined as a producer in this program who is subject to the assessment.

ARTICLE V

PROGRAM OPERATING BOARD:

Section 1. Establishment and Membership.

A program operating board is hereby established with powers and duties as authorized pursuant to the Act and this program. The Program Operating Board shall consist of one member elected from each of the representative districts as established by Section 2 of this Article and 6 at-large members elected without respect to representative district. One individual may not serve as a representative of a district and as an at-large member at the same time.~~The Board shall be comprised of 18 members elected from districts as provided in Section 2 of this Article. The 18 members shall be elected, one from each district.~~

Section 2. Representative Districts.

For the purpose of nomination and election of members to the Board, the territory of the State of

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Illinois shall be divided into 18 representative districts as follows:

- District 1: Jo Daviess, Stephenson, Winnebago, Boone, Carroll, Ogle, DeKalb, and Lee Counties.
- District 2: McHenry, Lake, Kane, Cook, DuPage, Will, and Kankakee Counties.
- District 3: Whiteside, Rock Island, Henry, Mercer, Henderson, Stark, and Warren Counties.
- District 4: Bureau, LaSalle, Grundy, and Kendall Counties.
- District 5: Knox, Peoria, Marshall, Putnam, Fulton and Tazewell Counties.
- District 6: Woodford, Livingston and McLean Counties.
- District 7: Ford, Iroquois, and Vermilion Counties.
- District 8: Hancock, McDonough, Adams, Brown, and Schuyler Counties.
- District 9: Mason, Logan, Cass, Menard, Morgan, and Sangamon Counties.
- District 10: DeWitt, Macon, Christian, Moultrie, and Shelby Counties.
- District 11: Piatt, Champaign, Douglas, Edgar, and Coles Counties.
- District 12: Pike, Scott, Calhoun, Greene, Macoupin, and Jersey Counties.
- District 13: Montgomery, Bond, Fayette, and Marion Counties.
- District 14: Cumberland, Clark, Effingham, Jasper, and Crawford Counties.
- District 15: Madison, Monroe, St. Clair, and Clinton Counties.
- District 16: Clay, Richland, Lawrence, Wayne, Edwards, White, and Wabash Counties.
- District 17: Randolph, Washington, Jefferson, Perry, and Jackson Counties.
- District 18: Franklin, Hamilton, Williamson, Saline, Gallatin, Union, Johnson, Pope,

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Hardin, Alexander, Pulaski, and Massac Counties.

Section 3. Board Membership Qualifications.

Board members shall be residents of the State of Illinois, of legal voting age, and be subject to the program. Board members shall be affected producers of soybeans in this State subject to the assessment in the district in and for which they are nominated and elected. The qualification of members as set forth herein must continue during their term of office or their office shall be declared vacant.

Section 4. Term of Office.

The term of office of a board member shall be three years or until his successor is elected and qualified except for the initial board which shall be as provided in Section 5 of this Article.

A term of office shall terminate on July 31st of the year in which the board member's office expires.

No producer shall serve as board member for more than two consecutive three-year terms of office.

Section 5. ~~Program Operating~~Initial Board.

~~The initial 18 member board shall be elected on the same ballot and at the same time the referendum is held on this marketing program.~~

~~The term of office for each initial board member shall be determined by drawing at the first meeting of the board. The term of office established by the drawing shall be the term of office for the member's representative district. These initial terms of office shall be as follows: There shall be six terms which shall expire July 31, 1975; there shall be six terms which shall expire July 31, 1976; there shall be six terms which shall expire July 31, 1977.~~

When the ~~initial~~ term of office expires ~~in a district~~, an election shall be held as provided in this program and the Act to fill the vacancy. A special election shall be held for the initial term of at-large board members on January 31, 2006, with those elected at-large board members serving until July 31, 2006. Thereafter, the term of office for the at-large board members taking office on August 1, 2006, shall be as follows: two terms shall expire July 31, 2007; two terms shall expire July 31, 2008; and two terms shall expire July 31, 2009, such terms to be determined by lot drawn at the annual meeting of the Board in July 2006. When the term of office of an at-large board member expires, a successor at-large member shall be nominated without respect to

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residence district by a majority of the elected Board sitting in quorum as provided in Section 6.C of this Article.

Section 6. Nominations.

~~A. Procedure for nominating candidates for election to the initial board:~~

~~Any affected producer may become a candidate from his district and have his name placed on the ballot if he files a petition with the Director containing the signatures of 250 or 5 per cent, whichever less, of those eligible voters in his district qualified to vote on the referendum. The petitions to become a candidate for board member must be filed with the Director by May 15th of the year in which the election is to be held in that district. Notification to all affected producers of an election shall be published in the official state newspaper and made available to newspapers of general circulation and other news media throughout the State. Petitions for becoming a candidate shall be available at the principal office of the Cooperative Extension Service serving each county and upon request from the Director. Position of candidates' names on the ballot to become a board member shall be determined by lot by a drawing by the Director. Candidates shall be notified of the time and place where such drawing shall occur. Voting shall be held at geographically located polling places throughout the district.~~

~~AB. Subsequent Years.~~ Procedure for Nominating Candidates to the Board for Representative Districts ~~in Subsequent Years:~~

Each district having a vacancy on the board by an expiring term shall hold an election to fill such vacancy. The election shall be held during July of the year in which the vacancy exists. Any affected producer may become a candidate from his district and have his name placed on the ballot for which a vacancy exists if he files a petition with the Director containing the signatures of 250 or 5 per cent, whichever less, of affected producers from his district. Petitions to become a candidate for board member must be filed with the Director by May 15th of the year in which the election is to be held in that district. Notification to all affected producers in the district where a vacancy exists shall be published in the official state newspaper and made available to newspapers of general circulation in that district and to all other news media in that district. Notification shall be given no earlier than April 1st nor later than April 15th in the district where vacancy on the board will occur. Petition for becoming a candidate shall be available at each principal county office of the Cooperative Extension Service in the district where

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a vacancy exists and upon request from the Director. Position of the candidates' names on the ballot shall be determined by lot by a drawing by the Director. Candidates shall be notified of the time and place where such drawing shall occur. Voting shall be held at geographically located polling places throughout the district.

B. Nomination and Election Procedures for Interim At-Large Directors:

The initial six at-large directors will be nominated by a majority of the Board sitting in a quorum and thereafter elected by a majority of producers in attendance at the meeting of the Board to be held on January 31, 2006. Notification to all affected producers shall be published in the official state newspaper and made available to newspapers of general circulation and all other news media. Notification shall be given no earlier than December 1 and no later than December 15. Any interested producer must notify the Board of their desire to become a candidate for an at-large position by sending the Board a letter of interest by certified mail (return receipt requested) to the Board's office. The letter must be deposited in the U.S. mail with postage prepaid and postmarked by no later than January 6, 2006.

The Executive Committee will serve as the Nominating Committee and will review the applications for eligibility, interview the candidates (if necessary), and make its recommendation of not more than three candidates per open position to the Board. The Board must nominate not more than three candidates for each at-large vacancy from the pool of candidates by a majority vote of the Board sitting in quorum.

The names of all candidates will be placed on the ballot and voting will take place until one individual receives a majority of the votes cast. If any individual does not receive a majority of the votes cast, the person receiving the lowest number of votes will be dropped from the ballot. After an individual has been duly elected to an at-large position, voting will begin again with the names of all the remaining candidates placed back on the ballot. Voting will be held as previously described for each at-large position.

The position of the nominees' names on the ballot shall be determined by a drawing by the Board sitting in quorum at the January 31, 2006, Board Meeting just prior to the election.

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The six individuals elected on January 31, 2006, will serve an interim term of January 31, 2006, through July 31, 2006. If any of these individuals desire to continue to serve as an at-large Director beyond July 31, 2006, they must re-apply for such position. They must submit a letter of interest by certified mail (return receipt requested) to the Board's office. The letter must be deposited in the U.S. mail with postage prepaid and postmarked by no later than March 15, 2006.

C. Nomination and Election Procedures for At-Large Directors:

Any interested producer not a candidate under A above in the same year may become a candidate for nomination as an at-large director. The six at-large directors will be nominated by a majority of the Board sitting in a quorum and thereafter elected by a majority of producers in attendance at the annual meeting of the Board to be held on July 31. Notification to all affected producers shall be published in the official state newspaper and made available to newspapers of general circulation and all other news media. Notification shall be given no earlier than February 1 and no later than February 15. Any interested producer must notify the Board of their desire to become a candidate for an at-large position by sending the Board a letter of interest by certified mail (return receipt requested) to the Board's office. The letter must be deposited in the U.S. mail with postage prepaid and postmarked by no later than March 15th of the year in which the election is to be held for an expiring at-large director term.

The Executive Committee will serve as the Nominating Committee and will review the applications for eligibility, interview the candidates (if necessary), and make its recommendation of not more than three candidates per open position to the Board. The Board must nominate not more than three candidates for each at-large vacancy from the pool of candidates by a majority vote of the Board sitting in quorum.

The names of all candidates will be placed on the ballot and voting will take place until one individual receives a majority of the votes cast. If any individual does not receive a majority of the votes cast, the person receiving the lowest number of votes will be dropped from the ballot. After an individual has been duly elected to an at-large position, voting will begin again with the names of all the remaining candidates placed back on the ballot. Voting will be held as previously described for each vacant at-large position.

The position of the nominees' names on the ballot shall be determined by a drawing by the Board sitting in quorum at the March Board Meeting. All

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nominees will be notified of the time and place of the drawing.

Section 7.

A. Election of Initial At Large Members of Board.

The election of the initial At-Large Members of Board shall be conducted by the Program Operating Board~~on the same ballot and at the same time as the referendum on the question of adoption of the program.~~ Nominations shall be as set forth in Section 6(B) of this Article. The elected board member shall take office immediately after the election results are available. Each eligible voter shall be entitled to one vote for each at-large position~~and shall be entitled to vote for one candidate to be such producer's district representative~~ on the program operating board.

The candidate from each at-large position~~district~~ receiving the greatest number of votes in the election shall be that position's at-large~~the district's~~ representative on the board. In case of a tie, the winner will be determined by drawing. The elected board member will take office immediately upon approval of the program. ~~Each eligible voter shall vote at the local Cooperative Extension Service office serving the county in which such eligible voter resides.~~

B. Election of Board in Subsequent Years.

The election of board members in districts where a vacancy occurs due to an expiring term shall be conducted by the program operating board. Nominations shall be as set forth in Section 6(A) and 6(C)~~Section 6(B)~~ of the program. The elected board member shall take office of August 1st of the year in which such board member is elected, except as outlined in Section 5.

Section 8. Powers and Duties of the Board.

The board shall have the following powers and duties:

- (a) to administer, enforce, direct, and control provisions of this program as its administrative board pursuant to the authority contained in the Act;
- (b) to annually establish priorities and to prepare and approve a budget consistent with estimated resources and scope of the marketing program;

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- (c) to formulate and execute assessment procedures, rates, methods of collection;
- (d) to procure and evaluate data and information necessary for the proper administration and operation of marketing program;
- (e) to employ personnel and contract for services which are necessary for the proper operation of the marketing program;
- (f) to authorize the expenditure of funds and the contracting of expenditure to conduct proper activities of the program;
- (g) to provide for an independent audit to be made and be available to all program participants;
- (h) to publish annually, upon completion of and at the same time of the audit, an Activities and Financial Report and make available to all affected producers;
- (i) to elect a chairman, vice chairman, secretary and treasurer and other such officers as it deems necessary;
- (j) to take steps to insure that adequate bonds are maintained and to insure adequate protection of funds;
- (k) to confer and cooperate with legally constituted authorities of other states and the United States;
- (l) to accept donations, gifts, and other properties to be used for program purposes;
- (m) to receive and investigate or cause to be investigated complaints and violations of this program and the Act and to take such action as is necessary within its authority;
- (n) to establish accounts in adequately protected financial institution to receive, hold and disperse program monies;
- (o) to approve and recommend desirable amendments to the program;
- (p) to establish procedure to refund to a producer any assessment paid by such a producer if he requests such a refund; and

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- (q) to perform such other duties which may be necessary to proper operation of the board.

Section 9. Limitation of Liability of Board Members and Employees.

Obligations incurred by the board and any other liabilities or claims against the board shall be enforced only against the assets of the board in the same manner as if it were a corporation and no liability for the debts or actions of the board shall exist against either the State of Illinois or any subdivision or instrumentality thereof or against any board established pursuant to the Act or the assets thereof or against any member, officer, employee, or agent of the board in his individual capacity. The members of the board, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts either of commission or omission, as principal, agent, person, or employee except for their own individual acts which result in a violation of any law. No such person or employee shall be held responsible individually for the act or omission of any member of the board. The liability of the members of the board shall be several and not joint and no members shall be liable for the default of any other member.

Section 10. Board Vacancies.

Procedure for Filling:

Vacancies occurring on the board during an unexpired term of office shall be filled by the board with an appointee who is a qualified producer from the district affected by the vacancy, or in the case of an at-large director without respect to representative district, as determined by a majority vote of the board sitting in quorum. The appointee shall serve as the district or at-large district's representative on the board for the unexpired term.

Section 11. Board Compensation.

"All voting members of the program operating board are entitled to actual and necessary travel and incidental expenses while attending meetings of the board or while engaged in the performance of official responsibilities as determined by the board." ¹

¹ Quote from Section 12 of "An Act in relation to Soybean Marketing Program," being Public Act No. 78-739, approved September 11, 1973.

ARTICLE VI

REFERENDUMS AND ELECTIONS:

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Section 1.

The Director shall hold referendums as they pertain to this program as provided for in such Sections as 8, 10 and 13 of the Act.

All referendums shall be by a ballot cast at the local Cooperative Extension Service office serving the area in which such eligible voter resides, except as otherwise provided in this Article.

The initial program adoption referendum shall provide for the question of adoption of the program with a place to vote "yes" or "no" and shall also provide for the election of the initial members of the program operating board. The referendum ballot used in each district will contain only the name(s) of the candidate(s) for its district with space provided for a write-in candidate.

Write-in votes shall be counted only for persons who have filed notarized declarations of intent to be write-in candidates with the Director not later than 5:00 p.m. on the Tuesday immediately preceding the election.

Forms for the declaration of intent to be a write-in candidate shall be supplied by the Director. Such declaration shall specify the office for which the person seeks election as a write-in candidate.

A program or an amendment to a program is approved when a majority of the statewide total of those voting in the referendum vote in favor of such program or amendment to a program.

Section 2. Qualification to Vote.

Any person who is defined as a producer in this program shall be entitled to one vote. Such eligible voter shall be required to sign an affidavit for ballot declaring that such person is eligible to participate in the program. Such eligible voter shall be entitled to vote only at the principal office of the Cooperative Extension Service which serves the county in which such eligible voter resides.

Eligible voters who reside outside the State of Illinois or eligible voters within the State who cannot be physically present at the polls on the day of any referendum held under this Article may request an absentee ballot.

Section 3. Absentee Ballot.

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The Director shall provide to any eligible voter an absentee ballot upon request beginning thirty (30) days prior to the referendum for approval of the initial program or any subsequent election of directors where a vacancy exists. Any eligible voter requesting an absentee ballot shall be required to file with the Director an affidavit swearing that such eligible voter is eligible to vote on the initial referendum or in the election of board members. Such affidavit shall be available upon request from the Director. All absentee ballots and affidavits shall be returned to the Director at least two (2) working days prior to any referendum or election.

Section 4. Election Judges.

The Director shall appoint a three-man committee to serve as election judges and to count ballots and determine the results of the referendum at the principal county office of the Cooperative Extension Service.

Section 5. Teller Committee.

The Director shall appoint a teller committee to count absentee ballots, canvass and certify results of referendums and elections of district candidates.

ARTICLE VII

PROGRAM:

Section 1. Market Development, Promotion, and Public Relation Programs.

The board, subject to the provisions of this program and the Act, is authorized to contract with or make grants to any qualified organizations, agencies, or persons for any market development and promotion activities, education and public relations programs or market information services which will result in the opening of new markets for soybeans and soybean products, or which will result in the expansion of existing markets. These activities may include, but not be necessarily limited to the following:

- (1) Preparation and dissemination of marketing information to include supply information, demand information, quality characteristics, and other facts concerning soybeans and soybean products.
- (2) Provide information to foreign feed manufacturers and soy oil refiners for the purpose of expanding their use of soybeans and soybean products.
- (3) Work with U.S. agricultural attaches in removing restrictive foreign regulations

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which limit markets for soybeans and soybean products.

- (4) Participate in trade fairs, exhibitions, food shows, and other such activities for the purpose of developing markets.

Section 2. Research.

The board, subject to the provisions of this program and the Act, is authorized to contract with or make grants to any qualified organizations, agencies, or persons for any needed production, utilization, distribution or handling research or survey studies related to soybeans and their products which will result in improved efficiency and aid soybean producers in maintaining present and any new and larger markets.

Such research and survey studies may include, but shall not be necessarily limited to the following:

- (1) Production research on such things as cultural practices, pest and insect control, weed and disease control, soil and fertility management, genetic research, plant pathology, micro biology, plant physiology, collection of new germ plasma, etc.
- (2) Improving techniques and methods for planting and harvesting.
- (3) Improving storage, handling, and drying techniques.
- (4) Investigating transportation problems involving movement of soybeans to market.
- (5) Utilization research such as developing new uses of soybeans and soybean products for human food and nutrition, determine chemical levels to protect soybean meal from rumen degradation in livestock feed, and research on industrial oil products, etc.

Section 3. Educational Program.

The board is authorized to contract with or make grants to any qualified organizations, agencies, or individuals for any educational materials and educational programs pertaining to soybeans and their products.

The educational program established pursuant to authority shall emphasize the results of research, market development, and other programs sponsored, supported, or otherwise implemented by or for the board.

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ARTICLE VIII

ASSESSMENTS:

Section 1. Assessment Levied.

- A. All assessments made and levied pursuant to the provisions of the Act and the program shall be paid by the respective affected producers who shall be liable therefore as provided by Sections 16, 16.1 and 20 of the Act. Assessments shall be made and levied on all soybeans grown outside Illinois but sold to a first purchaser in Illinois.
- B. Such assessments shall not exceed $\frac{1}{4}\text{¢}$ per bushel of soybeans produced and sold by such affected producer during the first year of operation of the program and shall not exceed 1¢ per bushel of soybeans produced and sold by such affected producer effective April 1, 1989, and in all subsequent years of operation of the program.
- C. Such assessment shall be collected from the affected producers by the first purchaser of soybeans and such first purchaser shall deduct the full amount of assessment from total monies due to the producer and shall account for, report on, and remit to the board all monies collected. Such monies collected shall be remitted quarterly and shall be made by the 15th of the month following the end of each quarter. Such quarters shall end March 31, June 30, September 30, and December 31 of the year in which assessment is due. If remittance of assessment by first purchaser is made by the 15th of the month following the end of the quarter, such first purchaser making remittance shall be entitled to retain two per cent (2 per cent) of such remittance due.
- D. Any producer who shall sell, ship or otherwise dispose of soybeans to a first purchaser or other person outside the jurisdiction of this marketing program shall forthwith remit to the board the full amount of the assessment due.
- E. The board shall establish regulations and procedures to insure the collection of such assessments as shall be due and payable under this marketing program.
- F. The board shall give reasonable notice to all producers, processors, and handlers of all changes in regulations and procedures and any amendments thereto for the collection of the assessment.

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ARTICLE IX

RIGHT OF REFUND:

Section 1.

- A. Any affected producer may request that each assessment paid by him be refunded.
- B. A refund shall be payable upon request. Such request shall be made to the board not more than sixty (60) days after the deduction has been made or not more than sixty (60) days after the remittance has been made by the first purchaser.
- C. The board shall establish regulations and procedures to insure the refund of such assessment as are requested.

ARTICLE X

FUNDS:

Section 1.

The board shall deposit all monies collected pursuant to this program in an account as established in Article V of this program. Expenses and disbursements incurred and made pursuant to the Act and this program shall be made by voucher, draft or check bearing the signature of the treasurer and one other person designated by majority vote of the board, which person shall be either a member or an employee of the board.

Section 2.

Monies collected by the board pursuant to the Act and this program as assessments shall be used by the board only for the purpose of paying for the costs or expenses arising in connection with carrying out the purpose and provisions of the Act and this program.

ARTICLE XI

INFORMATION REPORTS:

All persons subject to this program and the Act shall make and render such reports and furnish such information to the Director and the board as may be necessary or required to effectuate the

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purposes thereof. Information obtained by any person pursuant to this Article shall be confidential and shall not be disclosed to any other person, save a person with the right to obtain the same or any attorney employed by the board to give legal advice thereon or by court order.

ARTICLE XII

RULES AND REGULATIONS:

Section 1.

A public hearing must be held on all rules and regulations before they are adopted by the board or the Department. Public notice of such hearings shall be in accordance with The Open Meetings Act, 5 ILCS 120/1 et seq. ~~"An Act in relation to meetings," approved July 11, 1957, as amended (Chapter 102, Paragraph 41 et seq., Illinois Revised Statutes).~~

Section 2.

All rules and regulations adopted by the board pursuant to the program shall be presented to the Director for approval. Rules and regulations adopted by the board and approved by the Director and any rule and regulation promulgated by the Director shall be filed in accordance with the Illinois Administrative Procedure Act, 5 ILCS 100/1 et seq. ~~"An Act concerning administrative rules," approved June 14, 1951, as amended (Chapter 127, Paragraph 263 et seq., Illinois Revised Statutes).~~

Section 3.

All rules and regulations promulgated pursuant to the Act shall be made available to those persons affected by this program and the Act.

ARTICLE XIII

APPEALS:

Section 1.

Any person subject to this program may appeal to the board to review any administrative decision. Any such appeal must be filed in writing setting forth the facts upon which it is based.

Section 2.

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Pending the disposition of any appeal set forth in Section 1 of this Article, the party shall abide by the decision unless the board shall rule otherwise. The board shall, if the facts stated show reasonable grounds, revise any order or decision upon which an appeal is taken.

ARTICLE XIV

A DEROGATION:

Nothing contained herein is or shall be construed to be in derogation or in modification of the rights of the Director or of the State to exercise any powers granted by the Act or otherwise, and in accordance with such powers to act in the premises whenever such action is deemed advisable.

ARTICLE XV

COOPERATION WITH OTHER AGENCIES:

The board, with the assistance of the Director and subject to the provisions of the Act, is authorized to cooperate with agencies of the United States government, the State of Illinois, and other states as deemed by the board and the Director to be desirable and useful in effectuating the purposes of this program and Act.

- (1) Coordination and cooperation in promotion, advertising, educational programs, informational programs, disease control and research, marketing and transportation research, and any of the several areas of authority authorized by the program and the Act.
- (2) Coordination of purposes with other boards, commissions, or any other marketing group in the State or other states, areas, or foreign countries so long as such cooperation is in the best interest of the soybean producers of Illinois.

ARTICLE XVI

EFFECTIVE TIME:

This marketing program and any amendments thereto shall become effective immediately upon their being approved by referendum and shall continue in effect for five (5) years and shall automatically be extended from year to year unless a referendum for continued approval is requested by written petition of no less than 2 per cent of soybean producers affected by the program as published in the Illinois Agricultural Statistics Annual Farm Census being published by the Illinois Cooperative Reporting Service. Such referendum is to be held in accordance with

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Section 10 of the Act.

ARTICLE XVII

SEVERABILITY:

If any provision of the marketing program or the Act shall be declared invalid, or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this marketing program or the Act or the applicability thereof to any person, circumstance or thing shall not be affected.

ARTICLE XVIII

Section 1.

"All assessments on soybeans marketed are due and payable to the board. Any due and payable assessment required under the provisions of any program created under this Act constitutes a personal debt of every person so assessed or who otherwise owes such assessment. Such assessment is due and payable to the board when payment is stipulated in the program and called for by the board. In the event any person fails to remit the full amount of such due assessment or such other sum within 30 days after the due date, the person owing such assessment shall be given an opportunity to present his case as provided for in Section 22 of the Act. When established that the assessment is correct, the board may add to the unpaid assessment or sum a penalty amount not exceeding 10 per cent of the amount due to defray the cost of enforcing the collection of the assessment or sum due. In the event of failure of a person to remit any properly due assessment or sum, the board may bring civil action against such person in the Circuit Court of any county for collection thereof, together with the above additional specified 10 per cent penalty assessment and court costs. Such action shall be tried and judgment rendered as in any other cause of action for debts due and payable." ²

Section 2.

"No person shall knowingly fail or refuse to comply with any requirement of this Act where obligated to comply by a duly approved marketing program. The board may institute any action which is necessary to enforce compliance with this Act, any rule or regulation thereunder or any program adopted pursuant to this Act. In addition to any other remedy provided by law the board may petition for injunctive relief without being required to allege or prove the absence of any other adequate remedy at law. Such action shall be brought in the Circuit Court of any county.

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Before the board may institute any proceedings under this Act, the alleged violator shall first be given an opportunity to present his views to the board as to why such proceedings should not be instituted."³

² Quote from Section 20 of "An Act in relation to Soybean Marketing Program," being Public Act No. 78-739, approved September 11, 1973.

³ Quote from Section 22 of "An Act in relation to Soybean Marketing Program," being Public Act No. 78-739, approved September 11, 1973.

(Source: Amended at 29 Ill. Reg. 18407, effective January 1, 2006)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Number: 125.147 Adopted Action:
New Section
- 4) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]
- 5) Effective Date of Amendment: October 28, 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 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: July 29, 2005; 29 Ill. Reg. 11714
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: Nonsubstantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: In order to maintain an "equal to" status with the federal meat and poultry products inspection programs as required by the federal Meat Inspection Act and the Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is proposing to adopt 9 CFR 500, Rules of Practice, as published at 64 FR 66541, November 29, 1999. This amendment lists the types of enforcement actions that the agency may take and identifies the circumstances under which each action may be taken.

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- 16) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes
Illinois Department of Agriculture
P. O. Box 19281, State Fairgrounds
Springfield, Illinois 62794-9281

217/785-5713
Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACTPART 125
MEAT AND POULTRY INSPECTION ACTSUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION

Section

125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products
125.144	Preparation and Processing Operations
125.145	Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products
125.146	Consumer Protection Standards: Raw Products
125.147	Rules of Practice

SUBPART B: MEAT INSPECTION

Section

125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation (Repealed)

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125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products (Repealed)
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9

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Ill. Reg. 10102, effective June 13, 1985; preemptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; preemptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; preemptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; preemptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; preemptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; preemptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; preemptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; preemptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; preemptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; preemptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; preemptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; preemptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; preemptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; preemptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; preemptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; preemptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; preemptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; preemptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; preemptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; preemptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; preemptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; preemptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; preemptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; preemptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; preemptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; preemptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; preemptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; preemptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; preemptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; preemptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; preemptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; preemptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; preemptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; preemptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; preemptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; preemptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; preemptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; preemptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; preemptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; preemptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; preemptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; preemptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; preemptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; preemptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; preemptory amendment at 16 Ill. Reg. 11963,

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effective July 22, 1992; preemptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; preemptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; preemptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; preemptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; preemptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; preemptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; preemptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; preemptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; preemptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; preemptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; preemptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; preemptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; preemptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; preemptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; preemptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; preemptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; preemptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; preemptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; preemptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; preemptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; preemptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; preemptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; preemptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; preemptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; preemptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; preemptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; preemptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; preemptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; preemptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; preemptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; preemptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; preemptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; preemptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; preemptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; preemptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; preemptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; preemptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; preemptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; preemptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; preemptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; preemptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; preemptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; preemptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; preemptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; preemptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002;

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amended at 27 Ill. Reg. 10205, effective July 1, 2003; preemptory amendment at 27 Ill. Reg. 13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; preemptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; preemptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003; preemptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004; preemptory amendment at 28 Ill. Reg. 3513, effective February 6, 2004; preemptory amendment at 28 Ill. Reg. 11934, effective August 5, 2004; preemptory amendment at 28 Ill. Reg. 15694, effective November 30, 2004; preemptory amendment at 28 Ill. Reg. 16368, effective December 6, 2004; preemptory amendment at 29 Ill. Reg. 2479, effective February 1, 2005; amended at 29 Ill. Reg. 5661, effective April 13, 2005; preemptory amendment at 29 Ill. Reg. 15645, effective October 7, 2005; amended at 29 Ill. Reg. 18432, effective October 28, 2005.

SUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION**Section 125.147 Rules of Practice**

The Department incorporates by reference 9 CFR 500.1, 500.2(a) and (b), 500.3, 500.4, 500.5(a)(1-4), (b), (c) and (e), 500.6 and 500.8 (64 Fed. Reg. 66541, November 29, 1999).

(Source: Added at 29 Ill. Reg. 18432, effective October 28, 2005)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Staff Development Plans and Programs
- 2) Code Citation: 23 Ill. Adm. Code 30
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
30.10	Repeal
30.20	Repeal
30.30	Repeal
30.40	Repeal
30.50	Repeal
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Repealer: October 31, 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 24, 2005; 29 Ill. Reg. 8572
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference 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
- 15) Summary and Purpose of Repealer: In the course of our comprehensive review of ISBE's rules, it has become apparent that this Part regulates activities that are no longer being funded. ISBE has, therefore, found that its rules on this subject serve no purpose and constitute unnecessary regulatory documentation.

STATE BOARD OF EDUCATION

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Concurrent with this repealer, ISBE has adopted a unified new Part to acknowledge that existing statutory language requires the State Board to have rules on the subject covered by Part 30, as well as several other topics, and to explain the agency's intention to place back into effect any of those rules for which funding might be restored in the future.

- 16) Information and questions regarding this adopted repealer shall be directed to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

(217) 782-5270

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Insurance for Certificated Employees
- 2) Code Citation: 23 Ill. Adm. Code 56
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
56.10	Repeal
56.20	Repeal
56.30	Repeal
56.40	Repeal
56.50	Repeal
56.60	Repeal
56.70	Repeal
56.80	Repeal
56.90	Repeal
56.100	Repeal
56.110	Repeal
56.120	Repeal
- 4) Statutory Authority: 105 ILCS 5/2-3.124
- 5) Effective Date of Repealer: October 31, 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 24, 2005; 29 Ill. Reg. 8578
- 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 rulemaking replace an emergency repealer currently in effect? No

STATE BOARD OF EDUCATION

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- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: In the course of our comprehensive review of ISBE's rules, it has become apparent that this Part regulates activities that are no longer being funded. ISBE has, therefore, found that its rules on this subject serve no purpose and constitute unnecessary regulatory documentation.

Concurrent with this repealer, ISBE has adopted a unified new Part to acknowledge that existing statutory language requires the State Board to have rules on the subject covered by Part 56, as well as several other topics, and to explain the agency's intention to place back into effect any of those rules for which funding might be restored in the future.

- 16) Information and questions regarding this Adopted Repealer shall be directed to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

(217) 782-5270

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Professional Development Block Grant
- 2) Code Citation: 23 Ill. Adm. Code 160
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
160.10	Repeal
160.20	Repeal
160.30	Repeal
160.40	Repeal
- 4) Statutory Authority: 105 ILCS 5/Art. 1C
- 5) Effective Date of Repealer: October 31, 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 24, 2005; 29 Ill. Reg. 8590
- 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 rulemaking replace any emergency repealer currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: In the course of our comprehensive review of ISBE's rules, it has become apparent that this Part regulates activities that are no longer being funded. ISBE has, therefore, found that its rules on this subject serve no purpose and constitute unnecessary regulatory documentation.

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Concurrent with this repealer, ISBE has adopted a unified new Part to acknowledge that existing statutory language requires the State Board to have rules on the subject covered by Part 160, as well as several other topics, and to explain the agency's intention to place back into effect any of those rules for which funding might be restored in the future.

- 16) Information and questions regarding this Adopted Repealer shall be directed to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

(217) 782-5270

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Scientific Literacy
- 2) Code Citation: 23 Ill. Adm. Code 220
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
220.10	Repeal
220.20	Repeal
220.30	Repeal
220.40	Repeal
220.50	Repeal
220.60	Repeal
220.70	Repeal
- 4) Statutory Authority: 105 ILCS 5/2-3.94
- 5) Effective Date of Repealer: October 31, 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 24, 2005; 29 Ill. Reg. 8595
- 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 rulemaking replace an emergency repealer currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: In the course of our comprehensive review of ISBE's rules, it has become apparent that this Part regulates activities that are no longer

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being funded. ISBE has, therefore, found that its rules on this subject serve no purpose and constitute unnecessary regulatory documentation.

Concurrent with this repealer, ISBE has adopted a unified new Part to acknowledge that existing statutory language requires the State Board to have rules on the subject covered by Part 220, as well as several other topics, and to explain the agency's intention to place back into effect any of those rules for which funding might be restored in the future.

- 16) Information and questions regarding this Adopted Repealer shall be directed to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

(217) 782-5270

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Alcohol and Drug Education Initiative
- 2) Code Citation: 23 Ill. Adm. Code 225
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
225.10	Repeal
225.20	Repeal
225.30	Repeal
225.40	Repeal
225.50	Repeal
225.60	Repeal
- 4) Statutory Authority: 105 ILCS 5/2-3.93
- 5) Effective Date of Repealer: October 31, 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 24, 2005; 29 Ill. Reg. 8604
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference 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 rulemaking replace an emergency repealer currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: In the course of our comprehensive review of ISBE's rules, it has become apparent that this Part regulates activities that are no longer being

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funded. ISBE has, therefore, found that its rules on this subject serve no purpose and constitute unnecessary regulatory documentation.

Concurrent with this repealer, ISBE has adopted a unified new Part to acknowledge that existing statutory language requires the State Board to have rules on the subject covered by Part 225, as well as several other topics, and to explain the agency's intention to place back into effect any of those rules for which funding might be restored in the future.

- 16) Information and questions regarding this Adopted Repealer shall be directed to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

(217) 782-5270

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Summer School for Remedial Education
- 2) Code Citation: 23 Ill. Adm. Code 230
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
230.10	Repeal
230.20	Repeal
230.30	Repeal
230.40	Repeal
230.50	Repeal
230.60	Repeal
- 4) Statutory Authority: 105 ILCS 5/2-3.61
- 5) Effective Date of Rules: October 31, 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 24, 2005; 29 Ill. Reg. 8615
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference 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 rulemaking replace an emergency repealer currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: In the course of our comprehensive review of ISBE's rules, it has become apparent that this Part regulates activities that are no longer

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being funded. ISBE has therefore found that its rules on this subject serve no purpose and constitute unnecessary regulatory documentation.

Concurrent with this repealer, ISBE has adopted a unified new Part to acknowledge that existing statutory language requires the State Board to have rules on the subject covered by Part 230 as well as several other topics and to explain the agency's intention to place back into effect any of those rules for which funding might be restored in the future.

- 16) Information and questions regarding this adopted repealer shall be directed to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

(217) 782-5270

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Alternative Learning Opportunities Program
- 2) Code Citation: 23 Ill. Adm. Code 240
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
240.200	Repeal
240.210	Repeal
240.220	Repeal
240.230	Repeal
240.240	Repeal
240.250	Repeal
240.260	Repeal
- 4) Statutory Authority: 105 ILCS 5/Art. 13B
- 5) Effective Date of Amendments: October 31, 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 24, 2005; 29 Ill. Reg. 8621
- 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 rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: In the course of our comprehensive review of ISBE's rules, it has become apparent that Subpart B of this Part regulates grants that are

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no longer being funded. ISBE has, therefore, found that its rules on this subject serve no purpose and constitute unnecessary regulatory documentation.

Concurrent with the repeal of these provisions, ISBE has adopted a unified new Part to acknowledge that existing statutory language requires the State Board to have rules on the subject covered by Subpart B of Part 240, as well as several other topics, and to explain the agency's intention to place back into effect any of those rules for which funding might be restored in the future.

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

Donna Luallen, Division Administrator
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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 240

ALTERNATIVE LEARNING OPPORTUNITIES PROGRAM

SUBPART A: PROGRAM APPROVAL

Section

240.10	Purpose
240.20	Requirements for Student Participation
240.25	Enrollment of Students with Individualized Education Programs
240.30	Program Requirements
240.40	Student Success Plan
240.50	Requirements for Returning the Student to the Regular School Program
240.60	Supplemental Services and Instructional Time
240.70	Application for Program Approval
240.75	Program Approval Criteria
240.80	Application for Program Continuation
240.90	Program Funding
240.100	Suspension and Revocation of Program Approval
240.110	Terms and Conditions of Approval

SUBPART B: ALTERNATIVE LEARNING OPPORTUNITIES PROGRAM GRANTS

240.200	Purpose <u>(Repealed)</u>
240.210	Eligible Applicants <u>(Repealed)</u>
240.220	Planning Grants <u>(Repealed)</u>
240.230	Implementation Grants <u>(Repealed)</u>
240.240	Supplemental Grants <u>(Repealed)</u>
240.250	Grant Awards <u>(Repealed)</u>
240.260	Terms of the Grant <u>(Repealed)</u>

AUTHORITY: Implementing and authorized by Article 13B of the School Code [105 ILCS 5/Art. 13B].

SOURCE: Adopted at 26 Ill. Reg. 11888, effective July 22, 2002; amended at 27 Ill. Reg. 10004, effective June 23, 2003; amended at 29 Ill. Reg. 18451, effective October 31, 2005.

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SUBPART B: ALTERNATIVE LEARNING OPPORTUNITIES PROGRAM GRANTS

Section 240.200 Purpose (Repealed)

~~This Subpart B establishes the procedures and criteria for approval of applications submitted to the State Board of Education by school districts for grants to assist in planning for, implementing or expanding Alternative Learning Opportunities Programs operated pursuant to Article 13B of the School Code and this Part.~~

(Source: Repealed at 29 Ill. Reg. 18451, effective October 31, 2005)

Section 240.210 Eligible Applicants (Repealed)

- ~~a) School districts, with district plans for the establishment and operation of Alternative Learning Opportunities Programs that have been approved by the State Board of Education pursuant to Section 240.75 of this Part, are eligible to apply for implementation and supplemental grants.~~
- ~~b) Any school district that has not received approval pursuant to Section 240.75 of this Part to operate an Alternative Learning Opportunities Program is eligible to apply for a planning grant.~~
- ~~c) A school district with an approved plan may apply for an implementation and/or a supplemental grant in a given funding cycle.~~
- ~~d) In cases where more than one school district is participating in an Alternative Learning Opportunities Program or planning for such a program, an administrative agent shall be designated and the superintendent from each of the participating districts shall sign the application.~~

(Source: Repealed at 29 Ill. Reg. 18451, effective October 31, 2005)

Section 240.220 Planning Grants (Repealed)

- ~~a) A planning grant shall be used to support costs associated with developing a district plan for the establishment of a new Alternative Learning Opportunities Program or to seek approval for an existing program [105 ILCS 5/13B-40.20].~~
- ~~b) Each application for a planning grant shall consist of the following:
 - ~~1) background information about the district (e.g., district achievement~~~~

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- ~~levels, programs and services currently offered to assist at risk students, financial condition of the district);~~
- ~~2) background information about the students and families that the district serves (e.g., employment conditions; the community's dropout and truancy rates; number of families with limited English proficiency; rates of poverty, child abuse and neglect; information regarding drug/alcohol abuse);~~
 - ~~3) a description of the process to be used to identify the need of the district's students for the Alternative Learning Opportunities Program;~~
 - ~~4) a list of the persons, and their affiliations, who will be involved in the planning process;~~
 - ~~5) a plan of work for the planning process that includes objectives, specific activities, timelines, and responsible parties;~~
 - ~~6) a detailed budget for the use of the grant funds; and~~
 - ~~7) a Certification and Assurances for Application and Award and a Drug-Free Workplace Certification, submitted on forms supplied by the State Board of Education.~~
- e) ~~Planning grant applications shall be reviewed and ranked according to the following criteria:~~
- ~~1) The district's financial and programmatic resources and student demographics demonstrate that it has unmet needs that could be effectively addressed by an Alternative Learning Opportunities Program. (40 points)~~
 - ~~2) The planning activities proposed respond to the needs identified and are directed at improvement of the achievement of students who are at risk of academic failure. (40 points)~~
 - ~~3) The activities proposed are cost effective, as evidenced by the scope of the planning work to be conducted and the number of entities to be involved. (20 points)~~
- d) ~~The selection of proposals for funding may be based in part on geographic~~

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~~distribution and/or the need to provide resources to school districts and communities with varying demographic characteristics.~~

(Source: Repealed at 29 Ill. Reg. 18451, effective October 31, 2005)

Section 240.230 Implementation Grants (Repealed)

- a) ~~An implementation grant shall be used to support the excess cost of instruction and support services provided by an Alternative Learning Opportunities Program [105 ILCS 5/13B-40.30].~~
- b) ~~Each application for an initial implementation grant (i.e., from applicants that have not yet received two consecutive years of funding for implementation) shall consist of the following:~~
 - 1) ~~the district's plan for the Alternative Learning Opportunities Program developed pursuant to Section 240.70(c) of this Part;~~
 - 2) ~~evidence that the State Board of Education has approved the Alternative Learning Opportunities Program for operation or that the Application for Program Approval has been submitted in accordance with Section 240.70 of this Part;~~
 - 3) ~~evidence of the program's effectiveness in meeting the needs of at-risk students; and~~
 - 4) ~~a Certification and Assurances for Application and Award and a Drug-Free Workplace Certification, submitted on forms supplied by the State Board of Education.~~
- e) ~~Initial implementation grant applications shall be reviewed and ranked according to the following criteria:~~
 - 1) ~~The program proposal provides innovative and proven strategies, other than those routinely offered in the regular school program, for developing effective linkages among parents, education, and health and social service providers that are designed to improve the academic achievement of the students enrolled in the program. (50 points)~~
 - 2) ~~The proposal has demonstrated a sufficient need for the Alternative Learning Opportunities Program, as evidenced by the number or~~

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- ~~proportion of students eligible for participation, and that need is unlikely to be met without additional resources to pay for the excess costs of operating the program. (30 points)~~
- ~~3) The program is cost-effective, as evidenced by the cost of proposed services in relation to the numbers to be served and the services to be provided. (20 points)~~
- ~~d) A grantee may seek continuation of its implementation grant in succeeding fiscal years by meeting the requirements of Section 240.80 of this Part and submitting, in a format prescribed by the State Board of Education, evidence of program performance as measured by the percentage of students achieving one or more of the outcomes specified in their Student Success Plans and the overall progress of the program in increasing the percentage of students, in each participating school district, that meets State standards (see Section 13B-40.30 of the School Code).~~
- ~~e) The selection of proposals for funding may be based in part on geographic distribution and/or the need to provide resources to school districts and communities with varying demographic characteristics.~~
- ~~f) Priority consideration may be given to proposals with specific areas of emphasis, as identified by the State Board in a particular Request for Proposals.~~

(Source: Repealed at 29 Ill. Reg. 18451, effective October 31, 2005)

Section 240.240 Supplemental Grants (Repealed)

- ~~a) A supplemental grant shall be used to significantly extend the services of an existing Alternative Learning Opportunities Program to additional students or to develop a new component to enhance an existing program [105 ILCS 5/13B-40.25]. For purposes of this grant, the term "significantly" means that additional students cannot be effectively served by the program with existing resources, such as staff or space, or that grade levels not previously served by the program will be added.~~
- ~~b) Each application for a supplemental grant shall consist of the following:~~
- ~~1) the district's approved plan for the Alternative Learning Opportunities Program developed pursuant to Section 240.70(c) of this Part;~~
 - ~~2) if the application proposes the extension of services to additional students,~~

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- ~~then a description of the students proposed to be served (e.g., percentage or number of additional students to be enrolled; grade levels of those students; need for academic, social, health or other supports not now provided to improve educational achievement);~~
- 3) ~~if the application proposes a new component to enhance the current program, then a description of the new component(s) to be developed or implemented and how the component(s) will meet demonstrated needs of both the students enrolled in the program and of the school district(s) that established the Alternative Learning Opportunities Program;~~
- 4) ~~evidence that the current program is successfully meeting the needs of the students enrolled, as measured by the percentage of students achieving one or more of the outcomes specified in their Student Success Plans and the overall progress of the program in increasing the percentage of students, in each participating school district, that meet State standards;~~
- 5) ~~a detailed funding proposal that at a minimum includes the cost of providing the existing Alternative Learning Opportunities Program, the sources and amount of revenue currently allocated to support the program, and an itemization of the proposed new costs to serve additional students and/or implement the new component(s); and~~
- 6) ~~a Certification and Assurances for Application and Award and a Drug-Free Workplace Certification, submitted on forms supplied by the State Board of Education.~~
- e) ~~A supplemental grant application shall be recommended for funding if it provides sufficient evidence of the need for the expanded or enhanced Alternative Learning Opportunities Program and of the program's inability to meet this need without the supplemental grant.~~
- d) ~~An Alternative Learning Opportunities Program may receive supplemental grants in subsequent years if it proposes enhancements to or expansion of its program not previously funded by supplemental grant awards.~~

(Source: Repealed at 29 Ill. Reg. 18451, effective October 31, 2005)

Section 240.250 Grant Awards (Repealed)

~~Approval of grant applications shall be determined by the State Superintendent of Education~~

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~~based upon the recommendations resulting from the review processes described in Sections 240.220(c), 240.230(c) and (d), and 240.240(c) of this Part and the approvable amounts requested in the top-ranked proposals under each category.~~

- a) ~~The State Board of Education shall annually determine the maximum amount of the Alternative Learning Opportunities Act appropriation to be allocated for each grant type. For planning grants, this amount shall not exceed 20 percent of the total appropriation in any given year.~~
- b) ~~The Request for Proposals shall stipulate the maximum amount available for individual grant awards for each type, except that:~~
 - 1) ~~for initial implementation grants (not to exceed two consecutive years of funding), a grantee shall receive no more than the amount that exceeds its per capita tuition rate, up to \$2,000 per student enrolled, multiplied by the average daily attendance of the students enrolled in the program;~~
 - 2) ~~for continuation implementation grants (i.e., beginning in the third consecutive year of funding), a grantee shall receive no more than the amount that exceeds its per capita tuition rate, up to \$1,000 per student enrolled, multiplied by the average daily attendance of the students enrolled in the program;~~
 - 3) ~~for supplemental grants, a grantee shall receive no more than the amount that exceeds its per capita tuition rate, up to \$1,000 per student enrolled, multiplied by the average daily attendance of the students enrolled in the program; and~~
 - 4) ~~no single grant awarded in a given fiscal year will exceed the percentage of the total allocated to the grant type that is equal to the proportion of the school district's audited average daily attendance used for the purpose of calculating General State Aid to the total average daily attendance of the State.~~
- e) ~~For purposes of this Section 240.250, the per capita tuition rate shall be the rate determined for the school year preceding the date of the application.~~
- d) ~~In instances of a program operated by a cooperative of two or more school districts, the per capita tuition rate used to calculate the maximum grant award shall be based on the average of the per capita tuition rates of the participating school districts.~~

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- e) ~~For programs operated for less than a full school year, both the maximum grant amount specified in subsection (b) of this Section and the per capita tuition rate shall be prorated based upon the number of days the program has operated compared to the required days of actual pupil attendance as specified in Section 10-19 of the School Code [105 ILCS 5/10-19].~~

(Source: Repealed at 29 Ill. Reg. 18451, effective October 31, 2005)

Section 240.260 Terms of the Grant (Repealed)

- a) ~~All grants issued under this Part shall be governed by the Illinois Grant Funds Recovery Act [30 ILCS 705].~~
- b) ~~Applicants may be asked to clarify certain aspects of their proposals. A negotiated and finalized proposal returned to the applicant, with an authorized signature affixed to the cover page, will constitute an approved grant agreement with the State Board of Education.~~
- e) ~~Orders for payment will be submitted to the Office of the Comptroller by the State Board of Education on a quarterly basis.~~
- 1) ~~The initial payment for implementation and supplemental grants shall be made based upon the grantee's projected enrollment multiplied by the district's attendance rate. This rate shall be calculated by dividing the average daily attendance in the preceding year by the district's enrollment for the same year.~~
- 2) ~~The remaining quarterly grant payments shall be adjusted to reflect the program's reported average daily attendance for the preceding quarter to ensure that the grantee receives no more than the amount specified in Section 240.250(b) of this Part.~~
- d) ~~If a grantee chooses not to reapply for a grant in the fiscal year following the grant award, then the grantee shall submit a final project report in a format and including information as determined by the State Board of Education. This report must be submitted within 30 days after the ending date of the grant period.~~
- e) ~~An approved budget may be amended by completing an amendment to the approved budget, using forms supplied by the State Board of Education, to show the new amounts required and attaching an explanation for the changes. A budget~~

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~~amendment is necessary whenever an approved individual line item changes by more than \$1,000 or 20 percent (whichever is larger) from the approved budget. A budget amendment must also be submitted for approval when a grantee proposes to use funds for allowable expenditures not identified in the approved budget. Changes will be approved if the proposed distribution of resources or activities would have been approvable within the original application.~~

(Source: Repealed at 29 Ill. Reg. 18451, effective October 31, 2005)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Urban Education Partnership Program
- 2) Code Citation: 23 Ill. Adm. Code 245
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
245.10	Repeal
245.20	Repeal
245.30	Repeal
245.40	Repeal
245.50	Repeal
245.60	Repeal
245.70	Repeal
- 4) Statutory Authority: 105 ILCS 5/2-3.106
- 5) Effective Date of Repealer: October 31, 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 24, 2005; 29 Ill. Reg. 8632
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference 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 rulemaking replace an emergency repealer currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: In the course of our comprehensive review of ISBE's rules, it has become apparent that this Part regulates activities that are no longer being

STATE BOARD OF EDUCATION

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funded. ISBE has, therefore, found that its rules on this subject serve no purpose and constitute unnecessary regulatory documentation.

Concurrent with this repealer, ISBE has adopted a unified new Part to acknowledge that existing statutory language requires the State Board to have rules on the subject covered by Part 245, as well as several other topics, and to explain the agency's intention to place back into effect any of those rules for which funding might be restored in the future.

- 16) Information and questions regarding this adopted repealer shall be directed to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

(217) 782-5270

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Comprehensive Arts Programs
- 2) Code Citation: 23 Ill. Adm. Code 250
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
250.10	Repeal
250.20	Repeal
250.30	Repeal
250.40	Repeal
250.50	Repeal
250.60	Repeal
250.70	Repeal
- 4) Statutory Authority: 105 ILCS 5/2-3.65
- 5) Effective Date of Repealer: October 31, 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 24, 2005; 29 Ill. Reg. 8644
- 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 any emergency repealer currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: In the course of our comprehensive review of ISBE's rules, it has become apparent that this Part regulates activities that are no longer

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being funded. ISBE has, therefore, found that its rules on this subject serve no purpose and constitute unnecessary regulatory documentation.

Concurrent with this repealer, ISBE has adopted a unified new Part to acknowledge that existing statutory language requires the State Board to have rules on the subject covered by Part 250, as well as several other topics, and to explain the agency's intention to place back into effect any of those rules for which funding might be restored in the future.

- 16) Information and questions regarding this adopted repealer shall be directed to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

(217) 782-5270

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Conservation Education
- 2) Code Citation: 23 Ill. Adm. Code 251
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
251.10	Repeal
251.20	Repeal
251.30	Repeal
251.40	Repeal
251.50	Repeal
251.60	Repeal
251.70	Repeal
251.80	Repeal
251.90	Repeal
251.100	Repeal
251.110	Repeal
- 4) Statutory Authority: 105 ILCS 415/7
- 5) Effective Date of Repealer: October 31, 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. 8048
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference 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 rulemaking replace an emergency repealer currently in effect? No

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- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: In the course of our comprehensive review of rules, we 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. In the case of Part 251, a number of the provisions are statements about activities of the State Board that do not need to be in rule form. The necessary substantive provisions from this Part that need to be retained can readily be subsumed within Part 1 (Public Schools Evaluation, Recognition and Supervision).

The needed material from Part 251 has been placed into Section 1.420(l) via amendments that have recently taken effect.

- 16) Information and questions regarding this adopted repealer shall be directed to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

(217) 782-5270

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Mathematics and Science Loan Program
- 2) Code Citation: 23 Ill. Adm. Code 360
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
360.10	Repeal
360.20	Repeal
360.30	Repeal
360.40	Repeal
360.50	Repeal
360.60	Repeal
360.70	Repeal
- 4) Statutory Authority: 105 ILCS 5/2-3.54
- 5) Effective Date of Repealer: October 31, 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 24, 2005; 29 Ill. Reg. 8650
- 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 an emergency repealer currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: In the course of our comprehensive review of ISBE's rules, it has become apparent that this Part regulates activities that are no longer being

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funded. ISBE has, therefore, found that its rules on this subject serve no purpose and constitute unnecessary regulatory documentation.

Concurrent with this repealer, ISBE has adopted a unified new Part to acknowledge that existing statutory language requires the State Board to have rules on the subject covered by Part 360, as well as several other topics, and to explain the agency's intention to place back into effect any of those rules for which funding might be restored in the future.

- 16) Information and questions regarding this adopted repealer shall be directed to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

(217) 782-5270

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULE

- 1) Heading of the Part: Replacement of Required Rules
- 2) Code Citation: 23 Ill. Adm. Code 500
- 3) Section Number: 500.10 Adopted Action:
New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.6, 2-3.54, 2-3.61, 2-3.65, 2-3.93, 2-3.94, 2-3.106, 2-3.117, Art. 1C, and Art. 13B
- 5) Effective Date of Rules: October 31, 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 rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 24, 2005; 29 Ill. Reg. 8657
- 10) Has JCAR issued a Statement of Objection to this rule? No
- 11) Differences between proposal and final version: Language was inserted to indicate that replacement of rules that is warranted by the resumption of funding will be accomplished by rulemaking under the Illinois Administrative Procedure Act, and references to Section 2-3.117 of the School Code were corrected.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Rule:

This Part replaces 11 existing Parts or Subparts of ISBE's rules that have been identified as extraneous because they regulate programs and activities that are not currently occurring due to lack of funding. This new Part acknowledges that existing statutory language requires the State Board to have rules on the subjects covered by those 11 Parts

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULE

and indicates the agency's intention to place back into effect any of those rules for which funding might be restored in the future.

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

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
Telephone: (217) 782-5270

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULE

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 0: MISCELLANEOUS

PART 500

REPLACEMENT OF REQUIRED RULES

Section

500.10

Purpose; Declaration

AUTHORITY: Implementing Sections 2-3.54, 2-3.59, 2-3.60, 2-3.61, 2-3.65, 2-3.93, 2-3.94, 2-3.106, 2-3.117, and 2-3.124 and Articles 1C and 13B of the School Code [105 ILCS 5/2-3.54, 2-3.59, 2-3.60, 2-3.61, 2-3.65, 2-3.93, 2-3.94, 2-3.106, 2-3.117a, 2-3.124, Art. 1C, and Art. 13B] and authorized by Sections 2-3.6 [105 ILCS 5/2-3.6], 2-3.54, 2-3.61, 2-3.65, 2-3.93, 2-3.94, 2-3.106, and 2-3.117 and Articles 1C and 13B of the School Code.

SOURCE: Old Part repealed at 19 Ill. Reg. 16850, effective December 11, 1995; new Part adopted at 29 Ill. Reg. 18470, effective October 31, 2005.

Section 500.10 Purpose; Declaration

- a) The purpose of this Part is to acknowledge the requirement for promulgation of rules by the State Board of Education (ISBE) for:
- 1) the mathematics and science loan program, pursuant to Section 2-3.54 of the School Code [105 ILCS 5/2-3.54];
 - 2) staff development plans and programs, pursuant to Sections 2-3.59 and 2-3.60 of the School Code [105 ILCS 5/2-3.59 and 2-3.60];
 - 3) summer school for remedial education, pursuant to Section 2-3.61 of the School Code [105 ILCS 5/2-3.61];
 - 4) comprehensive arts programs, pursuant to Section 2-3.65 of the School Code [105 ILCS 2-3.65];
 - 5) the alcohol and drug education initiative, pursuant to Section 2-3.93 of the School Code [105 ILCS 5/2-3.93];

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULE

- 6) scientific literacy, pursuant to Section 2-3.94 of the School Code [105 ILCS 5/2-3.94];
 - 7) the urban education partnership program, pursuant to Section 2-3.106 of the School Code [105 ILCS 2-3.106];
 - 8) school technology grants, pursuant to Section 2-3.117 of the School Code [105 ILCS 5/2-3.117];
 - 9) insurance for certificated employees, pursuant to Section 2-3.124 of the School Code [105 ILCS 5/2-3.124];
 - 10) the professional development block grant under Article 1C of the School Code [105 ILCS 5/Art. 1C]; and
 - 11) alternative learning opportunities program grants, pursuant to Article 13B of the School Code [105 ILCS 5/Art. 13B].
- b) Inasmuch as no funding for the initiatives identified in subsection (a) of this Section has been forthcoming for a period of years, ISBE has found that its existing rules on these subjects serve no purpose and constitute unnecessary regulatory documentation. ISBE has therefore repealed its rules formerly found at 23 Ill. Adm. Code 360, 30, 230, 250, 225, 220, 245, 575 (Subpart A), 56, 160, and 240 (Subpart B), respectively, but will restore these to effectiveness in a timely manner, through rulemaking under the Illinois Administrative Procedure Act, if warranted by the resumption of applicable funding.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: School Technology Program
- 2) Code Citation: 23 Ill. Adm. Code 575
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
575.10	Repeal
575.20	Repeal
575.30	Repeal
575.40	Repeal
575.50	Repeal
575.60	Repeal
- 4) Statutory Authority: 105 ILCS 5/2-3.117
- 5) Effective Date of Amendments: October 31, 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 24, 2005; 29 Ill. Reg. 8661
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference 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 rulemaking replace emergency rulemaking currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: In the course of our comprehensive review of ISBE's rules, it has become apparent that Subpart A of this Part regulates grants that are

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

no longer being funded. ISBE has, therefore, found that its rules on this subject serve no purpose and constitute unnecessary regulatory documentation.

Concurrent with the repeal of these provisions, ISBE has adopted a unified new Part to acknowledge that existing statutory language requires the State Board to have rules on the subject covered by Subpart A of Part 575, as well as several other topics, and to explain the agency's intention to place back into effect any of those rules for which funding might be restored in the future.

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

Dana Kinley, Division Administrator
Curriculum and Instruction Division
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

(217) 557-7393

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 0: MISCELLANEOUS

PART 575

SCHOOL TECHNOLOGY PROGRAM

SUBPART A: SCHOOL TECHNOLOGY GRANTS

Section

575.10	Purpose (Repealed)
575.20	Eligible Expenditures (Repealed)
575.30	Application Procedure and Content (Repealed)
575.40	Matching Requirements (Repealed)
575.50	Proposal Review and Approval (Repealed)
575.60	Terms of the Grant (Repealed)

SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

Section

575.100	Purpose
575.200	Use of Funds
575.300	Maximum Amount of Loan
575.400	Application Procedures
575.500	Review of Application and Notification of Loan Award
575.600	Repayment Procedures
575.700	Terms and Conditions of Loan Agreement

AUTHORITY: Implementing and authorized by Section 2-3.117a of the School Code [105 ILCS 5/2-3.117a].

SOURCE: Adopted at 20 Ill. Reg. 3522, effective February 13, 1996; emergency amendment at 22 Ill. Reg. 9591, effective May 22, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19770, effective November 2, 1998; amended at 23 Ill. Reg. 8370, effective July 12, 1999; amended at 25 Ill. Reg. 8167, effective June 21, 2001; amended at 26 Ill. Reg. 915, effective January 15, 2002; amended at 28 Ill. Reg. 13227, effective September 17, 2004; amended at 29 Ill. Reg. 18474, effective October 31, 2005.

SUBPART A: SCHOOL TECHNOLOGY GRANTS

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 575.10 Purpose (Repealed)

~~This Subpart establishes the procedures and criteria for approval of applications for funding submitted by school districts pursuant to Section 2-3.117 of the School Code [105 ILCS 5/2-3.117]. Charter schools, public university laboratory schools approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code (105 ILCS 5/18-8.05(K)), and area vocational centers are also eligible to apply (see 105 ILCS 5/27A-11.5, 2-3.109a, and 2-3.109b, respectively).~~

(Source: Repealed at 29 Ill. Reg. 18474, effective October 31, 2005)

Section 575.20 Eligible Expenditures (Repealed)

- a) ~~Funding is available under the School Technology Program for *Technology-based learning resources which will improve educational opportunities and student achievement throughout the State* (Section 2-3.117 of the School Code).~~
- b) ~~"Technology-based learning resources" shall include but not be limited to:~~
 - 1) ~~computers, servers, modems, printers, and other peripheral equipment;~~
 - 2) ~~software and optical media;~~
 - 3) ~~CD-ROM drives and laser disc players;~~
 - 4) ~~installation, cabling, wiring, network hardware, and routers;~~
 - 5) ~~on-line services and charges for connectivity;~~
 - 6) ~~other equipment or technological devices integral to the effective use of technology in an educational setting; and~~
 - 7) ~~staff development and/or planning activities related to the use of technology in an educational setting.~~
- e) ~~Funding levels available to districts may vary according to the extent of their pre-existing technology-related investments (e.g., access or lack of access to the Internet, sufficiency or insufficiency of computer equipment). The State Board shall delineate any such parameters in an RFP issued pursuant to Section 575.30~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~of this Part.~~

(Source: Repealed at 29 Ill. Reg. 18474, effective October 31, 2005)

Section 575.30 Application Procedure and Content (Repealed)

- a) ~~Subject to the availability of funds, the State Board of Education will annually issue one or more Requests for Proposals (RFPs) specifying particular areas of technology investment eligible for funding. Each RFP shall identify the information which applicants must include in their proposals and shall require that proposals be submitted to the State Board no later than the date specified in the RFP. An RFP shall provide at least 45 calendar days in which to submit proposals.~~
- b) ~~Each proposal shall consist of the following components:~~
- ~~1) A cover page, completed on a form supplied by the State Board of Education and signed by the school district superintendent;~~
 - ~~2) A description of the district's need for the proposed project, activity, and/or resources in light of the technology-based learning resources available to the district's staff and students;~~
 - ~~3) A narrative description of the proposed project, activity, and/or resources requested, responding to the requirements enumerated in the relevant RFP;~~
 - ~~4) A statement that the district will provide the matching resources required under the RFP, if applicable (see Section 575.40 of this Part);~~
 - ~~5) Identification of the staff members to be involved in the proposed activities and a description of how they were chosen;~~
 - ~~6) If requested, a plan for evaluating the proposed project, activities, and/or use of resources, which shall correspond to the applicable specifications set forth in the RFP;~~
 - ~~7) Budget information, provided on forms supplied by the State Board of Education; and~~
 - ~~8) Such certifications and assurances as the State Board of Education may~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~require.~~

(Source: Repealed at 29 Ill. Reg. 18474, effective October 31, 2005)

Section 575.40 Matching Requirements (Repealed)

~~School districts receiving funds or technology based resources under this program may be required to demonstrate particular forms and/or levels of local matching effort. Any such requirements shall be specified by the State Board of Education in the applicable RFP.~~

(Source: Repealed at 29 Ill. Reg. 18474, effective October 31, 2005)

Section 575.50 Proposal Review and Approval (Repealed)

- ~~a) Proposals submitted under this program will be evaluated in accordance with the following criteria:~~
- ~~1) The school district has demonstrated a need for the proposed project, activity, and/or resources. (30 points)~~
 - ~~2) There is a clearly expressed relationship between the proposed project, activity, and/or resources and the district's educational goals, learning approaches, and/or school improvement plans. (30 points)~~
 - ~~3) Receipt of funding under this program will contribute to the accomplishment of the district's long term plans for the use of technology. (20 points)~~
 - ~~4) The school and district staff to be involved were chosen in a manner congruent with the district's educational goals and school improvement plans. (10 points)~~
 - ~~5) The district has well-developed strategies for drawing upon community resources to improve student learning. (10 points)~~
- ~~b) The selection of proposals for funding may be based in part on geographic distribution and/or the need to provide resources to districts with varying demographic characteristics.~~
- ~~c) Priority consideration may be given to proposals with specific areas of emphasis,~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~as identified by the State Board in a particular RFP.~~

- d) ~~The State Superintendent of Education will determine the amount of individual grant awards. The final award amounts will be based upon:~~
- 1) ~~the total amount of funds available for the program; and~~
 - 2) ~~the resources requested in the top-ranked proposals, as identified pursuant to subsections (a), (b), and (c) of this Section.~~

(Source: Repealed at 29 Ill. Reg. 18474, effective October 31, 2005)

Section 575.60 Terms of the Grant (Repealed)

~~An approved grant agreement with the Illinois State Board of Education is subject to the following terms:~~

- a) ~~Orders for payment will be submitted to the Office of the Comptroller by the State Board of Education according to a negotiated payment schedule. Following negotiations, budgets may be amended by completing an amendment to the approved budget, using forms supplied by the State Board of Education and attaching supplementary documentation providing a rationale for the changes. A budget amendment must be submitted to the State Board of Education for approval whenever an individual line item changes by \$1,000 or 20 percent, whichever is larger. A budget amendment must also be submitted for approval when a grantee proposes to use funds for allowable expenditures not identified in the approved budget. Changes will be approved if the proposed distribution of funds would have been allowable within the original application.~~
- b) ~~All funds granted and all equipment purchased with funds granted under this program shall be subject to the Illinois Grant Funds Recovery Act [30 ILCS 705]. Funds and equipment granted for the operation of this program shall be used exclusively for the purposes stated in the approved proposal and expended in accordance with the approved budget and the grantee's policies and procedures related to such expenditures. Funds may only be expended for activities occurring during the grant period. *No funds may be used to help support or sustain any institution controlled by any church or sectarian denomination* (Article X, Section 3 of the Illinois Constitution; Ill. Const. 1970, Art. X, Sec. 3).~~
- e) ~~Each grant recipient shall submit a final report to the State Board of Education~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~within 30 days after the end of the grant period. The report shall include:~~

- ~~1) an assessment of the extent to which the project's or activities' objectives were achieved, as specified by the State Board of Education in the RFP;~~
- ~~2) information on results or outcomes, as specified by the State Board of Education in the RFP;~~
- ~~3) a discussion of planned strategies for sustained activity in the area of technology use, including application of the resources provided under this program.~~

(Source: Repealed at 29 Ill. Reg. 18474, effective October 31, 2005)

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Health Facilities Planning Procedural Rules
- 2) Code Citation: 77 Ill. Adm. Code 1130
- 3) Register Citation to Notice of Proposed Amendments:
29 Ill. Reg. 16173; October 28, 2005
- 4) Date, Time and Location of Public Hearing:

IHFPB Board Meeting
Monday, November 21, 2005
9:00 a.m. – 5:00 p.m.
160 N. LaSalle Street
Room C-500
Chicago, IL 60601
- 5) Other Pertinent Information: The contact person for this rulemaking is:

Jeffrey Mark, HFPB
525 W. Jefferson, 2nd Fl.
Springfield, IL 62702

217/782-3516
email: IHFPB_rules@idph.state.il.us

JOINT COMMITTEE ON ADMINISTRATIVE RULES
NOVEMBER AGENDA

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
NOVEMBER 15, 2005

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@legis.state.il.us
Phone: 217/785-2254*

RULEMAKINGS CURRENTLY BEFORE JCAR

Aging

1. Elder Rights (89 Ill. Adm. Code 270)
 - First Notice Published: 29 Ill. Reg. 12290 – 8/12/05
 - Expiration of Second Notice: 12/4/05

Auditor General

2. Code of Regulations (74 Ill. Adm. Code 420)
 - First Notice Published: 29 Ill. Reg. 8466 – 6/17/05
 - Expiration of Second Notice: 11/16/05
3. Code of Rules (74 Ill. Adm. Code 440)
 - First Notice Published: 29 Ill. Reg. 8487 – 6/17/05
 - Expiration of Second Notice: 11/16/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
NOVEMBER AGENDA

Central Management Services

4. Conditions of Employment (80 Ill. Adm. code 303)
 - First Notice Published: 29 Ill. Reg. 3403 – 3/11/05
 - Expiration of Second Notice: 11/26/05
5. Solicitation for Charity Payroll Deductions (80 Ill. Adm. Code 2650)
 - First Notice Published: 29 Ill. Reg. 6809 – 5/13/05
 - Expiration of Second Notice: 11/18/05
6. Standard Procurement (44 Ill. Adm. Code 10)
 - First Notice Published: 29 Ill. Reg. 1487 – 1/28/05
 - Expiration of Second Notice: 12/11/05
7. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 29 Ill. Reg. 12683 – 8/19/05
 - Expiration of Second Notice: 11/17/05

Children and Family Services

8. Licensing Standards for Foster Family Homes (89 Ill. Adm. Code 402)
 - First Notice Published: 29 Ill. Reg. 4555 – 4/1/05
 - Expiration of Second Notice: 12/4/05

Commerce Commission

9. Minimum Clearances Applicable to Tracks, Structures, Fixtures and Other Appurtenances of Railroads (92 Ill. Adm. Code 1500)
 - First Notice Published: 29 Ill. Reg. 1 – 1/3/05
 - Expiration of Second Notice: 11/18/05
10. Crossings of Rail Carriers and Highways (92 Ill. Adm. Code 1535)
 - First Notice Published: 29 Ill. Reg. 32 – 1/3/05
 - Expiration of Second Notice: 12/4/05

Corrections

11. Public Relations (20 Ill. Adm. Code 103)
 - First Notice Published: 29 Ill. Reg. 13303 – 9/2/05
 - Expiration of Second Notice: 12/2/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
NOVEMBER AGENDA

Education

12. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
 - First Notice Published: 29 Ill. Reg. 9574 – 7/8/05
 - Expiration of Second Notice: 11/19/05
13. Reading Improvement Program (23 Ill. Adm. Code 260)
 - First Notice Published: 29 Ill. Reg. 8951 – 7/1/05
 - Expiration of Second Notice: 11/19/05
14. Providers of Supplemental Educational Services (23 Ill. Adm. Code 675)
 - First Notice Published: 29 Ill. Reg. 8961 – 7/1/05
 - Expiration of Second Notice: 12/9/05

Emergency Management Agency

15. Licenses and Radiation Safety Requirements for Irradiators (32 Ill. Adm. Code 346)
 - First Notice Published: 29 Ill. Reg. 9146 – 7/1/05
 - Expiration of Second Notice: 11/19/05
16. General Provisions for Radiation Protection (32 Ill. Adm. Code 310)
 - First Notice Published: 29 Ill. Reg. 8964 – 7/1/05
 - Expiration of Second Notice: 11/19/05
17. Financial Assurance Requirements (32 Ill. Adm. Code 326)
 - First Notice Published: 29 Ill. Reg. 8995 – 7/1/05
 - Expiration of Second Notice: 11/19/05
18. Standards for Protection Against Radiation (32 Ill. Adm. Code 340)
 - First Notice Published: 29 Ill. Reg. 9055 – 7/1/05
 - Expiration of Second Notice: 11/19/05
19. Quality Standards and Certification Requirements for Facilities Performing Mammography (32 Ill. Adm. Code 370)
 - First Notice Published: 29 Ill. Reg. 9176 – 7/1/05
 - Expiration of Second Notice: 11/16/05

Environmental Protection Agency

20. Procedures for Review of Petitions for Mercury Product Exemptions (35 Ill. Adm. Code 182)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
NOVEMBER AGENDA

- First Notice Published: 29 Ill. Reg. 12798 – 8/19/05
- Expiration of Second Notice: 11/25/05

Financial and Professional Regulation

21. Payday Loan Reform Act (38 Ill. Adm. Code 210)
 - First Notice Published: 29 Ill. Reg. 13073 – 8/26/05
 - Expiration of Second Notice: 12/2/05
22. Internal Security Standard and Fidelity Bonds (50 Ill. Adm. Code 904)
 - First Notice Published: 29 Ill. Reg. 7140 – 5/20/05
 - Expiration of Second Notice: 12/3/05
23. Internal Security Standard and Fidelity Bonds (Repealer) (50 Ill. Adm. Code 5460)
 - First Notice Published: 29 Ill. Reg. 7148 – 5/20/05
 - Expiration of Second Notice: 12/3/05
24. The Illinois Landscape Architecture Act of 1989 (68 Ill. Adm. Code 1275)
 - First Notice Published: 29 Ill. Reg. 12320 – 8/12/05
 - Expiration of Second Notice: 12/11/05
25. Optometric Practice Act of 1987 (68 Ill. Adm. Code 1320)
 - First Notice Published: 29 Ill. Reg. 13094 – 8/26/05
 - Expiration of Second Notice: 12/11/05

Healthcare and Family Services

26. State Responsibility for Medicare Part D Low-Income Subsidy (89 Ill. Adm. Code 127)
 - First Notice Published: 29 Ill. Reg. 9972 – 7/15/05
 - Expiration of Second Notice: 12/11/05
27. Hospital Services (89 Ill. Adm. Code 148)
 - First Notice Published: 29 Ill. Reg. 7693 – 5/27/05
 - Expiration of Second Notice: 12/11/05
28. Hospital Reimbursement Changes (89 Ill. Adm. Code 152)
 - First Notice Published: 29 Ill. Reg. 7718 – 5/27/05
 - Expiration of Second Notice: 12/11/05

Higher Education

JOINT COMMITTEE ON ADMINISTRATIVE RULES
NOVEMBER AGENDA

29. Diversifying Higher Education Faculty in Illinois Program (23 Ill. Adm. Code 1080)
-First Notice Published: 29 Ill. Reg. 13606 – 9/9/05
-Expiration of Second Notice: 12/8/05

Human Services

30. Services (89 Ill. Adm. Code 590)
-First Notice Published: 29 Ill. Reg. 1693 – 2/4/05
-Expiration of Second Notice: 11/30/05

Natural Resources

31. Camping on Department of Natural Resources Properties (17 Ill. Adm. Code 130)
-First Notice Published: 29 Ill. Reg. 13307 – 9/2/05
-Expiration of Second Notice: 12/7/05
32. Special White-Tailed Deer Season for Disease Control (17 Ill. Adm. Code 675)
-First Notice Published: 29 Ill. Reg. 13316 – 9/2/05
-Expiration of Second Notice: 12/11/05
33. Late-Winter Deer Hunting Season (17 Ill. Adm. Code 680)
-First Notice Published: 29 Ill. Reg. 13324 – 9/2/05
-Expiration of Second Notice: 12/11/05
34. Youth Hunting Seasons (17 Ill. Adm. Code 685)
-First Notice Published: 29 Ill. Reg. 13331 – 9/2/05
-Expiration of Second Notice: 12/15/05
35. The Taking of Wild Turkeys – Spring Season (17 Ill. Adm. Code 710)
-First Notice Published: 29 Ill. Reg. 12808 – 8/19/05
-Expiration of Second Notice: 11/30/05
36. Conservation Reserve Enhancement Program (CREP) (17 Ill. Adm. Code 1515)
-First Notice Published: 29 Ill. Reg. 13165 – 8/26/05
-Expiration of Second Notice: 11/30/05

Pollution Control Board

37. General Rules (35 Ill. Adm. Code 101)
-First Notice Published: 29 Ill. Reg. 13174 – 8/26/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
NOVEMBER AGENDA

-Expiration of Second Notice: 12/3/05

38. Effluent Standards (35 Ill. Adm. Code 304)
-First Notice Published: 29 Ill. Reg. 6200 – 5/6/05
-Expiration of Second Notice: 11/20/05

Property Tax Appeal Board

39. Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910)
-First Notice Published: 29 Ill. Reg. 12218 – 8/5/05
-Expiration of Second Notice: 12/25/05

Public Health

40. Americans With Disabilities Act Grievance Procedure (4 Ill. Adm. Code 1700)
-First Notice Published: 29 Ill. Reg. 12831 – 8/19/05
-Expiration of Second Notice: 12/11/05
41. Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
-First Notice Published: 29 Ill. Reg. 1785 – 2/4/05
-Expiration of Second Notice: 12/10/05
42. Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
-First Notice Published: 29 Ill. Reg. 1799 – 2/4/05
-Expiration of Second Notice: 12/10/05
43. Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)
-First Notice Published: 29 Ill. Reg. 1811 – 2/4/05
-Expiration of Second Notice: 12/10/05
44. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
-First Notice Published: 29 Ill. Reg. 1818 – 2/4/05
-Expiration of Second Notice: 12/10/05
45. Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
-First Notice Published: 29 Ill. Reg. 1831 – 2/4/05
-Expiration of Second Notice: 12/10/05
46. Visa Waiver Program for International Medical Graduates (77 Ill. Adm. Code 591)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
NOVEMBER AGENDA

- First Notice Published: 29 Ill. Reg. 12838 – 8/19/05
- Expiration of Second Notice: 12/10/05

Racing Board

- 47. Procedures for license Hearings (11 Ill. Adm. Code 205)
 - First Notice Published: 29 Ill. Reg. 8074 – 6/3/05
 - Expiration of Second Notice: 11/23/05
- 48. Totalizator Operations (11 Ill. Adm. Code 433)
 - First Notice Published: 29 Ill. Reg. 13205 – 8/26/05
 - Expiration of Second Notice: 12/3/05

Secretary of State

- 49. Issuance of Licenses (92 Ill. Adm. Code 1030)
 - First Notice Published: 29 Ill. Reg. 8094 – 6/3/05
 - Expiration of Second Notice: 11/19/05
- 50. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)
 - First Notice Published: 29 Ill. Reg. 5933 – 4/29/05
 - Expiration of Second Notice: 11/19/05
- 51. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)
 - First Notice Published: 29 Ill. Reg. 12231 – 8/5/05
 - Expiration of Second Notice: 11/30/05
- 52. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)
 - First Notice Published: 29 Ill. Reg. 12340 – 8/12/05
 - Expiration of Second Notice: 11/30/05

Teachers' Retirement System

- 53. The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)
 - First Notice Published: 29 Ill. Reg. 7202 – 5/20/05
 - Expiration of Second Notice: 12/4/05

EMERGENCY RULEMAKINGS

Central Management Services

JOINT COMMITTEE ON ADMINISTRATIVE RULES
NOVEMBER AGENDA

54. Financial Incentive Opt Out of the State Employees Group Health Plan For Non-Medicare State Employees Retirement System Annuitants (80 Ill. Adm. Code 2106)
-Notice Published: 29 Ill. Reg. 15976 – 10/21/05

Children and Family Services

55. Licensing Standards for Child Welfare Agencies (89 Ill. Adm. Code 401)
-Notice Published: 29 Ill. Reg. 15562 – 10/14/05

Elections

56. Approval of Voting Systems (26 Ill. Adm. Code 204)
-Notice Published: 29 Ill. Reg. 15057 – 10/7/05

Healthcare and Family Services

57. Medical Payment (89 Ill. Adm. Code 140)
-Notice Published: 29 Ill. Reg. 15610 – 10/14/05
58. Medical Payment (89 Ill. Adm. Code 140)
-Notice Published: 29 Ill. Reg. 15064 – 10/7/05
59. Medical Payment (89 Ill. Adm. Code 140)
-Notice Published: 29 Ill. Reg. 15985 – 10/21/05
60. Medical Payment (89 Ill. Adm. Code 140)
-Notice Published: 29 Ill. Reg. 16515 – 10/28/05
61. Hospital Services (89 Ill. Adm. Code 148)
-Notice Published: 29 Ill. Reg. 15629 – 10/14/05

Human Services

62. Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)
-Notice Published: 29 Ill. Reg. 16008 – 10/21/05
63. Food Stamps (89 Ill. Adm. Code 121)
-Notice Published: 29 Ill. Reg. 16042 – 10/21/05

Secretary of State

JOINT COMMITTEE ON ADMINISTRATIVE RULES
NOVEMBER AGENDA

64. Regulations Under the Illinois Securities Law of 1953 (14 Ill. Adm. Code 130)
-Notice Published: 29 Ill. Reg. 15087 – 10/7/05

PEREMPTORY RULEMAKINGS

Agriculture

65. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)
-Notice Published: 29 Ill. Reg. 15645 – 10/14/05

Human Services

66. Food Stamps (89 Ill. Adm. Code 121)
-Notice Published: 29 Ill. Reg. 16538 – 10/28/05

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 25, 2005 through October 31, 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>
12/7/05	<u>Department of Natural Resources</u> , Camping on Department of Natural Resources Properties (17 Ill. Adm. Code 130)	9/2/05 29 Ill. Reg. 13307	11/15/05
12/8/05	<u>Board of Higher Education</u> , Diversifying Higher Education Faculty in Illinois Program (23 Ill. Adm. Code 1080)	9/9/05 29 Ill. Reg. 13606	11/15/05
12/9/05	<u>State Board of Education</u> , Providers of Supplemental Educational Services (23 Ill. Adm. Code 675)	7/1/05 29 Ill. Reg. 8961	11/15/05
12/10/05	<u>Department of Public Health</u> , Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)	2/4/05 29 Ill. Reg. 1785	11/15/05
12/10/05	<u>Department of Public Health</u> , Sheltered Care Facilities Code (77 Ill. Adm. Code 330)	2/4/05 29 Ill. Reg. 1799	11/15/05
12/10/05	<u>Department of Public Health</u> , Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)	2/4/05 29 Ill. Reg. 1811	11/15/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

12/10/05	<u>Department of Public Health</u> , Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)	2/4/05 29 Ill. Reg. 1818	11/15/05
12/10/05	<u>Department of Public Health</u> , Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)	2/4/05 29 Ill. Reg. 1831	11/15/05
12/10/05	<u>Department of Public Health</u> , Visa Waiver Program for International Medical Graduates (77 Ill. Adm. Code 591)	8/19/05 29 Ill. Reg. 12838	11/15/05
12/11/05	<u>Department of Public Health</u> , Americans With Disabilities Act Grievance Procedure (4 Ill. Adm. Code 1700)	8/19/05 29 Ill. Reg. 12831	11/15/05
12/11/05	<u>Department of Healthcare and Family Services</u> , State Responsibility for Medicare Part D Low-Income Subsidy (89 Ill. Adm. Code 127)	7/15/05 29 Ill. Reg. 9972	11/15/05
12/11/05	<u>Department of Healthcare and Family Services</u> , Hospital Services (89 Ill. Adm. Code 148)	5/27/05 29 Ill. Reg. 7693	11/15/05
12/11/05	<u>Department of Healthcare and Family Services</u> , Hospital Reimbursement Changes (89 Ill. Adm. Code 152)	5/27/05 29 Ill. Reg. 7718	11/15/05
12/11/05	<u>Department of Natural Resources</u> , Special White-Tailed Deer Season for Disease Control (17 Ill. Adm. Code 675)	9/2/05 29 Ill. Reg. 13316	11/15/05
12/11/05	<u>Department of Natural Resources</u> , Late-Winter Deer Hunting Season (17 Ill. Adm. Code 680)	9/2/05 29 Ill. Reg. 13324	11/15/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

12/11/05	<u>Department of Financial and Professional Regulation-Division of Professional Regulation,</u> The Illinois Landscape Architecture Act of 1989 (68 Ill. Adm. Code 1275)	8/12/05 29 Ill. Reg. 12320	11/15/05
12/11/05	<u>Department of Financial and Professional Regulation-Division of Professional Regulation,</u> Optometric Practice Act of 1987 (68 Ill. Adm. Code 1320)	8/26/05 29 Ill. Reg. 13094	11/15/05

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to the findings in Re: Fritz Landscaping Co., Inc., D/B/A Fritz Landscape Company IDOL File No(s). 2005-PW-RW11-0477 and 2004-PW-LC12-1139, the Director of the Department of Labor gives notice that Fritz Landscaping Co., Inc., D/B/A Fritz Landscape Company its member(s), officer(s), manager(s), agent(s), and all persons acting in Fritz Landscaping Co., Inc.'s D/B/A Fritz Landscape Company's interest and/or on Fritz Landscaping Co., Inc. D/B/A Fritz Landscape Company behalf, and any business entity, including, but not limited to, any firm, corporation, partnership or association in which Fritz Landscaping Co., Inc., D/B/A Fritz Landscape Company its member(s), officer(s), manager(s), agent(s), and all other persons acting in Fritz Landscaping Co., Inc.'s D/B/A Fritz Landscape Company's interest and/or on Fritz Landscaping Co., Inc. D/B/A Fritz Landscape Company behalf have an interest, pecuniary or otherwise, is(are) prohibited from being awarded any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2001), commencing October 25, 2005 and continuing through October 24, 2007.

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

PROCLAMATIONS

**2005-353 (Revised)
HUMAN RIGHTS DAY**

- WHEREAS, if we accept that we do not choose who we are born as, then we must accept the basic idea that all humans are entitled to the same opportunities regardless of age, citizenship, ethnicity, gender, race, religion, and sexual orientation; and
- WHEREAS, indeed, equality is a birthright affirmed by our nation's founders who declared: "We hold these truths to be self-evident, that all men are created equal." Although that promise went unfulfilled for too many Americans for far too long, those words speak a truth that we all hold dear; and
- WHEREAS, we have a rich legacy we all can be proud of. Although our nation's history is wrought with shameful acts and deeds, it is also filled with wonderful moments of hope and triumph such as the abolition of slavery, the nineteenth amendment that guaranteed all women the right to vote, and the Civil Rights Acts of 1964 and 1965; and
- WHEREAS, here in Illinois, we embrace that legacy and our contributions to it. It was our favorite son, Abraham Lincoln, who guided us through the nation's greatest crisis and with a masterful stroke of his pen emancipated 4 million slaves; and
- WHEREAS, ever since then, Illinois has progressively expanded human rights, and in 1980, instituted a comprehensive human rights act that prohibits discrimination in employment, housing, credit transactions, and public accommodations based on age, citizenship, ethnicity, gender, race, and religion; and
- WHEREAS, just this year, we took a monumental step in human rights by amending the Illinois Human Rights Act to include sexual orientation. Whether or not one is gay, lesbian, bi-sexual, or transgender, we are all entitled to the same opportunities for success and advancement; and
- WHEREAS, legislation by itself will not prevent discrimination. That is why the Illinois Department of Human Rights and the Illinois Human Rights Commission are invested with full authority to investigate and adjudicate all violations of human rights; and
- WHEREAS, we have a long road ahead of us before the human rights of all are protected, but as we celebrate the 25th anniversary of the Illinois Human Rights Act, we have much to be proud of in our state's and our nation's history:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 16, 2005 as **HUMAN RIGHTS DAY** in Illinois to reaffirm the noble truths so eloquently proclaimed by our founders and articulated by our favorite son, to honor the remarkable heritage of human rights in our state, and to thank all those that have contributed to the pursuit of equality in Illinois.

Issued by the Governor on October 24, 2005.

Filed with the Secretary of State October 26, 2005.

2005-354**ROSA PARKS WEEK**

- WHEREAS, most historians consider December 1, 1955 the beginning of the modern Civil Rights Movement in the United States. That was the day when an unknown African-American seamstress named Rosa Parks refused to give up her bus seat for a white passenger; and
- WHEREAS, born on February 4, 1913 in Tuskegee, Alabama as Rosa Louise McCauley, Mrs. Parks was the daughter of James McCauley, a carpenter, and Leona McCauley, a teacher; and
- WHEREAS, at the age of 11, Mrs. Parks began school at the Montgomery Industrial School for Girls, a private school founded by liberal-minded women. While there, Mrs. Parks' mother encouraged her daughter to "take advantage of the opportunities, no matter how few they were;" and
- WHEREAS, after attending Alabama State Teachers College, Mrs. Parks settled in Montgomery with her husband, Raymond Parks. There, the couple joined the local chapter of the NAACP, where Mrs. Parks served as Secretary, and they both worked quietly for many years to improve life for African-Americans in the segregated South; and
- WHEREAS, then, on that fateful December day in 1955, Mrs. Parks was arrested and fined for violating a city ordinance. The bus incident led to the formation of the Montgomery Improvement Association, led by a young pastor of the Dexter Avenue Baptist Church, Dr. Martin Luther King, Jr.; and
- WHEREAS, the Association called for a boycott of the city-owned bus company, which lasted an unprecedented 381 days and broke only after the Supreme Court struck down the city ordinance that Mrs. Parks so bravely and courageously defied. Subsequently, a general movement led to the desegregation of the South; and

PROCLAMATIONS

WHEREAS, ever since then, Mrs. Parks has been a remarkable American icon, and an inspiration to people throughout the world who cherish freedom and liberty. Her death on October 24 is a great loss to all of us, but we will always remember her dignity and the magnanimous spirit that she shared with everyone:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 25-31, 2005 as **ROSA PARKS WEEK** in Illinois in honor and remembrance of Rosa Parks and her incredible contributions to human liberty and freedom.

Issued by the Governor on October 25, 2005.
Filed with the Secretary of State October 26, 2005.

2005-355**WORLD CHAMPION CHICAGO WHITE SOX DAY**

WHEREAS, after winning 99 games in the regular season and capturing their first American League Central Division crown since 2000, the 2005 Chicago White Sox dispatched their first two playoffs opponents, the Boston Red Sox and the Los Angeles Angels of Anaheim, in quick fashion, losing only one contest among the two series and clinching their first World Series berth since 1959. Their World Series opponent would be the National League Champion Houston Astros; and

WHEREAS, boasting one of the best pitching staffs in the National League, the Astros presented a sizeable challenge for the White Sox, but the Sox were unfazed, winning 5-3 in game one on the heels of good pitching by starter Jose Contreras and relievers Neil Cotts and Bobby Jenks, and RBIs by Jermaine Dye, Joe Crede, A.J. Pierzynski, Juan Uribe, and Scott Podsednik; and

WHEREAS, in game two of the World Series, after being outscored 4-2 through the first six and a half innings, the White Sox scored four runs in the seventh inning on Paul Konerko's grand slam, and won the game in the bottom of the ninth on a walk-off homerun by an unlikely hero, leadoff hitter Scott Podsednik, to capture a 2-0 lead in the Series and send it to Houston for game three; and

WHEREAS, after playing 14 innings, lasting five hours and forty-one minutes, which made game three the longest World Series game ever, the White Sox came out victorious on a solo homerun by backup infielder and former Astro, Geoff Blum in the top of the 14th. With a commanding 3-0 lead in the Series, the Sox were just one win away from their first World Championship since 1917; and

WHEREAS, ready to complete the second World Series sweep by an American League team in as many years, the White Sox again won in dramatic fashion in game four, with

PROCLAMATIONS

both teams going scoreless through the first seven innings, and the Sox jumping out on top in the eighth on an RBI single by Jermaine Dye. One inning later, closer Bobby Jenks nailed down the save and the Chicago White Sox became the World Champions of baseball for the first time in 88 years. Their eight consecutive victories dating back to the American League Championship Series tied a postseason record set by last year's Boston Red Sox. Dye was named Most Valuable Player of the Series after hitting .438 with one homerun and three RBIs, and playing a solid defensive right field; and

WHEREAS, the State of Illinois could not be prouder of all the White Sox players, along with Chairman Jerry Reinsdorf, General Manager Ken Williams, Manager Ozzie Guillen, and all the coaches and front office staff, for winning the 2005 World Series. A true team effort all season led to their stunning and momentous victory, and this achievement is proof of their commitment to baseball excellence:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim Friday, October 28, 2005 as **WORLD CHAMPION CHICAGO WHITE SOX DAY** in Illinois, and join the City of Chicago and the rest of the State in congratulating the Sox on their remarkable championship season.

Issued by the Governor on October 27, 2005.
Filed with the Secretary of State October 27, 2005.

2005-356
VETERANS DAY

WHEREAS, throughout American history, countless men and women have risked their lives to defend liberty; and

WHEREAS, from Bunker Hill, Gettysburg, and D-Day, to Saratoga, Appomattox, and V-J Day, millions of Americans have bravely and courageously preserved and protected our freedom; and

WHEREAS, today, there are more than 1,000,000 veterans living in Illinois. The Illinois Department of Veterans' Affairs was created to serve their needs, as well as the needs of their families and loved ones; and

WHEREAS, that is the least we can do to honor our veterans for their devotion to duty and service. Originally a remembrance of those who fought in the First World War, Armistice Day was renamed Veterans Day in 1954 by President Eisenhower so that we would always remember the sacrifices and contributions of veterans from all American wars; and

PROCLAMATIONS

WHEREAS, our veterans have kept our country safe and free, and Veterans Day is an excellent opportunity to celebrate all the past achievements of these valiant men and women to whom we are deeply indebted:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 11, 2005 as **VETERANS DAY** in Illinois in recognition of all veterans, and to thank the loyal soldiers of our state who have gallantly and nobly fought for our liberty and freedom.

Issued by the Governor on October 28, 2005.
Filed with the Secretary of State October 28, 2005.

2005-357**NATIONAL ADOPTION AWARENESS MONTH AND NATIONAL ADOPTION DAY**

WHEREAS, all children deserve the love and care of others, which is vital for their successful development. That is why it is important that children live in stable family environments; and

WHEREAS, today, there are thousands of children living in foster care throughout Illinois. Too many of these children move from foster home to foster home and live in overcrowded conditions; and

WHEREAS, these experiences are extremely stressful and difficult for children. Accordingly, children in foster care need homes with permanent families, and a number of organizations are committed and dedicated to helping find homes with permanent families for children; and

WHEREAS, November is National Adoption Awareness Month. Furthermore, every Saturday before Thanksgiving is recognized as National Adoption Day, when thousands of judges, adoption professionals, volunteer lawyers, and child advocates finalize and celebrate the adoptions of children in hundreds of communities across the country; and

WHEREAS, on that day last year, 3,300 children were adopted. This year, National Adoption Day falls on November 19:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2005 as **NATIONAL ADOPTION AWARENESS MONTH** and November 19, 2005 as **NATIONAL ADOPTION DAY** in Illinois to raise awareness about children in foster care, and to encourage citizens of our state to consider adoption.

PROCLAMATIONS

Issued by the Governor on October 28, 2005.
Filed with the Secretary of State October 28, 2005.

2005-356
VETERANS DAY (REVISED)

WHEREAS, throughout American history, countless men and women have risked their lives to defend liberty; and

WHEREAS, from Bunker Hill, Gettysburg, and D-Day, to Yorktown, Appomattox, and V-J Day, millions of Americans have bravely and courageously preserved and protected our freedom; and

WHEREAS, today, there are more than 1,000,000 veterans living in Illinois. The Illinois Department of Veterans' Affairs was created to serve their needs, as well as the needs of their families and loved ones; and

WHEREAS, that is the least we can do to honor our veterans for their devotion to duty and service. Originally a remembrance of those who fought in the First World War, Armistice Day was renamed Veterans Day in 1954 by President Eisenhower so that we would always remember the sacrifices and contributions of veterans from all American wars; and

WHEREAS, our veterans have kept our country safe and free, and Veterans Day is an excellent opportunity to celebrate all the past achievements of these valiant men and women to whom we are deeply indebted:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 11, 2005 as **VETERANS DAY** in Illinois in recognition of all veterans, and to thank the loyal soldiers of our state who have gallantly and nobly fought for our liberty and freedom.

Issued by the Governor on November 11, 2005.
Filed with the Secretary of State October 28, 2005.

2005-358
ROSA PARKS MEMORIAL DAY

WHEREAS, most historians consider December 1, 1955 the beginning of the modern Civil Rights Movement in the United States. That was the day when an unknown African-American seamstress named Rosa Parks refused to give up her bus seat for a white passenger; and

PROCLAMATIONS

- WHEREAS, born on February 4, 1913 in Tuskegee, Alabama as Rosa Louise McCauley, Mrs. Parks was the daughter of James McCauley, a carpenter, and Leona McCauley, a teacher; and
- WHEREAS, at the age of 11, Mrs. Parks began school at the Montgomery Industrial School for Girls, a private school founded by liberal-minded women. While there, Mrs. Parks' mother encouraged her daughter to "take advantage of the opportunities, no matter how few they were;" and
- WHEREAS, after attending Alabama State Teachers College, Mrs. Parks settled in Montgomery with her husband, Raymond Parks. There, the couple joined the local chapter of the NAACP, where Mrs. Parks served as Secretary, and they both worked quietly for many years to improve life for African-Americans in the segregated South; and
- WHEREAS, then, on that fateful December day in 1955, Mrs. Parks was arrested and fined for violating a city ordinance. The bus incident led to the formation of the Montgomery Improvement Association, led by a young pastor of the Dexter Avenue Baptist Church, Dr. Martin Luther King, Jr.; and
- WHEREAS, the Association called for a boycott of the city-owned bus company, which lasted an unprecedented 381 days and broke only after the Supreme Court struck down the city ordinance that Mrs. Parks so bravely and courageously defied. Subsequently, a general movement led to the desegregation of the South; and
- WHEREAS, ever since then, Mrs. Parks has been a remarkable American icon, and an inspiration to people throughout the world who cherish freedom and liberty. Her death on October 24 is a great loss to all of us, but we will always remember her dignity and the magnanimous spirit that she shared with everyone:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2, 2005 as **ROSA PARKS MEMORIAL DAY** in Illinois, and order all State facilities to fly their flags at half-staff from sunrise until sunset on this day, the day of her interment, in honor and remembrance of her incredible contributions to human freedom and liberty.

Issued by the Governor on October 28, 2005.
Filed with the Secretary of State October 28, 2005.

2005-359
DIABETES AWARENESS MONTH

PROCLAMATIONS

WHEREAS, diabetes has reached epidemic proportions in the United States. In the State of Illinois alone, more than 567,000 adults are currently diagnosed with diabetes. It is also estimated that an additional 3 million adults in Illinois are at an increased risk for developing diabetes due to age, obesity, and an inactive lifestyle; and

WHEREAS, there are two types of diabetes, and together they account for a staggering \$7.3 billion of direct and indirect healthcare costs in our state every year. Furthermore, the direct healthcare costs for those with either types of diabetes is about 4.3 times higher than those without it; and

WHEREAS, according to some studies, improved diabetes self-care can reduce total healthcare costs for a patient with type 2 diabetes by up to \$950 per year; and type 2 diabetes can even be prevented by those at high risk with changes in lifestyle, such as an improved diet, increased physical activity, and modest weight loss; and

WHEREAS, numerous studies support that those with either types of diabetes can prevent or delay the progression of complications by practicing goal-oriented management of blood glucose, lipids, and blood pressure, receiving diabetes self-management education, ensuring proper food intake and physical activity to help achieve target values, maintaining a healthy body weight, and receiving recommended eye and foot examinations; and

WHEREAS, one in four with diabetes will develop a foot ulcer in their lifetime. Proper foot care, regular examinations by a physician or podiatrist, and early detection and treatment of possible ulcers may prevent amputations. Those with diabetes under the care of podiatrists or multidisciplinary healthcare professionals have fewer deep ulcers; and

WHEREAS, retinopathy, a disease of the small blood vessels in the retina, is also a common problem for those with diabetes, who have a higher risk of blindness than those without diabetes. Consequently, those with diabetes should get regular eye examinations from an eye-care professional. Early detection and treatment of retinopathy may prevent further damage and blindness; and

WHEREAS, although diabetes is a grave health issue today, by practicing healthy habits and receiving routine examinations, we can turn the rising epidemic around:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2005 as **DIABETES AWARENESS MONTH** in Illinois to raise awareness about diabetes, and to urge citizens of our state to take precautions for their own health and safety.

Issued by the Governor on October 31, 2005.

PROCLAMATIONS

Filed with the Secretary of State October 31, 2005.

2005-360**ALZHEIMER'S DISEASE AWARENESS MONTH**

WHEREAS, today, more than 4 million Americans are living with Alzheimer's throughout the United States. In the State of Illinois, there are more than 210,000 adults currently afflicted by the disease; and

WHEREAS, a progressive, degenerative disease of the brain, Alzheimer's is the most common form of dementia. It results in impaired memory, thinking, and behavior, and usually begins gradually, causing a person to forget recent events and to have difficulty performing familiar tasks; and

WHEREAS, 1 in 10 adults over the age of 65, and nearly half of those over the age of 85 have Alzheimer's, as well as a small percentage of young adults in their 30's and 40's; and

WHEREAS, those who have Alzheimer's live an average of 20 years from the onset of symptoms, and only an average of 8 to 10 years after diagnosis; and

WHEREAS, unfortunately, there is no form of prevention or known cure for Alzheimer's, and unless any are found, it is estimated that 14 million Americans will have the disease by the year 2050:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2005 as **ALZHEIMER'S DISEASE AWARENESS MONTH** in Illinois to raise awareness about Alzheimer's, and in support of efforts to combat this debilitating disease that affects so many families in our state.

Issued by the Governor on October 31, 2005.

Filed with the Secretary of State October 31, 2005.

2005-361**CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH**

WHEREAS, Chronic Obstructive Pulmonary Disease (COPD) is the fourth leading cause of death in the United States. In 2001 alone, there were more than 12 million diagnosed cases of COPD in adults over the age of 25; and

PROCLAMATIONS

- WHEREAS, COPD encompasses a group of lung diseases that cause blockages to airflow and breathing-related problems, including chronic bronchitis, emphysema, and some extreme cases of asthma; and
- WHEREAS, COPD has a variety of causes, but the primary source of the disease is cigarette smoking. Most COPD patients are smokers or former smokers, however, breathing other irritants on a regular basis such as air pollution or chemical fumes can also trigger the disease; and
- WHEREAS, COPD causes the loss of elasticity and swelling of airways, as well as the erosion of air sac walls. Consequently, these problems obstruct airflow in and out of the lungs and the supply of oxygen to the body; and
- WHEREAS, unfortunately, there is no treatment for COPD. Damage done to the airways is irreversible, but avoiding cigarette smoke, air pollution, and chemical fumes is the best way a COPD patient can minimize their risk; and
- WHEREAS, this year, a number of organizations committed and dedicated to addressing COPD will raise awareness about the disease in November:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2005 as **CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH** in Illinois to call attention to the devastating problem of COPD, and in support of efforts by organizations to combat this terrible disease that affects so many Americans in this country and our state.

Issued by the Governor on October 31, 2005.
Filed with the Secretary of State October 31, 2005.

2005-362**LUNG CANCER AWARENESS MONTH**

- WHEREAS, lung cancer is the leading cause of cancer death in the United States. This year alone, lung cancer will claim the lives of more than 163,000 Americans, including 6,840 from the State of Illinois; and
- WHEREAS, lung cancer takes the lives of more Americans than breast, prostate, colon, liver, and kidney cancers combined. Clearly, lung cancer is a serious health issue; and
- WHEREAS, despite that, there is currently no standard screening for lung cancer; and funding for lung cancer research is significantly less than funding for research of other less fatal diseases; and

PROCLAMATIONS

WHEREAS, sadly, 70 percent of lung cancer patients are diagnosed in a late stage with only a 15 percent five-year survival rate. However, with early and regular checkups and exams, lung cancer can be diagnosed in an early stage when the chance of survival is as high as 85 percent; and

WHEREAS this year, the Lung Cancer Alliance, a national patient advocacy group for lung cancer, and other organizations throughout the country will raise awareness about the disease this November:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2005 as **LUNG CANCER AWARENESS MONTH** in Illinois to call attention to the devastating problem of lung cancer, and in support of efforts by organizations such as the Lung Cancer Alliance to combat this terrible disease that affects so many families in our state.

Issued by the Governor on October 31, 2005.
Filed with the Secretary of State October 31, 2005.

2005-363**RICHARD MULCAHEY DAY**

WHEREAS, born in Rockford on March 22, 1935, Richard Mulcahey made a career of serving his community, his state, and his country; and

WHEREAS, as a young man, Richard joined the Marine Corps and served in Korea after the war; and

WHEREAS, after returning, Richard taught American history and government in high school. He also coached high school baseball and football teams; and

WHEREAS, in 1975, Richard was elected to the Illinois General Assembly, where he served with distinction in the State House for 18 years; and

WHEREAS, during that time, Richard was a strong advocate for the "Freeport Bypass" and tax reform to lower the burden on those who own property; and

WHEREAS, of all his accomplishments, Richard's son Marty considers his father's commitment to education his greatest legacy. In the General Assembly, Richard served as chairman of the House Elementary and Secondary Education Committee for several terms; and

PROCLAMATIONS

WHEREAS, throughout his tenure, Richard got along with and earned the respect of everyone, regardless of ideology; and

WHEREAS, Richard Mulcahey has six children with his wife Anna, and together they will celebrate the dedication of the US 20 bypass north of Freeport as the Dick Mulcahey Bypass on November 8:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 8, 2005 as **RICHARD MULCAHEY DAY** in Illinois in honor and tribute to Richard Mulcahey for his lifelong devotion to public service.

Issued by the Governor on October 31, 2005.

Filed with the Secretary of State October 31, 2005.

2005-364**WOMEN VETERANS RECOGNITION DAY**

WHEREAS, throughout American history, women have displayed their patriotism by courageously serving in the various branches of the United States Armed Forces; and

WHEREAS, although women did not officially receive permanent military status until President Harry Truman signed the Women's Armed Services Integration Act in 1948, they have served and distinguished themselves in times of peace, as well as during every major conflict since the establishment of the United States; and

WHEREAS, prior to 1948, women served both on and off the battlefields in numerous support roles such as nurses, saboteurs, cooks, mechanics, clerks, telephone operators, and drivers; and

WHEREAS, today, there are approximately 350,000 women enlisted in the various branches of the Armed Forces, which is about 15 percent of active duty, reserve, and guard units; and

WHEREAS, the sacrifices and accomplishments made by all the brave and courageous women who have served their country through military service will be recognized at the LaSalle Veterans Home in Illinois on November 9:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 9, 2005 as **WOMEN VETERANS RECOGNITION DAY** in Illinois in honor and remembrance of women veterans, and to thank the loyal women of our state who have gallantly and nobly served in the Armed Forces.

PROCLAMATIONS

Issued by the Governor on October 31, 2005.
Filed with the Secretary of State October 31, 2005.

2005-365
MARINE WEEK

WHEREAS, the United States Marine Corps has guarded our country and protected American freedom and liberty for the past 230 years; and

WHEREAS, ever since the creation of the Marine Corps in 1775, Marines have served and fought in every American conflict from the Revolutionary War in the 18th century to the War on Terrorism today; and

WHEREAS, Marines are trained to always be faithful to "God, Country, and Corps," to stand ready to fight anytime and anywhere the President or Congress may designate, and to hold their ground against all odds; and

WHEREAS, thanks to that training, the Marine Corps is one of the most elite and capable fighting forces in the world; and the devotion of Marines to duty has helped keep us and our country safe and free; and

WHEREAS, for those reasons, Marines have rightfully earned a reputation for courage and military efficiency. They have a rich tradition of excellence, and this year they celebrate 230 years of commitment and dedication to service:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 6-13, 2005 as **MARINE WEEK** in Illinois in recognition of the Marine Corps, and to thank the loyal Marines of our state who have gallantly and nobly fought for our liberty and freedom.

Issued by the Governor on October 31, 2005.
Filed with the Secretary of State October 31, 2005.

ILLINOIS ADMINISTRATIVE CODE

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