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ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Estate and Generation-Skipping Transfer Tax Act

2) Code Citation: 86 Ill. Adm. Code 2000

3)

Section Numbers:	Proposed Action:
2000.100	Amendment
2000.101	Repeal
2000.Appendix A	Repeal

4) Statutory Authority: Implementing Section 6(f) and authorized by Section 16 of the Illinois Estate and Generation-Skipping Transfer Tax Act.

5) A Complete Description of the Subjects and Issues Involved: Section 6 of Illinois Estate and Generation-Skipping Transfer Tax Act directs the Attorney General to prescribe by rule a return to be used in administration of the tax. The Attorney General's rules have simply included the actual return form as an appendix. This rulemaking takes the form out of the rules by repealing the appendix and including the prescribed elements of the return in the body of the rule. This will allow non-substantive updating of the form without having to amend the rules and will allow use of other forms that contain the necessary elements. In addition, substantive changes in the elements of the return are made to reflect statutory changes made by Public Act 93-30, which was intended to de-couple the method of calculating the amount of the State's tax from the Federal estate tax that is being phased out.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: Neither creates nor enlarges a State mandate within the meaning of 30 ILCS 805/3b of the State Mandates Act.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: During the First Notice Period by writing:

John R. Simpson
Senior Assistant Attorney General

ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

Revenue Litigation Bureau
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706

(217) 524-5095

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: Records of estate assets and information, and Federal Estate Tax Return and its supporting documents are required. These items will already have been prepared in the course of estate administration.

C) Types of professional skills necessary for compliance: The preparer of the Return must be familiar with Federal Estate Tax statutes and regulations, the Illinois Estate and Generation-Skipping Transfer Tax Act, and the law concerning estate administration.

13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER III: ATTORNEY GENERAL

PART 2000
ILLINOIS ESTATE AND GENERATION-SKIPPING TRANSFER TAX RETURN~~ACT~~

~~SUBPART A: RETURNS~~

Section
2000.100 Prescribed Return
2000.101 Form of Return (Repealed)
2000.APPENDIX A Estate and Generation Skipping Transfer Tax Return (Repealed)

AUTHORITY: Implementing Section 6(f) and authorized by Section 16 of the Illinois Estate and Generation-Skipping Transfer Tax Act [35 ILCS 405/6(f) and 16].

SOURCE: Adopted at 14 Ill. Reg. 17183, effective November 1, 1990; amended at 30 Ill. Reg. _____, effective _____.

~~SUBPART A: RETURNS~~

Section 2000.100 Prescribed Return

All persons required by Section 6(c) of the Illinois Estate and Generation-Skipping Transfer Tax Act [35 ILCS 405/6(c)]~~(Ill. Rev. Stat. 1989, ch. 120, par. 405-A-6)~~ to file a return pursuant to the Illinois Estate and Generation-Skipping Transfer Tax shall file a return~~ which is in all respects in the form prescribed in this Part~~. The Attorney General shall provide a form for the return, but other forms that contain the information prescribed in this Section will also be accepted. An acceptable form must contain the following information:

a) Decedent's name;

b) Date of death;

c) Decedent's complete address;

d) Decedent's Social Security Number;

e) Name of Illinois county in which decedent resided or, if non-resident, Illinois county in which the greatest value of property is located;

f) Name of personal representative or person filing return;

g) Complete address and telephone number of personal representative or person filing return;

h) Name of preparer of return;

i) Complete address and telephone number of preparer of return;

j) Statement of whether a federal estate tax return is required to be filed and, if so, a copy of the federal return shall be attached to the Illinois return; if not, an itemized schedule of all assets, wherever located, shall be attached;

k) Statement of whether the decedent was an Illinois resident, a non-resident or an alien, and the year domicile was established;

l) Statement of the due date of the return, any extension of the due date of the federal estate tax return, and, if extended, a copy of the federal return extension request;

m) A certification that the return, and all accompanying schedules and attachments, are true and correct and that any copies of the federal return and its attachments are true and correct copies of the originals;

n) Signature, title and date of signature of the personal representative;

o) Signature and date of signature of the preparer;

p) A statement of the total amount of Illinois estate tax due, which is an amount equal to the maximum tax credit calculable from the federal state death tax credit table in effect on December 31, 2001 (26 USC 2011(b)(1));

q) A statement of taxes that were paid to other states and that would have qualified for the federal state death tax credit as of December 31, 2001 in accordance with subsection (p) of this Section;

r) A statement of the net tax remaining after deduction of qualifying taxes paid to other states;

s) A statement of the gross estate value for estate tax purposes of assets having taxable situs in Illinois;

t) A statement of the gross estate assets' value for federal estate tax purposes wherever located;

u) A statement of the percentage of Illinois situs assets to gross estate assets;

v) A statement as to the amount of tax attributable to Illinois as determined by multiplying the total amount of Illinois estate tax due by the percentage of the Illinois situs assets to gross estate assets;

w) A statement of the maximum allowable credit for state taxes pursuant to section 2604 of the Internal Revenue Code (26 USC 2604, Generation-Skipping Transfer Tax provisions). If any such credit is allowable, the federal Generation-Skipping Transfer Tax return with computations shall be attached;

x) A statement of any allowable Generation-Skipping Transfer Tax credit for tax paid to other states;

y) A statement of the difference between the total Generation-Skipping Transfer Tax state credit and the amount paid to other states;

z) A statement of the total tax payable to Illinois;

aa) A statement of any late filing penalty;

bb) A statement of any late payment penalty;

cc) A statement of any interest;

dd) A statement of the total tax, penalties, and interest due;

ee) A statement of all payments made and copies of receipts for payments;

ff) A statement of any balance due;

gg) A statement of any amount payable in installments under 35 ILCS 405/6;

hh) If any amounts are payable in installments, a statement of the gross value of the closely held business in Illinois, the gross value of all Illinois assets, the percentage of Illinois closely held business assets to all Illinois assets, and the result of applying the percentage to tax due Illinois.

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

Section 2000.101 Form of Return (Repealed)

~~The Illinois Estate and Generation-Skipping Transfer Tax Return shall be as shown in Appendix A.~~

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

ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

Section 2000.APPENDIX A Estate and Generation Skipping Transfer Tax Return (Repealed)

~~Form 700~~

~~STATE OF ILLINOIS~~
~~ESTATE & GENERATION SKIPPING TRANSFER TAX RETURN~~

~~TO BE FILED ONLY IF DATE OF DEATH IS ON OR AFTER JANUARY 1, 1990.~~

~~Estate of:~~		~~Date of death:~~	
~~Decedent's Address:~~	~~No. & Street~~		
~~City~~		~~State~~	~~Zip Code~~
~~Decedent's Social Security Number:~~		~~Name of Illinois County with Jurisdiction over estate:~~	
~~Name of Personal Representative or Person Filing Return:~~		~~Telephone:~~	
~~Address:~~	~~No. & Street~~		
~~City~~		~~State~~	~~Zip Code~~
~~Name of Preparer:~~		~~Telephone:~~	
~~Address:~~	~~No. & Street~~		
~~City~~		~~State~~	~~Zip Code~~

~~Indicate which one of the following FIVE is applicable:~~

☐ ~~1. A Federal Estate Tax Return is not required to be filed, but a Certificate of Discharge is requested.~~

~~a) Assets with taxable situs in Illinois.....~~	~~$~~
~~b) Assets with taxable situs in another state or states.....~~	~~$~~
~~c) TOTAL Gross Value of Decedent's Assets:.....~~	~~$~~

~~*Attach itemized schedule of assets wherever located. Gross value means the total of the assets undiminished by mortgages, liens or other encumbrances upon such assets for which decedent was personally liable.*~~

☐ 2. ~~A Federal Estate Tax Return is attached, but no Illinois Estate Tax is due. A Certificate of Discharge is requested.~~

☐ 3. ~~A Federal Estate Tax Return is attached, and an Illinois Estate Tax is due. A Certificate of Discharge is requested.~~
~~*(Complete Recapitulation and Schedule A or B, whichever is applicable.)*~~

☐ 4. ~~This is an Amended or Supplemental Return.~~
~~*(Complete Recapitulation and Schedule A or B, whichever is applicable, and attach copy of amended Federal Estate Tax Return or other applicable documents.)*~~

☐ 5. ~~This is a Generation Skipping Transfer Tax Return.~~
~~*(Attach copy of Federal Return and Supporting Documents.)*~~

~~Decedent was:~~	
☐ ~~a) a resident of Illinois, Year Domicile established .....~~	~~a)~~
☐ ~~b) a non-resident of Illinois, Year domicile established.....~~	~~b)~~
☐ ~~c) an alien, State of residence.....~~	~~c)~~

~~Due date of this Return:~~ _____

~~If due date determined by extension of time to file Federal Estate Tax Return, check box ☐ and attach a copy of the approved extension request.~~

~~The undersigned declare, under penalties of perjury, that they have examined this return, including any and all accompanying schedules or attachments, and that they believe the same to be true and correct as to every material matter and further verify that any attached Federal Estate Tax Return and any other applicable Federal tax documents are true and corrected copies of the originals filed with the Internal Revenue Service.~~

~~The undersigned further certify that the attached Will (if decedent died testate) is a true and correct copy of the Will of the decedent.~~

_____

~~Signature of decedent's personal representative~~ ~~Title~~ ~~Date~~

_____

~~Signature of preparer~~ ~~Title~~ ~~Date~~

ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

~~*Note:* *All attachments must be filed with the Attorney General's copy of the return. If a Certificate of Discharge is requested, a copy of the Form 700 must be filed with the appropriate County Treasurer.*~~

~~**SCHEDULE A – Resident Decedent's Estate – (See instructions below)**~~	
~~I. Net Credit Computation~~	
~~1. Total state death tax credit allowable for Federal Estate Tax purposes~~	~~1. $~~
~~2. Taxes paid to other states qualifying for the state death tax credit *(attach evidence and computation)*~~	~~2. $~~
~~3. Net credit remaining *(line 1 less line 2)*~~	~~3. $~~

~~STATE OF ILLINOIS ESTATE AND GENERATION SKIPPING TAX RETURN - PAGE 2~~

~~II. Proportionate Credit Computation~~	
~~4. a. Gross value for Federal Estate Tax purposes of decedent's estate having taxable situs in Illinois *(Identify on attached Federal Estate Tax Return)*~~	~~4a. $~~
~~b. Gross value of decedent's estate for Federal Estate Tax Purpose wherever located)~~	~~4b. $~~
~~c. Percent of estate having taxable situs in Illinois *(line 4(a) divided by line 4(b))*~~	~~4c. %~~
~~d. Amount of credit attributable to Illinois *(line 1 multiplied by line 4(c))*~~	~~4d. $~~
~~III. Tax Due~~	
~~5. Tax payable to Illinois *(greater of line 3 or line 4(d))* *(Also enter on line 1 in Recapitulation)*~~	~~5. $~~

~~*With respect to the estate of a deceased resident of this State, all property included in the gross estate of the decedent for Federal Estate Tax purposes shall have a taxable situs in this State for purposes of this Section, excepting real estate and tangible personal property physically situated in another state (including any such property held in trust.*~~

~~SCHEDULE A – Resident Decedent's Estate – (See instructions below)~~

~~1. Total state death tax credit allowable for Federal Estate Tax purposes~~	~~1. $~~
~~2. Gross Value for Federal Estate Tax purposes of decedent's estate having taxable situs in Illinois *(Identity on attached Federal Estate Tax Return)*~~	~~2. $~~
~~3. Gross value of decedent's estate for Federal Estate Tax purposes, wherever located~~	~~3. $~~
~~4. Percent of estate having taxable situs in Illinois *(line 2 divided by line 3)*~~	~~4.~~
~~5. Tax payable to Illinois *(line 1 multiplied by line 4)* *(Also enter on line 1 in Recapitulation)*~~	~~5. $~~

~~*With respect to the estate of a decedent not a resident of this State, but a resident of another state or territory of the United States, the property having a taxable situs in this state for purposes of this Section is only real estate and tangible personal property physically situated in this State (including any such property held in trust).*~~

~~*With respect to the estate to decedent who is not a resident of a state or territory of the Unites States, the property having taxable situs in this State for purposes of this Section is real estate and tangible personal property situated of having a business situs in this State (including any such property held in trust) and intangible personal property having a business situs in or evidenced by instruments physically situated in this State.*~~

~~SCHEDULE A – Resident Decedent's Estate – (See instructions below)~~

~~1. Maximum allowable credit for certain state taxes pursuant to Section 2604, Internal Revenue Code. *(attach Federal Estate and Generation Skipping Transfer Tax Return, Schedules R and R-1 and computations)*~~	~~1. $~~
~~2. Allowable generation skipping transfer state tax credit paid to other states.~~	

~~*(attach explanation and schedule of assets identifying property which is non-taxable in Illinois)*~~	~~2. $~~
~~3. Illinois Generation Skipping Transfer Tax~~ ~~*(line 1 minus line 2)*~~	~~3. $~~

~~STATE OF ILLINOIS ESTATE & GENERATION SKIPPING TRANSFER TAX RETURN - PAGE 3~~

~~SCHEDULE A – Resident Decedent's Estate – (See instructions below)~~

~~1. Amount of tax payable to Illinois~~ ~~*(Schedule A line 5 or Schedule B, line 5 and/or Schedule C, line 3)*~~	~~1. $~~
~~2. Late filing penalty~~ ~~*(5% of tax for each month or portion thereof-maximum penalty 25%)*~~	~~2. $~~
~~3. Late payment penalty *(½ of 1% of tax for each month or portion thereof – maximum penalty 25%)*~~	~~3. $~~
~~4. Interest at 10% per annum from 9 months after death until date of payment~~	~~4. $~~
~~5. Total Tax, penalties and interest payable~~ ~~*(Total of lines 1, 2, 3, and 4)*~~	~~5. $~~
~~6. Prior Payment~~ ~~*(attach explanation)*~~	~~6. $~~
~~7. Balance due~~ ~~*(line 5 minus line 6)*~~	~~7. $~~

~~The estate elects to pay $ _____ of line 1 in installments under Ch. 120, Par. 405A-6 (supply proof of acceptance by Internal Revenue Service when available of Sec. 6166 election and file IL-4350a).~~

~~SCHEDULE A – Resident Decedent's Estate – (See instructions below)~~

~~This return must be filed within nine (9) months of the date of death.~~

~~For Cook, DuPage, Lake and McHenry Counties, file one copy of the return with Neil F. Hartigan, Attorney General, 13th Floor, State of Illinois Center, 100 West Randolph Street, Chicago, Illinois 60601. For all other counties, file one copy of the return with Neil F. Hartigan, Attorney General, 500 South Second Street, Springfield, Illinois 62706. An additional copy of the return without attachments must also be filed with the County Treasurer having jurisdiction over the estate.~~

~~All payments of Illinois Estate Taxes, Penalty and Interest must be made payable to County Treasurer of the County having jurisdiction over the estate.~~

~~All payments must be mailed to or deposited with the County Treasurer in order to be credited with timely payment. Please send a Copy of the County Treasurer's Receipt to: Inheritance Tax Division, 13th Floor, State of Illinois Center, 100 West Randolph Street, Chicago, IL 60601, or the Estate Tax Section, Office of the Attorney General, 500 South Second Street, Springfield, IL 62706, as appropriate.~~

~~Printed by the Authority of the State of Illinois~~

~~STATE OF ILLINOIS ESTATE & GENERATION SKIPPING TRANSFER TAX RETURN – PAGE 4~~

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

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Health Care

2) Code Citation: 20 Ill. Adm. Code 415

3) Section Number: 415.30 — Proposed Action: Amend

4) Statutory Authority: Implementing Sections 3-2-2, 3-6-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3, and 5-2-6 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-6-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3, and 5-2-6] and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-7-1].

5) A Complete Description of the Subjects and Issues Involved: To comply with PA 94-629, this rulemaking is being amended to require that each offender be offered HIV testing free of charge and related counseling following transfer from reception and classification and prior to release, discharge, or parole.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

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

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 45-day First Notice Period which commences on the issue date of this publication of the *Illinois Register* to:

Beth Kiel, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277

(217) 522-2666, extension 6511

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENT

All written comments received after 45 days from the date of this publication will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: DOC did not anticipate the need for this rulemaking.

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

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER d: PROGRAMS AND SERVICES

PART 415
HEALTH CARE

Section

415.10 Applicability
415.15 Responsibilities
415.20 Definitions
415.30 Medical and Dental Examinations and Treatment
415.40 Mental Health Services
415.50 Mental Health Examinations and Treatment for Guilty but Mentally Ill
415.60 Review of Placements in a Specialized Mental Health Setting
415.70 Involuntary Administration of Psychotropic Medication
415.80 Organ Transplants

AUTHORITY: Implementing Sections 3-2-2, 3-6-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3, and 5-2-6 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-6-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3, and 5-2-6] and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-7-1].

SOURCE: Adopted at 8 Ill. Reg. 14496, effective August 1, 1984; amended at 11 Ill. Reg. 10240, effective June 1, 1987; emergency amendment at 14 Ill. Reg. 13316, effective August 15, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 988, effective January 12, 1991; amended at 19 Ill. Reg. 15428, effective November 15, 1995; emergency amendment at 21 Ill. Reg. 638, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5911, effective May 1, 1997; emergency amendment at 28 Ill. Reg. 13805, effective October 1, 2004, for a maximum of 150 days; emergency expired February 27, 2005; amended at 29 Ill. Reg. 3883, effective March 1, 2005; amended at 30 Ill. Reg. _____, effective _____.

Section 415.30 Medical and Dental Examinations and Treatment

a) Within seven working days after admission to a reception and classification center, each offender shall be given a physical examination by a physician or by a nurse practitioner under the direct supervision of a physician or by a physician's assistant under the direct supervision of a physician. Each offender shall be immunized as prescribed by the physician.

b) Each offender shall be examined by a dentist within 10 working days after

admission to a reception and classification center. The dentist shall chart the oral cavity and classify dental health.

c) Emergency treatment shall be available to offenders 24 hours a day.

d) A health care unit or area shall be established at each adult and juvenile correctional facility (excluding transition centers) within the Department. Offenders shall be admitted to the health care unit or area as determined by health care personnel. Offenders in the Impact Incarceration Program or at work camps shall receive health care through the program or camp's parent facility.

e) Offenders shall be informed of the institutional procedures for obtaining medical, dental, or mental health services.

f) Persons committed to adult and juvenile facilities (excluding transition centers) shall be provided medical and dental treatment, with the consent of the parent or guardian where applicable, as prescribed by a Department physician or dentist.

g) Adult offenders who require non-emergency medical or dental services shall authorize the Department to deduct a $2.00 co-pay from present or future funds in his or her trust fund account prior to each visit. Non-emergency services do not include any follow-up visits determined necessary by a Department physician or HIV (Human Immunodeficiency Virus) testing and related counseling.

1) The co-payment shall be paid from the offender's trust fund when the services are delivered.

2) Offenders who are without funds at the time services are delivered shall not be denied medical or dental services. The offender's trust fund account shall be restricted for the amount of co-payment and shall be paid upon receipt of future funds.

3) An offender who is found to be indigent shall be exempt from the co-payment. An offender shall be considered indigent if during the entire term of his or her incarceration the offender is without funds to pay the $2.00 co-payment.

h) An offender who has or is suspected of having a communicable disease may be isolated from other offenders. This determination shall be made by a physician as deemed medically necessary.

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENT

i) In case of critical illness or major surgery, the Chief Administrative Officer shall:

1) Attempt to notify the person designated by the offender to be contacted in case of an emergency and, where applicable, the parent or guardian.

2) Notify the Chief Legal Counsel if consent for treatment is not obtained or other legal issues arise.

3) Notify the Agency Medical Director.

j) The decision to continue or terminate a pregnancy is a medical determination that shall be made by the offender in consultation with her physician.

1) Offenders contemplating an abortion shall be provided with information and counseling concerning the nature of, the consequences of, and any risks associated with the procedure and available alternatives.

2) Offenders shall be granted a furlough for the purpose of obtaining an abortion. Offenders shall be permitted to accept funds for an abortion from local community charities or other sources.

k) Offenders shall be offered testing and related counseling for HIV following transfer from reception and classification and prior to release, discharge, or parole.

l~~k~~) A record of all medical and dental examinations, findings, and treatment shall be maintained.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Special Education

2) Code Citation: 23 Ill. Adm. Code 226

3)

Section Numbers:	Proposed Action:
226.10	Amendment
226.50	Amendment
226.60	Amendment
226.75	Amendment
226.100	Amendment
226.110	Amendment
226.120	Amendment
226.130	Amendment
226.135	New Section
226.140	Amendment
226.150	Amendment
226.160	Repeal
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226.410	Repeal
226.420	Repeal
226.430	Repeal
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226.605	Repeal
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226.680	Repeal
226.690	Amendment
226.700	Amendment
226.710	Amendment
226.720	Amendment
226.730	Amendment
226.735	New Section
226.740	Amendment
226.750	Amendment
226.760	Amendment

4) Statutory Authority: 105 ILCS 5/Art. 14 and 2-3.6

5) A Complete Description of the Subjects and Issues Involved: The State Board of Education is required by the U.S. Department of Education to ensure that relevant regulations are reconciled with the reauthorized Individuals with Disabilities Education Improvement Act (also referred to as IDEA 2004) and its implementing regulations by no later than June 2006. ISBE will be seeking statutory changes during the 2006 legislative session designed to bring Article 14 of the School Code into conformance with IDEA

2004. Concurrently, we have been working on revising Part 226 (Special Education) to bring those rules into alignment with the proposed federal regulations.

Notably, IDEA 2004 requires that each State receiving funds "identify in writing to local educational agencies located in the State and the Secretary [of USDE] any . . . rule, regulation or policy as a State-imposed requirement that is not required by this title and Federal regulations" and "minimize the number of rules, regulations and policies to which the local educational agencies and schools located in the State are subject under this title."

As a result, a primary strategy in revising Part 226 has been to reference the proposed federal regulations instead of parroting the language and to reserve substantive text in Part 226 only for those circumstances where we are making a conscious decision either to provide more detail to (e.g., requiring specific deadlines for submission of materials where IDEA 2004 and/or the proposed federal regulations are vague) or to offer more protection to students with disabilities than federal law provides. The following are a few specific examples of such circumstances:

- *Transition Plans*—IDEA 2004 and the proposed federal regulations require IEPs, beginning not later than the first IEP to be in effect *when the child is 16*, to contain appropriate, measurable postsecondary goals and the transition services the child needs to reach those goals. It is ISBE's intention, though, to require an IEP to contain such information beginning not later than the first IEP to be in effect *when the child is 14 ½* . Because this requirement offers more protection to students with disabilities than does federal law, we have explicitly set forth this requirement in Part 226.

- *Short-Term Measurable Objectives*: IDEA 2004 eliminates the requirements for benchmarks and short-term objectives in IEPs. It is ISBE's intention to retain the requirement that IEPs include short-term measurable objectives and therefore to explicitly include this requirement in Part 226.

- *Case Load/Class Size*: Neither IDEA 2004 nor the proposed federal regulations prescribe limitations on class size or case load. Part 226 currently includes such a rule (Section 226.730), and we intend to retain it in Part 226 with some revisions.

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 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 180 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

(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 2006

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226
SPECIAL EDUCATION

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226.50 Requirements for a Free Appropriate Public Education (FAPE)
226.60 Charter Schools
226.75 Definitions

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226.200 General Requirements
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226.220 ~~Factors in~~ Development, Review, and Revision of the IEP
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SUBPART D: PLACEMENT

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226.410 Manifestation Determination Review (Repealed)
226.420 Appeals (Repealed)
226.430 Protection for Children Not Yet Eligible for Special Education (Repealed)
226.440 Referral to and Action by Law Enforcement and Judicial Authorities (Repealed)

SUBPART F: PROCEDURAL SAFEGUARDS

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226.510 Notification of Parents' Rights
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226.530 Parents' Participation
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226.615 Procedure for Request
226.620 Denial of Hearing Request (Repealed)
226.625 Rights of the Parties Related to Hearings
226.630 Qualifications, Training, and Service of Impartial Due Process Hearing Officers
226.635 Appointment, Recusal, and Substitution of Impartial Due Process Hearing Officer
226.640 Scheduling the Hearing and Pre-Hearing Conference
226.645 Conducting the Pre-Hearing Conference
226.650 Child's Status During Due Process Hearing (Repealed)
226.655 Expedited Due Process Hearing
226.660 Powers and Duties of Hearing Officer
226.665 Record of Proceedings
226.670 Decision of Hearing Officer; Clarification
226.675 Monitoring and Enforcement of Decisions; Notice of Ineligibility for Funding
226.680 Reporting of Decisions (Repealed)
226.690 Transfer of Parental Rights

SUBPART H: ADMINISTRATIVE REQUIREMENTS

Section
226.700 General
226.710 Policies and Procedures
226.720 Facilities and Classes
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AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art.14 and 2-3.6].

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; emergency expired June 24, 1986; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. 16318, effective October 25, 1994; amended at 19 Ill. Reg. 7207, effective May 10, 1995; amended at 20 Ill. Reg. 10908, effective August 5, 1996; amended at 21 Ill. Reg. 7655, effective July 1, 1997; Part repealed, new Part adopted at 24 Ill. Reg. 13884, effective August 25, 2000; amended at 27 Ill. Reg. 8126, effective April 28, 2003; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 226.10 Purpose

This Part establishes the requirements for the treatment of children and the provision of special education and related services pursuant to the Individuals with Disabilities Education Improvement Act (also referred to as "IDEA") ([20 USC 1400 et seq.)], its implementing regulations (34 CFR 300 as proposed June 21, 2005, on page 35782 of the Federal Register), and Article 14 of the School Code [105 ILCS 5/Art. 14]. This Part also distinguishes between requirements derived from federal authority and those imposed additionally pursuant to Article 14 of the School Code or the authority of the State Board of Education. The requirements of IDEA, its implementing regulations, and this Part shall apply in every instance when a child is or may be eligible for special education and related services.

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NOTICE OF PROPOSED AMENDMENTS

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

Section 226.50 Requirements for a Free Appropriate Public Education (FAPE)

Free appropriate public education (FAPE), as defined at 34 CFR 300.17, must be made available by school districts to children with disabilities in accordance with 34 CFR 300.101 - 300.103, unless otherwise specified in this Section. ~~Each local school district shall ensure that a free appropriate public education (FAPE) is available to each child with a disability who is between the ages of 3 and 21, resides in the State and is enrolled in the district, and requires special education and related services to address the adverse effect of the disability on his or her education. The special education and related services must be provided according to the child's individualized education program (IEP) at no cost to the parent and in accordance with this Part. As public schools, charter schools are also bound by these requirements, and children with disabilities who attend public charter schools and their parents retain all rights under this Part.~~

~~a) As part of this obligation, each local district shall develop and implement procedures for creating public awareness of special education and related services and for advising the public of the rights of children with disabilities.~~

~~1) All such procedures shall ensure that information is made available in each of the major languages represented in the local school district and in language that will be understandable to parents, regardless of ethnic or cultural background or hearing or visual abilities.~~

~~2) Procedures developed by a district pursuant to this Section shall include, but need not be limited to:~~

~~A) Annual notification to all parents in the district regarding the special education services available in or through that district and of their right to receive a copy of this Part upon request; and~~

~~B) An annual dissemination of information to the community served by the school district regarding the special education services available in or through the district and the rights of children with disabilities.~~

~~3) Documentation, including examples as appropriate, of the school district's efforts pursuant to this Section shall be maintained in the district's files.~~

~~b) As part of this obligation, each local school district shall comply with the~~

~~requirements for identifying, locating, and evaluating all children with disabilities set forth in Section 226.100 of this Part.~~

~~c) A local school district is obligated to make FAPE available to each eligible child no later than the child's third birthday. (See Sections 226.110(d) and 226.260 of this Part.)~~

~~d) The special education services and placement that constitute FAPE for a particular child shall be identified based on the child's unique needs and not on the child's disability. These services shall address all of the child's identified needs for special education and related services.~~

~~e) The district shall provide nonacademic and extracurricular services and activities in a manner necessary to afford children with disabilities an equal opportunity to participate in those services and activities.~~

~~f) The local school district shall ensure that no delay occurs in implementing a child's IEP, including any case in which the source of payment or provision of services to the child is being determined.~~

~~g) No eligible child from three through 21 years of age may be permanently excluded from the public schools, either by direct action by the board of education, by indication of the district's inability to provide an educational program, or by informal agreement between the parents and the school district to allow the child to remain without an educational program.~~

~~1) A public agency need not provide services during periods of removal to a child with a disability who has been removed from his or her current placement for ten school days or fewer in that school year, if services are not provided to a child without disabilities who has been similarly removed. An eligible child who has been suspended or expelled from school for more than ten school days during the school year must continue to receive services necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals sat out in the child's IEP.~~

~~2) In providing FAPE to children with disabilities who have been suspended or expelled from school, a school district shall meet the requirements set forth in Subpart E of this Part.~~

a)~~h)~~ Transfer Students
Provision of FAPE to students who transfer into a local school district shall be made in accordance with the requirements of 20 USC 1414(d)(2)(C). The additional requirements of this subsection (a) shall also apply.

1) In the case of a student transferring into a district from another district within Illinois, when the new district obtains a copy of the student's IEP before or at the time the child is presented for enrollment: ~~If a child who is receiving special education from a local school district transfers to another district, the new district is responsible for ensuring FAPE by providing special education and related services in conformity with an IEP. When a transfer student is presented for enrollment, the district shall enroll and initiate educational services to the student immediately. The new school district shall ensure that the child has an IEP in effect. A)~~

A) The district may adopt the IEP of the~~that the~~ former local school district without~~developed for the child. Such adoption does not require~~ an IEP meeting if:

~~i) a copy of the child's current IEP is available;~~

i)~~ii)~~ the parents indicate satisfaction with the current IEP; and

ii)~~iii)~~ the new district determines that the current IEP is appropriate and can be implemented as written.

~~B) A district that cannot fully implement an IEP from a student's former district shall note in the IEP the services to be provided and shall explain what is being done to secure the remaining services, resources, or other unfulfilled portions of the IEP and how long those actions are expected to take.~~

B)~~C)~~ If the~~The~~ district does not adopt the former IEP and seeks to~~may~~ develop a new IEP for the child, it must initiate an IEP meeting~~if the school district or the parents do not believe the current IEP is appropriate. In such a case, the district shall,~~ within ten days after the date of the child's enrollment~~,~~ by providing written notice to the parent of the proposed date of the IEP meeting, in conformance with Section 226.520 of this Part~~initiate an IEP meeting for the purpose of developing the new IEP~~. While the new IEP is under

development, the district shall implement services comparable to those described in the IEP from the former district.

2) If the new school district does not receive a copy of the child's current IEP or a verbal confirmation of the requirements of that IEP from the previous school district when the child is presented for enrollment, the child shall be enrolled and served in the setting that the receiving district believes will meet the child's needs until a copy of the current IEP is obtained or a new IEP is developed by the school district.

A) In no case shall a child be allowed to remain without services during this interim.

B) The new district shall request the student's records from the sending district or school by the end of the next business day after the date of enrollment.

C) No later than ten days after expiration of the time allotted under Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a] for the sending district or school to forward the child's records, the new district shall initiate an IEP meeting for the purpose of developing a new IEP, unless the sending district's or school's IEP arrives before this time elapses, the student has transferred from a district within Illinois, and the new district adopts the previously held IEP~~and the conditions set forth in subsection (h)(1)(A) of this Section apply~~.

b)~~i)~~ Jurisdictional Disputes
Each school district is responsible for ensuring that no eligible child for whom services are sought is denied FAPE due to jurisdictional disputes among Illinois agencies. Provision of FAPE to such a student shall not preclude a district from seeking repayment for costs incurred from any other school district or entity that is determined responsible for such costs.

~~j) Nothing in this Part relieves any participating agency of the responsibility for providing or paying for any services the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.~~

c)~~k)~~ Eligibility; Graduation or Completion of Program

1) An eligible student who requires continued public school educational experience to facilitate his or her integration into society shall be eligible for such services through age 21, inclusive (i.e., through the day before the student's 22nd birthday) (see 34 CFR 300.101(a)).

2) ~~Students who reach age 21 during a school year shall be allowed to complete that year.~~

~~3)~~ The provision of FAPE is not required with respect to a student with a disability who has graduated with a regular high school diploma~~ or its equivalent~~.

3)~~4)~~ A student with a disability who has fulfilled the minimum State graduation requirements set forth in Section 27-22 of the School Code [105 ILCS 5/27-22]~~satisfactorily completed a secondary program~~ shall be eligible for~~granted~~ a regular high school diploma.

A) If the student's individualized education program prescribes special education, transition planning, transition services, or related services beyond that point, issuance of that diploma shall be deferred so that the student will continue to be eligible for those services.

B) If the student is to receive a regular high school diploma, at~~At~~ least one year prior to the~~a student's~~ anticipated date of its issuance~~graduation~~, both the parent and the student shall receive written notification in conformance with the requirements of 34 CFR 300.503~~Section 226.520(b) of this Part~~ that eligibility for public school special education services ends following the granting of a diploma and that the parent (or the student, if Section 226.690 of this Part applies) may request an IEP meeting to~~a~~ review ~~of~~ the recommendation that the student receive a regular diploma~~for graduation~~.

4)~~5)~~ Students who have participated in a graduation ceremony~~graduated~~ but have not been awarded regular high school diplomas continue to be eligible to receive FAPE through age 21, inclusive.

d)~~l)~~ Exception for Certain Students Incarcerated as Adults
Pursuant to 34 CFR 300.102(a)(2)~~300.311~~, the right to receive FAPE does not

extend to students from 18 through 21 years of age who are incarcerated and who were not identified as eligible and did not have IEPs in their educational placements immediately prior to incarceration.

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

Section 226.60 Charter Schools

For purposes of IDEA~~the Individuals with Disabilities Education Act~~ and this Part, charter schools established pursuant to Article 27A of the School Code [105 ILCS 5/Art. 27A] shall be treated either as schools within school districts or as local educational agencies in their own right.

a) When a school's charter is issued by a local board of education pursuant to Section 27A-8 of the School Code [105 ILCS 5/27A-8], that charter school shall be considered as a school within the district over which that board of education exercises jurisdiction.

b) When a school's charter is issued by the State Board of Education pursuant to Section 27A-9(f) of the School Code [105 ILCS 5/27A-9(f)], that charter school shall be considered as a local educational agency.

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

Section 226.75 Definitions

Assistive Technology Device: See 34 CFR 300.5.~~Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability.~~

Behavioral Intervention: An intervention based on the methods and empirical findings of behavioral science and designed to influence a child's actions or behaviors positively.

Case Study Evaluation: See "Evaluation"

~~Cultural Identification: Identifying the family's general cultural factors, such as ethnicity and language spoken, that may have an impact on the design of the case study evaluation procedures used.~~

~~Date of Referral: The date on which written parental consent to complete an evaluation is obtained or provided.~~

Day; Business Day; School Day: See 34 CFR 300.11.~~A calendar day, unless otherwise indicated as "business day" or "school day".~~

~~Business Day: Monday through Friday, except for federal and State holidays (unless holidays are specifically included in the designation of business days, as at 34 CFR 300.403(d)(1)(ii)).~~

~~School Day: Any day including a partial day, during the regular school year that students are in attendance at school for instructional purposes.~~

Developmental Delay: See 34 CFR 300.8 and 300.111(b). Delay in physical development, cognitive development, communication development, social or emotional development, or adaptive development (may include children from three through seven~~five~~ years of age).

Disability: IDEA identifies 13 disabilities as the basis for students' eligibility for special education and related services. These disabilities (autism, deaf-blindness, deafness, emotional disturbance, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment) shall be defined as set forth in 34 CFR 300.8(c). In addition, for purposes of this Part, "autism" shall include, but not be limited to, any Autism Spectrum Disorder that adversely affects a child's educational performance.~~Any of the following specific conditions.~~

~~Autism: A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three that adversely affects a child's educational performance. (A child who manifests the characteristics of autism after age 3 could be diagnosed as having autism if the other criteria of this Section are satisfied.) Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance.~~

~~Deaf-Blindness: Concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.~~

~~Deafness: A hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.~~

~~Emotional Disturbance (includes schizophrenia, but does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance): A condition exhibiting one or more of the following characteristics over an extended period of time and to a marked degree that adversely affects a child's educational performance:~~

~~An inability to learn that cannot be explained by intellectual, sensory, or health factors;~~

~~An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;~~

~~Inappropriate types of behavior or feelings under normal circumstances;~~

~~A general pervasive mood of anxiety or unhappiness or depression; or~~

~~A tendency to develop physical symptoms or fears associated with personal or school problems.~~

~~Hearing Impairment: An impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness.~~

~~Mental Retardation: Significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a~~

~~child's educational performance.~~

~~Multiple Disabilities: Concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments (does not include deaf-blindness).~~

~~Orthopedic Impairment: A severe orthopedic impairment that adversely affects a child's educational performance; includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).~~

~~Other Health Impairment: Limited strength, vitality or alertness, including a heightened sensitivity to environmental stimuli, that results in limited alertness with respect to the educational environment, that:~~

~~is due to chronic or acute health problems, such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and~~

~~adversely affects a child's educational performance.~~

~~Specific Learning Disability: *A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. (The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.)* [105 ILCS 5/14-1.03(a)]~~

~~Speech or Language Impairment: A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.~~

~~Traumatic Brain Injury: An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.~~

~~Visual Impairment: An impairment in vision that, even with correction, adversely affects a child's educational performance (includes both partial sight and blindness).~~

Domain: An aspect of a child's functioning or performance that must be considered in the course of designing an evaluation. The domains are health, vision, hearing, social and emotional status, general intelligence, academic performance, communication status, and motor abilities.

~~Educational Performance: A student's academic achievement and ability to establish and maintain social relationships and to experience a sound emotional development in the school environment.~~

~~Eligible: Identified in accordance with this Part as having any of the disabilities defined in this Section and needing special education and related services.~~

Equipment (a programmatic definition, not intended to coincide with the definition of "equipment" given in the Program Accounting Manual at 23 Ill. Adm. Code 110.120): See 34 CFR 300.14.

~~Machinery, utilities, and built-in equipment and any necessary enclosures or structures to house the machinery, utilities, or equipment; and~~

~~All other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents,~~

~~and other related materials.~~

Evaluation: See 34 CFR 300.15.~~A series of procedures designed to provide information about a child's suspected disability; the nature and extent of the problems that are or will be adversely affecting his/her educational development; and the type of intervention and assistance needed to alleviate these problems.~~

Extended School Year Services: See 34 CFR 300.106(b).~~Special education and related services that are provided to a child with a disability beyond the normal school year of the public agency in accordance with the child's IEP and at no cost to the parents of the child and meet the requirements of Section 226.750(c) of this Part.~~

Functional Behavioral Assessment: An assessment process for gathering information regarding the target behavior, its antecedents and consequences, controlling variables, the student's strengths, and the communicative and functional intent of the behavior, for use in developing behavioral interventions.

General Curriculum: The curriculum adopted and/or used by a local school district or by the schools within a district for nondisabled students; the content of the program, as opposed to the setting in which it is offered.

IEP Team: See 34 CFR 300.23.~~The group of individuals enumerated in Section 226.210 of this Part, except that in three instances the team shall be expanded to include any other qualified professionals whose expertise is necessary to administer and interpret evaluation data and make an informed determination as to whether the child needs special education and related services (i.e., when identifying the specific assessments required in order to evaluate a child's individual needs; when determining whether the child is eligible pursuant to this Part; and when conducting a Manifestation Determination Review).~~

Independent Educational Evaluation: See 34 CFR 300.502(a)(3)(i).~~An evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of the child in question. (See Section 226.180 of this Part.)~~

Individualized Education Program (IEP): See 34 CFR 300.22. An IEP shall be considered "linguistically and culturally appropriate" if it addresses the language and/or communication needs of a student as a foundation for learning.~~A written statement for a child with a disability that is developed, reviewed, and revised in a~~

~~meeting in accordance with Subpart C of this Part.~~

Individualized Family Service Plan (IFSP): See 34 CFR 300.24.~~A written plan for providing the early intervention services to a child eligible under 34 CFR 303 and the child's family.~~

~~Interim Plan: A portion of an IEP that identifies the services that will be provided as a temporary measure, either when the child's complete IEP cannot be implemented or when the parents and the district have only agreed to a portion of the services that will be needed, and that sets out the specific conditions and timelines to which both the parents and the district have agreed.~~

~~Least Restrictive Environment (LRE): The setting that permits a child to be educated with nondisabled children to the maximum extent appropriate. (See Section 226.240(c) of this Part.)~~

Parent: See 34 CFR 300.30.~~A natural or adoptive parent of a child; a guardian but not the State if the child is a ward of the State; a person acting in the place of a parent of a child (such as a grandparent or stepparent with whom a child lives); a person who is legally responsible for a child's welfare, or a surrogate parent who has been appointed in accordance with Section 226.550 of this Part. A foster parent is a "parent" when the natural parent's authority to make educational decisions on the child's behalf has been extinguished under State law and the foster parent has an ongoing, long-term parental relationship with the child, is willing to make the educational decisions required of parents under IDEA, and has no interest that would conflict with the interests of the child.~~

~~Participating Agency: A State or local agency, other than the local school district, that is or may be legally responsible for providing or funding services to a student who is eligible under this Part.~~

Personally Identifiable (with reference to information): See 34 CFR 300.32. ~~Including the name of the child, the child's parent, or other family member; the address of the child; a personal identifier, such as the child's Social Security number or student number; or a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.~~

Qualified Bilingual Specialist: An individual who holds the qualifications described in Section 226.800(f) of this Part.

Qualified Personnel: Staff members or other individuals who hold the certificate, license, registration, or credential that is required for the performance of a particular task.

~~Qualified Bilingual Specialist: An individual who holds the qualifications described in Section 226.800(f) of this Part.~~

Qualified Specialist: An individual who holds the applicable qualifications described in Subpart I of this Part.

~~Referral: A formal procedure established by a school district which involves a request for a case study evaluation.~~

Related Services: See 34 CFR 300.34.~~Transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation (including therapeutic recreation), early identification and assessment of disabilities in children, counseling services (including rehabilitation counseling), orientation and mobility services, and medical services for diagnostic or evaluation purposes; also including school health services, social work services in schools, and parent counseling and training. (See Section 226.310 of this Part.) Related services do not include those performed by licensed physicians or dentists (except for diagnostic or evaluative services or consultation to staff), registered or licensed practical nurses (except when functioning as school nurses), or other medical personnel involved in the provision of ongoing medical care.~~

Special Education: See 34 CFR 300.38. ~~Specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals, in institutions, and in other settings, and including instruction in physical education.~~

~~Special School: An educational setting which is established by the local school district exclusively to meet the needs of eligible children.~~

Student Record: See Section 2 of the Illinois School Student Records Act [105 ILCS 10/2].

Supplementary Aids and Services: See 34 CFR 300.41.~~Aids, services, and other~~

~~supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.~~

Transition Services: See 34 CFR 300.42.~~A coordinated set of activities for a student with a disability that:~~

~~Is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;~~

~~Is based on the individual student's needs, taking into account the student's preferences and interests; and~~

~~Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.~~

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

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section 226.100 Child Find Responsibility

This Section implements the requirements of 34 CFR 300.111.

a) Each school district shall be responsible for actively seeking out and identifying all children from birth through age 21 within the district (and those parentally-placed private school children for whom the district is responsible under 34 CFR 300.131)~~, including children not enrolled in the public schools,~~ who may be eligible for special education and related services. Procedures developed to fulfill the child find~~this~~ responsibility shall include:

1) An annual screening of children under the age of five for the purpose of identifying those who may need early intervention or special education and related services.

2) Ongoing review of each child's performance and progress by teachers and other professional personnel, in order to refer those children who exhibit problems which interfere with their educational progress and/or their adjustment to the educational setting, suggesting that they may be eligible for special education and related services.

3) Ongoing coordination with early intervention programs to identify children from birth through two years of age who have or are suspected of having disabilities, in order to ensure provision of services in accordance with applicable timelines. ~~A)~~Each local school district shall participate in transition planning conferences arranged by the designated lead agency under 20 USC 1437(a)(9)~~1437(a)(8)~~ in order to develop a transition plan enabling the public school to implement an IFSP or IEP no later than the third birthday of each eligible child.

~~B) A child is considered "referred" to a school district when he or she is identified in writing by staff of an early intervention program pursuant to 34 CFR 303. Such a referral is effective no later than 60 school days prior to the child's third birthday, regardless of the date on which the notification takes place. (See Section 226.260 of this Part.)~~

~~4) Coordination and consultation with nonpublic schools located within the district that results in child find activities comparable to those affecting students in the public schools. Costs of child find and evaluation activities may not be considered as part of the expenditures used by the district to meet its obligation under 34 CFR 300.453 (a).~~

b) When the responsible school district staff members conclude that an individual evaluation of a particular child is warranted based on factors such as a child's educational progress, interaction with others, or other functioning in the school environment, the requirements for ~~referral and~~ evaluation set forth in this Subpart B shall apply.

~~c) Each school district shall be responsible for ensuring that the confidentiality requirements of 34 CFR 300.560-300.577, 105 ILCS 10/4(a), 23 Ill. Adm. Code 375, and Section 226.740 of this Part apply to all data used to meet the Child Find requirement.~~

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 226.110 Evaluation Procedures~~Referral~~

Procedures for requesting and conducting initial evaluations of children who are suspected of requiring special education and related services shall conform to the requirements of 34 CFR 300.301, 300.304, 300.305, and 300.306. For purposes of this Section, screening procedures done in accordance with 34 CFR 300.302 shall not be considered an evaluation. Consent for the initial evaluation shall be obtained in conformance with the requirements of 34 CFR 300.300. In addition, the following requirements shall apply.

~~When there is reason to believe that a child may have a disability requiring special education and related services, the child shall be referred for a special education case study evaluation.~~

a) ~~Referral~~ Procedures for Requesting an Initial Evaluation
Each school district shall develop and make known to all concerned persons procedures by which an evaluation may be requested. These procedures shall:

1) Designate the steps to be taken in making a request for an evaluation~~referral~~;

2) Designate the persons~~person(s)~~ to whom a request~~referral~~ may be made;

3) Identify the information that~~which~~ must be provided;

4) Provide any assistance that may be necessary to enable persons making requests~~referrals~~ to meet any related requirements established by the district; and

5) Identify the process for providing the parents with notice of their rights with respect to procedural safeguards.

b) A request~~referral~~ may be made by a parent of a child or by an employee of a State educational agency, another State agency, a local educational agency, or~~any concerned person, including but not limited to school district personnel, the parent(s) of a child, an employee of~~ a community service agency~~, another professional having knowledge of a child's problems, a child, or an employee of the State Board of Education~~.

c) District's~~District~~ Response to Request~~Referral~~

1) The school district shall be responsible for processing the request~~referral~~, deciding what action should be taken, and initiating the necessary procedures.

2) To determine the extent to which~~whether~~ the ~~referred~~ child requires an evaluation, the district may utilize screening data and conduct preliminary procedures such as observation of the child, assessment for instructional purposes, consultation with the teacher or other individual making the request~~referring agent~~, and a conference with the child.

3) Within 14 days after receiving a request for an evaluation, the~~The~~ district shall determine whether any additional information is needed upon which to base the evaluation~~ or not to conduct a case study evaluation and notify the referring party and the parent of the decision and the basis on which it was reached~~.

A) The district shall convene a team of individuals (including the parent) having the knowledge and skills necessary to administer and interpret evaluation data. The composition of the team will vary depending upon the nature of the child's symptoms and other relevant factors.

B) The team shall identify the assessments necessary to complete the evaluation in accordance with 34 CFR 300.305 and shall prepare a written notification for the parents as required under 34 CFR 300.304(a). For each domain, the notification shall either describe the needed assessments or explain why none are needed.

C) The district shall ensure that the notification of the team's conclusions is transmitted to the parents within the 14-day timeline applicable under this subsection (c)(3), along with the district's request for the parents' consent to conduct the needed assessments.

d) Upon completion of the assessments identified pursuant to subsection (c)(3) of this Section, but no later than 60 days following the district's receipt of written consent from the parent to perform the needed assessments, a meeting as described in 34 CFR 300.306 shall be initiated by the district.~~If the district decides to conduct an evaluation, parental consent must be obtained.~~

~~1) Pursuant to Section 14-8.02 of the School Code [105 ILCS 5/14-8.02], the~~

~~case study evaluation and IEP meeting shall be completed within 60 school days after the date of referral or the date of the parent's application for admittance of the child to the public school.~~

~~2)~~ ~~The IEP meeting shall be conducted within 30 days after the child is determined eligible. The overall limit specified in subsection (d)(1) of this Section still applies.~~

~~3)~~ ~~When a child is referred for evaluation with fewer than 60 days of pupil attendance left in the school year, the eligibility determination shall be made and, if the child is eligible, an IEP shall be in effect prior to the first day of the next school year.~~

~~e)~~ ~~If the parent refuses consent for initial evaluation, the district may continue to pursue the evaluation by using the mediation or due process procedures described in Section 226.560 and Subpart G of this Part.~~

e)~~f)~~ At the conclusion of the meeting convened pursuant to subsection (d) of this Section, the team shall prepare a report describing its consideration of pre-existing information about the child, all new evaluation reports obtained, and any other information relevant to the decision about the child's eligibility. This description shall relate the information considered to the child's needs and shall further conform to the requirements of Section 226.130 of this Part if applicable. The IEP Team's report shall also include~~If the district decides not to conduct an evaluation~~:

1) the date of the meeting; ~~The referring party shall be provided written notice of the district's decision not to conduct an evaluation and, subject to the requirements of the Illinois School Student Records Act [105 ILCS 10] and 23 Ill. Adm. Code 375 (Student Records), the reasons for that decision; and~~

2) the signatures of the participants, indicating their presence at the meeting; and~~The parent shall be provided written notice of:~~

~~A)~~ ~~The date of the referral and the reasons for which the case study evaluation was requested; and~~

~~B)~~ ~~The reasons for which the district decided not to conduct a case study evaluation.~~

3) any separate written statement provided by a participant who wishes to be on record as disagreeing with the conclusions expressed in the team's report.

f) The school district shall provide a copy of the IEP Team's report to the parent at the conclusion of the team's meeting. In addition, the district shall provide to the parent, within ten school days after the meeting, written notice conforming to the requirements of Section 226.520 of this Part as to the eligibility determination reached with respect to the child. The parent shall also be entitled to receive copies of any evaluation reports upon request.

g) A copy of the IEP Team's report, together with all documentation upon which it is based, shall become a part of the child's temporary student record.

h) If an assessment is conducted under nonstandard conditions, a description of the extent to which the assessment varied from standard conditions shall be included in the evaluation report. This information is needed so that the team of evaluators can assess the effects of these variances on the validity and reliability of the information reported and determine whether additional assessments are needed. For example, the use of a translator when a qualified bilingual professional is not available may create nonstandard conditions.

i) If any needed portion of the evaluation cannot be completed due to lack of parental involvement, religious convictions of the family, or inability of the child to participate in an evaluative procedure, the district shall note the missing portions in the child's evaluation report and state the reasons why those portions could not be completed.

j) In the event that the student is determined to be eligible for special education and related services pursuant to the procedures described in subsections (d) and (e) of this Section, the IEP meeting shall be conducted within 30 days after the date of that determination.

k)~~g)~~ If a district ~~refuses or~~ fails to conduct an evaluation, the parent of the child in question (or the student, if Section 226.690 of this Part applies) may appeal this~~such refusal or~~ failure in an impartial due process hearing.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 226.120 Reevaluations~~Identification of Needed Assessments~~

Procedures for the completion of reevaluations of children for whom special education and related services are currently being provided shall conform to the requirements of 34 CFR 300.303, 300.304, 300.305 and 300.306, as well as the relevant provisions of Section 226.110 of this Part.

~~Each school district shall ensure that a full and individual evaluation is conducted for each child being considered for special education and related services. An evaluation shall cover all domains (see Section 226.75 of this Part) that are relevant to the individual child under consideration. The IEP Team shall determine the specific assessments needed to evaluate the individual needs of the child.~~

~~a) The IEP Team that identifies the assessments and procedures needed must have the knowledge and skills necessary to interpret the resulting evaluation data and make an informed determination as to whether the child needs special education and related services. The composition of the team will vary depending upon the nature of the child's suspected disability and other relevant factors.~~

~~b) The IEP Team shall review and evaluate existing information about the child, including:~~

~~1) Information from a variety of formal and informal sources, including information provided by the child's parents;~~

~~2) Current classroom-based assessments and observations;~~

~~3) Observations by teachers and providers of related services;~~

~~4) Information provided by the child; and~~

~~5) Information from specialized evaluations such as those performed by independent evaluators, medical evaluators, behavioral intervention specialists, bilingual specialists, etc.~~

~~c) The team may conduct its review without a meeting.~~

~~d) The team shall determine what additional evaluation data are needed in each of the relevant domains, and from what sources that information should be obtained, in order for the team to determine:~~

1) Whether the child has, or continues to have, one or more of the disabilities defined in Section 226.75 of this Part;

2) The present levels of performance and educational needs of the child;

3) Whether the disability is adversely affecting the child's education;

4) Whether the child needs (or continues to need) special education and related services; and

5) Whether any additions or modifications to the child's special education and related services are needed to enable the child to meet the goals set out in his or her IEP and to participate appropriately in the general curriculum.

e) If the IEP Team identifies the need for additional evaluations, the school district shall administer or arrange for such tests and other evaluation procedures as may be needed to produce the needed information.

f) If the IEP Team determines that no additional information is needed, the district shall provide written notice to the child's parents of:

1) the determination and the reasons for it; and

2) the parents' right to request an assessment to determine whether the child is or continues to be eligible for special education and related services.

g) Within ten school days after a parent requests an assessment pursuant to subsection (f)(2) of this Section the district shall either:

1) Notify the parent that it will conduct the assessment and make the necessary arrangements; or

2) If the district does not wish to conduct the assessment, request a due process hearing or notify the parent (in keeping with the requirements of Section 226.520 of this Part) of his or her right to request a due process hearing.

h) The IEP Team shall document its evaluation decisions, the basis for the determination made in each domain, and its decisions under subsections (d) and

~~(f) of this Section. This information shall be provided to the parents in the form of a written notice in accordance with Section 226.520 of this Part.~~

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

Section 226.130 Additional Procedures for Students Suspected of or Having a Specific Learning Disability~~Evaluation Requirements~~

In addition to the requirements set forth in Sections 226.110 and 226.120 of this Part, the district shall adhere to the procedures set forth at 34 CFR 300.308, 300.309, 300.310, and 300.311 when evaluating a student who is suspected of, or who has previously been identified as having, a specific learning disability as described in 34 CFR 300.8. The district may use a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability, provided that the district also uses a process that determines if the child responds to scientific, research-based intervention as part of the evaluation procedures described in 34 CFR 300.304. The district may also use other alternative research-based procedures for determining whether a child has a specific learning disability.

~~Each local school district shall establish written procedures to ensure that the following requirements are met.~~

~~a) Tests and other materials used to evaluate a child:~~

~~1) Shall be selected and administered so as not to be discriminatory on a racial or cultural basis;~~

~~2) Shall be provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;~~

~~3) Shall be technically sound and designed to assess the relative contributions of cognitive, behavioral, physical, and developmental factors; and~~

~~4) Shall be used in a manner consistent with the instructions provided by their publishers.~~

~~b) A variety of assessment tools and strategies shall be used by qualified specialists who are trained and knowledgeable and shall be used to gather relevant functional and developmental information about the child. The assessment shall include information provided by the parent that may assist in determining:~~

1) Whether the child is eligible for special education and related services; and, if so,

2) The content of the child's IEP or IFSP, including information related to enabling the child to be involved in and progress in the general curriculum or, if in preschool, to participate in appropriate activities.

c) When a student is suspected of having a specific learning disability, an observation shall be conducted in accordance with Section 226.170 of this Part.

d) Any standardized test that is administered shall:

1) Have been validated for the specific purpose for which it is used; and

2) Be administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the test.

e) Tests and other evaluation materials shall be tailored to assess specific areas of educational need and may not be merely those that are designed to provide a single general intelligence quotient.

f) Tests shall be selected and administered so as to ensure that, if they are administered to a child with impaired sensory, motor or communication skills, the results of each test accurately reflect the factors that test purports to measure.

g) No single procedure and no single individual shall be used as the sole criterion or evaluator for determining whether a child is eligible pursuant to this Part or for identifying an appropriate educational program for a child.

h) The school district shall use assessment tools and strategies that provide relevant information and are sufficiently comprehensive to assist in identifying all of the child's needs for special education and related services, whether or not commonly linked to the disability according to which the child has been classified.

i) If an assessment is conducted under nonstandard conditions, a description of the extent to which the assessment varied from standard conditions shall be included in the evaluation report. This information is needed so that the team of evaluators can assess the effects of these variances on the validity and reliability of the information reported and determine whether additional assessments are needed. For example, the use of a translator when a qualified bilingual professional is not

~~available may create nonstandard conditions.~~

~~j)~~ ~~If any needed portion of a case study evaluation cannot be completed due to lack of parental involvement, religious convictions of the family, or inability of the child to participate in an evaluative procedure, the district shall note the missing portion(s) in the child's evaluation report and state the reason(s) why such portion(s) could not be completed.~~

~~k)~~ ~~Each individual conducting a portion of a child's evaluation shall be qualified in accordance with Section 226.840 of this Part.~~

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

Section 226.135 Additional Procedures for Students Suspected of or Having Mental Retardation

In addition to the requirements set forth in Sections 226.110 and 226.120 of this Part, the district shall ensure that a psychological evaluation has been conducted and a recommendation for eligibility made by a school psychologist for any child who is suspected of or determined to have mental retardation.

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

Section 226.140 Modes~~Mode(s)~~ of Communication and Cultural Identification

Before a child is given an~~a case study~~ evaluation, the local school district shall ensure compliance with the requirements of Section 14-8.02 of the School Code by determining~~determine~~ the primary language of the child's home, general cultural identification, and mode of communication.

a) Determination of the child's language use pattern and general cultural identification shall be made by determining the languages~~language(s)~~ spoken in the child's home and the languages~~language(s)~~ used most comfortably and frequently by the child.

b) If the child has a non-English-speaking background, a determination shall be made of his or her proficiency in English. This~~Such a~~ determination shall be conducted in accordance with the provisions of 23 Ill. Adm. Code 228 (Bilingual Education), which specifies the assessment procedures and eligibility criteria for bilingual education programs (see 23 Ill. Adm. Code 228.15).

c) Determination of the child's mode of communication shall be made by assessing the extent to which the child uses verbal expressive language and the use he or she makes of other modes of communication (e.g., gestures, signing, unstructured sounds) as a substitute for verbal expressive language.

d) The child's language use pattern, proficiency in English, mode of communication, and general cultural identification shall be noted in the child's temporary student record, and this information shall be used in the evaluation and in the development and implementation of the individualized education program.

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

Section 226.150 Evaluation~~Case Study~~ to be Nondiscriminatory

Each evaluation shall be conducted so as to ensure that it is linguistically, culturally, racially, and sexually nondiscriminatory.

a) The languages~~language(s)~~ used to evaluate a child shall be consistent with the child's primary language~~ of the home~~ or other mode of communication. (See Section 226.140 of this Part.) If the language use pattern involves two or more languages or modes of communication, the child shall be evaluated by qualified specialists or, when needed, qualified bilingual specialists using each of the languages or modes of communication used by the child. The provisions of subsections (b) and (c) of this Section shall apply when a qualified bilingual specialist is needed but unavailable.

b) If documented efforts to locate and secure the services of a qualified bilingual specialist are unsuccessful, the district shall use an individual who possesses the professional credentials required under Section 226.840 of this Part to complete the specific components of the evaluation. This qualified specialist shall be assisted by a certificated school district employee or other individual who has demonstrated competencies in the language of the child.

c) If documented efforts to locate and secure the services of a qualified bilingual specialist or a qualified specialist assisted by another individual as provided in subsection (b) of this Section are unsuccessful, the district shall conduct assessment procedures which do not depend upon language. Any special education resulting from such alternative procedures shall be reviewed annually until the child acquires a predominantly English language use pattern.

d) Tests given to a child whose primary language is other than English shall be relevant, to the maximum extent possible, to his or her culture.

e) If the child's receptive and/or expressive communication skills are impaired due to hearing and/or language deficits, the district shall utilize test instruments and procedures that do not stress spoken language and one of the following:

1) Visual communication techniques in addition to auditory techniques.

2) An interpreter to assist the evaluative personnel with language and testing.

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

Section 226.160 Determination of Eligibility (Repealed)

~~Each school district shall develop written eligibility criteria that comply with the definitions of the disability categories identified in Section 226.75 of this Part.~~

~~a) Upon completing the administration of tests and any other evaluation procedures, the IEP Team shall meet to interpret the evaluation data. This shall be done for the purpose of determining whether the child is eligible for special education and related services. In making this determination, the IEP Team shall:~~

~~1) Draw upon information from a variety of sources, including aptitude and achievement tests, parental input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;~~

~~2) Ensure that information obtained from all of these sources is documented and considered; and~~

~~3) Ensure that a psychological evaluation has been conducted and a recommendation for eligibility has been made by a school psychologist for all children determined mentally impaired.~~

~~b) A child may not be determined eligible under this Part if the determinant factor for that determination is lack of instruction in reading or math or limited English proficiency and the child does not otherwise meet the district's eligibility criteria.~~

~~c) At the conclusion of the IEP Team's meeting, the team shall prepare a report~~

~~describing its consideration of pre-existing information about the child, all new evaluation reports obtained, and any other information relevant to the decision about the child's eligibility. This description shall relate the information considered to the child's needs and shall further conform to the requirements of Section 226.170(d) of this Part if applicable. The team's report shall also include:~~

~~1) the date of the meeting;~~

~~2) the signatures of the participants, indicating their presence at the meeting; and~~

~~3) any separate written statement provided by a participant who wishes to be on record as disagreeing with the conclusions expressed in the team's report.~~

~~d) The school district shall provide a copy of the IEP Team's report to the parent at the conclusion of the team's meeting. In addition, the district shall provide to the parent, within ten school days after the meeting, written notice conforming to the requirements of Section 226.520 of this Part as to the eligibility determination reached with respect to the child. The parent shall also be entitled to receive copies of any evaluation reports upon request.~~

~~e) A copy of the IEP Team's report, together with all documentation upon which it is based, shall become a part of the child's temporary student record.~~

~~f) If a child is determined eligible for special education and related services, an IEP shall be developed in accordance with Subpart C of this Part.~~

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

Section 226.170 Criteria for Determining the Existence of a Specific Learning Disability (Repealed)

~~The determination of the existence of a specific learning disability shall be conducted in accordance with the requirements set forth in the federal regulations at 34 CFR 300.541-543.~~

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

Section 226.180 Independent Educational Evaluation

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Parents have the right to obtain an independent educational evaluation of their child in accordance with 34 CFR 300.502 and Section 14-8.02(b) of the School Code~~, subject to the provisions of this Section~~. The following rights and requirements shall also apply.

a) ~~The district shall provide to the parents, upon their request, the list of independent educational evaluators developed by the State Board of Education pursuant to Section 226.830 of this Part. b)~~If the parents disagree with the district's evaluation and wish to obtain an independent educational evaluation at public expense, their request to that effect shall be submitted in writing to the local school district superintendent~~they shall submit to the local school district superintendent a written request to that effect~~.

~~c) If the district disagrees with the need for an independent educational evaluation, it shall initiate a due process hearing to demonstrate that its evaluation is appropriate. Such a hearing must be initiated by the local school district within five days following receipt of a written parental request for an independent educational evaluation.~~

~~d) An independent educational evaluation at public expense must be completed within 30 days after receipt of a parent's written request, unless the school district initiates a due process hearing or the parties agree that the 30-day period should be extended. If either party wishes such an extension and is unable to obtain the other party's agreement, the district shall initiate a due process hearing within ten school days after the date on which the extension was proposed.~~

~~e) If the final decision of the hearing and review process is that the school district's evaluation is appropriate, the parents shall have the right to an independent educational evaluation, but not at public expense.~~

~~f) If the school district's evaluation is shown to be inappropriate, the district shall pay for the independent educational evaluation or reimburse the parents for the cost of the evaluation.~~

~~g) If the parent is entitled to an independent educational evaluation at public expense, it shall be completed within 30 days after the decision is rendered, unless the parties agree that the 30-day period should be extended. If either party wishes such an extension and is unable to obtain the other party's agreement, the school district shall initiate a due process hearing within ten school days after the date on which the extension was proposed.~~

b)~~h)~~ When an independent evaluation is obtained at public expense, the party chosen to perform the evaluation shall be either:

1) an individual whose name is included on the list of independent educational evaluators developed by the State Board of Education pursuant to Section 226.830 of this Part~~provided by the State Board of Education~~ with regard to the relevant types~~type(s)~~ of evaluation; or

2) another individual possessing the credentials required by Section 226.840 of this Part.

c)~~i)~~ If the parent wishes an evaluator to have specific credentials in addition to those required by Section 226.840 of this Part, the parent~~parent(s)~~ and the school district shall agree on the qualifications of the examiner and the specific evaluations~~evaluation(s)~~ to be completed prior to the initiation of an independent educational evaluation at public expense. If agreement cannot be reached, the school district shall initiate a due process hearing subject to the time constraints set forth in this Section, as applicable.

~~j) The conditions under which an independent evaluation is obtained at public expense, including the location of the evaluation and the qualifications of the examiner, shall meet the criteria that the public agency uses when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an independent evaluation. Although the district may ask the parent to specify the areas of disagreement with the local school district's evaluation, the district may not impose any additional conditions or timelines related to obtaining an independent educational evaluation at public expense (such as requiring the parent to specify the areas of disagreement).~~

d)~~k)~~ ~~If the parent obtains an independent educational evaluation, the written result of that evaluation shall be considered by the IEP Team.~~ The district shall send the notice convening the IEP Team's meeting within ten days after receiving the evaluation report or after the parent requests a meeting to consider the results of an independent evaluation.

~~1) The district shall consider the results in any decision made with respect to the provision of a free appropriate public education to the child.~~

~~2) The independent evaluation results may be presented as evidence at a hearing or review regarding the child pursuant to this Part.~~

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

Section 226.190 Reevaluation (Repealed)

~~a) A local school district shall reevaluate an eligible child whenever conditions warrant a reevaluation or the child's parent or teacher requests a reevaluation, but at least once every three years. Reevaluations are subject to the applicable requirements of Sections 226.110 through 226.180 of this Part.~~

~~b) A district shall reevaluate an eligible child before determining that the child is no longer eligible pursuant to this Part.~~

~~c) A reevaluation is not required for a student who graduates from high school with a regular high school diploma or its equivalent or attains the age of 21. (See Section 226.50(k)(4) of this Part.)~~

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

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section 226.200 General Requirements

Each school district shall provide special education and related services to eligible children in accordance with their IEPs.

~~a) An IEP shall be in effect before special education and related services are provided to an eligible child.~~

~~b) Any activity undertaken with respect to a child's IEP (such as developing or revising the goals, benchmarks, short-term objectives, services, or placement) shall be conducted by an IEP Team that conforms to the requirements of Section 226.210 of this Part.~~

~~c) Each school district shall have an IEP in effect for each eligible child within its jurisdiction at the beginning of each school year.~~

~~1) When an IEP is developed or revised, notice to the parents shall be provided immediately in accordance with Section 226.520 of this Part, and implementation of the IEP shall occur no later than ten days after the~~

~~provision of such notice.~~

~~2) A school district shall provide special education and related services to eligible children in accordance with their IEPs. The district and teachers shall make efforts in good faith to assist children in achieving the goals and objectives or benchmarks listed in their IEPs. However, an IEP does not constitute a guarantee by a school district or teachers that a child will progress at a specified rate.~~

~~3) If a participating agency other than the local school district fails to provide transition services required by an IEP, the school district shall convene an IEP meeting to identify alternative strategies for meeting the applicable transition objectives established in the child's IEP.~~

~~d) A child's IEP shall be reviewed at least annually to determine whether the goals for the child are being achieved.~~

~~e) Either a child's teacher or a child's parent may request the review of the child's IEP at any time. Within ten days after receiving such a request, the district shall either agree and notify the parent in accordance with Section 226.530(b) of this Part or notify the parents in writing of its refusal, including an explanation of the reason no meeting is necessary to ensure the provision of FAPE for the child.~~

~~f) A child's IEP shall be revised if necessary to address:~~

~~1) any lack of expected progress related to the annual goals or the general curriculum, if appropriate;~~

~~2) the child's anticipated needs;~~

~~3) information about the child provided to or by the parents; or~~

~~4) any other relevant matters.~~

~~g) Each district shall have procedures in place for providing to involved staff members the information they need about the results of a child's IEP meeting, including any responsibilities they will have for implementation of the IEP.~~

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 226.210 IEP Team

The composition of the IEP Team for a particular child, and the participation, attendance, and excusal of the team members and other individuals in the IEP meeting, shall conform to the requirements of 34 CFR 300.321, 300.322, 300.324, and 300.325~~this Section~~. The additional requirements of this Section shall also apply.

a) If the child does not have a regular education teacher but is anticipated to receive at least some instruction in the regular education setting, the team shall include a general education classroom teacher qualified to teach children of that age. ~~The child's parents shall be members of the IEP Team.~~

b) For a child of less than school age, the team shall include an individual qualified to teach preschool children without identified disabilities.~~The IEP Team shall include at least one regular education teacher if the child is participating or may participate in the regular education environment.~~

~~1)~~ ~~This should be the teacher who is or may be responsible for implementing a portion of the IEP, so that the teacher can participate in discussions about how best to teach the child. The responsibilities of this teacher shall include assisting in:~~

~~A)~~ ~~the determination of appropriate positive behavioral interventions and strategies for the child; and~~

~~B)~~ ~~the identification of supplementary aids and services, program modifications, and supports for school personnel, consistent with 34 CFR 300.347(a)(3).~~

~~2)~~ ~~If the child does not have a regular teacher but is anticipated to receive at least some instruction in the regular education setting, the team shall include a regular classroom teacher qualified to teach children of that age.~~

~~3)~~ ~~For a child of less than school age, the team shall include an individual qualified to teach preschool children.~~

c) ~~The team shall include at least one special education teacher. If known, this shall be the person who is or will be responsible for implementing a portion of the child's IEP.~~ If the child is receiving only speech and language services, the speech and language pathologist shall fulfill the~~this~~ role of the special education

teacher set forth at 34 CFR 300.321(a)(3).

d) The representative of the public agency required by 34 CFR 300.321(a)(4) must, in addition to the requirements set forth in that portion of the federal regulations, haveIf the child has more than one regular or special education teacher, the local school district may designate which teacher(s) will participate. e)The IEP Team shall include a representative of the local school district who: 1)Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; 2)Is knowledgeable about the general curriculum; 3)Is knowledgeable about the district's resources; and 4)Has the authority to make commitments for the provision of resources and beis able to ensure that the services set out in the IEP will be implemented.

f) The IEP Team may include a qualified bilingual specialist or bilingual teacher, if the presence of such a person is needed to assist the other participants in understanding the child's language and cultural factors as they relate to the child's instructional needs.

g) In the case of a child whose behavior impedes his or her learning or the learning of others, the team may include a person knowledgeable about positive behavior strategies, who may be one of the individuals enumerated in subsections (b) through (f) and (h) of this Section.

h) The IEP Team shall include an individual who is qualified to interpret the instructional implications of the evaluation results, who may be one of the individuals enumerated in subsections (b) through (g) of this Section.

i) In the case of a student for whom transition services must be planned, the district shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services. If a public agency invited to send a representative to a meeting does not do so, the district shall document other steps taken to obtain participation of that agency in the planning of any transition services.

j) Participation of Student

1) Either the district or the parent may invite the student who is the subject of the IEP meeting to attend.

2) The district shall invite the student when a purpose of the meeting is to

~~plan for transition services needed by the student. The notice to the student shall conform to the requirements of Section 226.520(b)(8) of this Part. If the student does not attend, the district shall take other steps to ensure that the student's preferences and interests are considered.~~

~~3)~~ ~~The district shall invite the student and the parent when Section 226.690 of this Part applies. The student's absence from the IEP meeting shall be subject to the provisions for parental participation set forth in Section 226.530 of this Part.~~

~~k)~~ ~~At the discretion of the parent (or the student, if applicable) or the district, the IEP Team shall include other individuals with knowledge or special expertise regarding the child, including providers of related services.~~

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

Section 226.220 ~~Factors in~~ Development, Review, and Revision of the IEP

The development, review, and revision of each child's IEP shall conform to the requirements of 34 CFR 300.324 and 300.328. The additional requirements of this Section shall also apply.~~In developing a child's IEP, the IEP Team shall consider the strengths of the child and the concerns of the parents for enhancing the child's education, as well as the results of the most recent valid evaluation and any available assessment information that may be useful. If the IEP Team determines that one or more of the factors described in this Section could impede learning or that the child needs a particular device or service (including an intervention, accommodation, behavioral intervention or strategy, or other program modification or support for school personnel) in order for the child to receive FAPE, these needs shall be documented in the IEP.~~

a) When an IEP is developed or revised, notice to the parents shall be provided immediately in accordance with 34 CFR 300.503(b) and (c) and implementation of the IEP shall occur no later than ten days after the provision of this notice. ~~The team shall consider whether the child requires assistive technology devices and services.~~

b) Either a child's educational provider or a child's parent may request the review of the child's IEP at any time. Within ten days after receipt of such a request, the district shall either agree and notify the parent in accordance with 34 CFR 300.503 or notify the parents in writing of its refusal, including an explanation of the reason no meeting is necessary to ensure the provision of FAPE for the child. ~~The team shall consider whether the child has any special needs related to~~

~~communication.~~

~~c)~~ ~~In the case of a child of limited English proficiency, the team shall consider the language-related needs of the child.~~

~~d)~~ ~~In the case of a child who is deaf or hard of hearing, the team shall consider the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and mode of communication, academic level, and full range of needs, including opportunities for direct instruction in the child's language and mode of communication.~~

~~e)~~ ~~In the case of a child whose behavior impedes his or her learning or the learning of others, the team shall consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior.~~

~~f)~~ ~~In the case of a child who is visually impaired, the team shall consider whether instruction in Braille and/or the use of Braille will be necessary. To omit or discontinue Braille instruction or use requires an evaluation of the child's reading and writing skills and needs and a determination by the IEP Team that Braille is not appropriate.~~

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

Section 226.230 Content of the IEP

The content of each child's IEP shall conform to the requirements of 34 CFR 300.320. The additional requirements of this Section shall also apply.~~Nothing in this Section shall be construed to require the inclusion of information in one section of a child's IEP that is already contained in another section.~~

a) Each IEP shall include: ~~all the components enumerated in this subsection (a).~~

1) ~~A statement of the child's present levels of educational performance, including: A)How the child's disability affects the child's involvement and progress in the general curriculum; or B)For a preschool child, how the disability affects the child's participation in appropriate activities. 2)~~A statement of measurable annual goals that reflect consideration of the State Goals for Learning and the Illinois Learning Standards (see 23 Ill. Adm. Code 1), as well as benchmarks or short-term objectives developed in

accordance with the child's present levels of educational performance.~~, related to:~~

~~A) Meeting the child's needs that result from the child's disability, to enable the child to be involved in and progress in the general curriculum or, for preschool children, to participate in activities appropriate to the child's age; and~~

~~B) Meeting each of the child's other educational needs that result from the child's disability.~~

~~3) A description of how the child's progress toward his or her annual goals will be measured and of how the parent(s) will be informed of the child's progress. This description shall include a statement of the child's ability to participate in classroom-based assessments and what accommodations are necessary, if any. If the child is unable to participate even with accommodations, a description of the alternative assessment(s) and/or method(s) to be used shall also be provided.~~

~~A) Parents of children with disabilities shall be informed of their children's progress at least as often as parents of children without disabilities are informed of their children's progress.~~

~~B) The information provided to the parents of a child served pursuant to this Part shall include a description of the child's progress toward his or her annual goals and an indication of the extent to which that progress is sufficient to enable the child to achieve those goals by the time the current IEP will require annual review.~~

2)~~4)~~ A statement regarding~~of~~ the child's ability to participate in State and district-wide assessments.

~~A) This statement must describe any individual accommodations that are needed in order for the child to participate in a given assessment.~~

~~B) If the IEP Team determines that the child will not participate in a particular assessment of student achievement (or part of an assessment), a statement as to:~~

~~i) Why that assessment is not appropriate for the child; and~~

~~ii) How the child's performance will be assessed, including a description of the alternate assessments to be used.~~

3)~~5)~~ A statement as to the languages~~language(s)~~ or modes~~mode(s)~~ of communication in which special education and related services will be provided, if other than or in addition to English.

~~6) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular education class and in extracurricular and other nonacademic activities.~~

~~7) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided in order for the child:~~

~~A) To advance appropriately toward attaining the annual goals;~~

~~B) To be involved and progress in the general curriculum and to participate in extracurricular and other nonacademic activities.~~

~~8) The projected beginning date for the services and modifications described in subsection (a)(7) of this Section; the amount, frequency, location, and duration of each of the services and modifications.~~

4)~~9)~~ A statement as to whether the child requires the provision of services beyond the district's normal school year in order to receive FAPE ("extended school year services") and, if so, a description of those services that includes their amount, frequency, duration, and location.

~~10) The placement that the team has determined to be appropriate for the child.~~

b) An IEP that contains one or more goals addressing the child's behavior shall also include a behavioral intervention plan as described in this subsection (b). A behavioral intervention plan may, however, also be included in an IEP that does not contain a goal addressing the child's behavior, if deemed appropriate by the IEP Team. Each~~The IEP of a student who requires a~~ behavioral intervention plan

shall:

1) Summarize the findings of the functional behavioral assessment;

2) Summarize prior interventions~~intervention(s)~~ implemented;

3) Describe any behavioral interventions~~intervention(s)~~ to be used, including those aimed at developing or strengthening alternative or more appropriate behaviors;

4) Identify the measurable behavioral changes expected and methods~~method(s)~~ of evaluation;

5) Identify a schedule for a review of the interventions'~~intervention's~~ effectiveness; and

6) Identify provisions for communicating with the parents about their child's behavior and coordinating school-based and home-based interventions.

c) Beginning not later than the first IEP to be in effect when the child turns 14½ , and updated annually thereafter, the IEP shall include: ~~The IEP for a student who has reached the age of 14 shall also include a description of the student's transition service needs under the applicable components of the IEP, with specific reference to the student's courses of study.~~

1) appropriate, measurable, postsecondary goals based upon age-appropriate assessments related to training, education, employment, and, where appropriate, independent living skills;

2) the transition services that are needed to assist the child in reaching those goals, including courses of study and any other needed services to be provided by entities other than the school district; and

3) any additional requirements set forth in Section 14-8.03 of the School Code [105 ILCS 5/14-8.03].

d) For purposes of 34 CFR 300.320(c), the age of majority under Illinois law is 18. ~~The IEP for a student who has reached the age of 14½ shall include goals for employment, postsecondary education, or community living alternatives and a description of transition supports or services, based on the student's needs,~~

~~including identification of the agency responsible for delivering any needed support or service and, as applicable, any interagency responsibilities or needed linkages. e)The IEP for a student who has reached the age of 17 shall include documentation indicating that the student has been informed of the rights under the Individuals with Disabilities Education Act that will transfer to the student when he or she reaches the age of 18. f)~~The IEP of a student who may, after reaching age 18, become eligible to participate in the home-based support services program for ~~mentally disabled~~ adults with cognitive disabilities that is authorized by the Developmental Disability and Mental Disability Services Act [405 ILCS 80] shall set forth specific plans related to that program that conform to the requirements of Section 14-8.02 of the School Code.

~~g) Students Incarcerated as Adults~~

~~1) The IEP of a student incarcerated as an adult is not required to comply with:~~

~~A) The requirements of subsection (a)(4) of this Section regarding assessment; and~~

~~B) The requirements of subsections (c) and (d) of this Section regarding planning for the transition to adult life and services to assist with that transition, if the student's eligibility for special education will end before he or she will be eligible to be released from prison.~~

~~2) The IEP Team may modify a student's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements of Section 226.240(c) of this Part regarding placement in the least restrictive environment shall not apply in these circumstances.~~

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

Section 226.240 Determination of Placement

The determination of placement shall conform to the requirements of 34 CFR 300.114 through 300.116, 300.327, and 300.501(c).~~a)The placement determination shall be made by the IEP Team. b)The placement determination shall be consistent with the child's IEP. c)The placement determination shall provide the least restrictive environment for the child. 1)To the maximum~~

~~extent appropriate, each child, including children in public or nonpublic residential facilities, shall be educated with children who are nondisabled. 2)Special education classes, separate schooling, or other removal of children with disabilities from the regular education environment shall occur only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. 3)Each child's placement shall be as close as possible to his or her home. 4)Unless the IEP requires some other arrangement, a child shall be educated in the school he or she would attend if not disabled. 5)Consideration shall be given to the possible harmful effect of a placement on the child or on the quality of services received. 6)A child shall not be removed from an age-appropriate regular classroom solely because of needed modifications in the general curriculum. d)The placement decision shall, to the maximum extent appropriate, permit the child to participate in nonacademic and extracurricular services and activities (e.g., meals, recess, recreational activities, and clubs sponsored by the district). e)~~ The placement determination shall be reviewed at least annually or any time the IEP is revised.

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

Section 226.250 Child Aged Three Through Five

In the case of an eligible child three through five years of age, an IFSP that contains the material described in 34 CFR 300.323(b)~~20 USC 1436~~ may serve as a child's IEP if using that plan is agreed to by the local school district and the child's parents. If a district proposes to use an IFSP, the local school district shall:

a) Provide a detailed explanation of the differences between an IFSP and an IEP to the child's parents;

b) Obtain informed, written consent from the parents for the use of the IFSP; and

c) Ensure that the~~The~~ IFSP is~~shall be~~ developed in accordance with the IEP requirements found in Subpart C~~Sections 226.200 through 226.230~~ of this Part.

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

Section 226.260 Child Reaching Age Three

a) Child with an IFSP
For each child who will be making the transition from an early intervention program into the special education program of a school district at age three, the district shall ensure that either an IEP or the child's IFSP is in effect on his or her

third birthday. A representative of the school district shall participate in the transition meeting scheduled by the early intervention team.

b) Child Without an IFSP

1) For each child who is referred to a school district at least 60 school days prior to his or her third birthday and determined eligible, the district shall ensure that either an IEP or an IFSP is in effect on his or her third birthday.

2) For each child who is referred with fewer than 60 ~~school~~ days remaining before his or her third birthday, or after that date, ~~and determined to be eligible,~~ the district shall comply with the requirements of Section 226.110(c)-(j)~~226.110(c) and (d)~~ of this Part.

c) If a child's third birthday occurs during the summer, the IEP Team for that child shall determine when the district's services to the child will begin.

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

SUBPART D: PLACEMENT

Section 226.300 Continuum of Placement Options

Each local school district shall, in conformance with the requirements of 34 CFR 300.38 and 300.115, ensure that a continuum of placements is available to meet the needs of children with disabilities for special education and related services. With respect to the home instruction and instruction in hospitals and institutions referenced in 34 CFR 300.38 and 300.115: ~~The continuum shall include at least the following.~~

a) ~~Regular Classes~~

~~The child receives his or her basic educational experience through instruction in regular classes. However, these experiences are supplemented through:~~

~~1) Additional or specialized instruction from the teacher;~~

~~2) Consultation to and with the teacher by providers of special education and related services;~~

~~3) Provision of special equipment, materials, and accommodations;~~

~~4) Modification in the instructional services (e.g., multi-age placement, expectations, grading, etc.);~~

~~5) Modification of curricular content or educational methodology; or~~

~~6) Other supplementary services, such as itinerant or resource services, in conjunction with the regular class placement.~~

~~b) Special Classes~~

~~The child receives specially designed instruction through a special education class. The child is included in those parts of regular classes which are appropriate.~~

~~c) Special Schools~~

~~The child receives specially designed instruction in a special school. The child is included in those parts of regular classes which are appropriate.~~

~~d) Home/Hospital Services~~

The child receives services at home or in a hospital or other setting because he or she is unable to attend school elsewhere due to a medical condition.

b)~~1)~~ When an eligible student has a medical condition that will cause an absence for two or more consecutive weeks of school or ongoing intermittent absences, the IEP Team for that child shall consider the need for home or hospital services. Such consideration shall be based upon a written statement from a physician licensed to practice medicine in all its branches which specifies:

1)~~A)~~ the child's condition;

2)~~B)~~ the impact on the child's ability to participate in education (the child's physical and mental ~~health~~ level of tolerance for receiving educational services); and

3)~~C)~~ the anticipated duration or nature of the child's absence from school.

c)~~2)~~ If an IEP Team determines that home or hospital services are medically necessary, the team shall develop or revise the child's IEP accordingly.

d)~~3)~~ The amount of instructional or related service time provided through the home or hospital program shall be determined in relation to the child's educational needs and physical and mental health needs. The amount of instructional time shall not be less than five hours per week unless the physician has certified in writing that the child should not receive as many as five hours of instruction in a school week.

e)~~4)~~ A child whose home or hospital instruction is being provided via telephone or other technological device shall receive not less than two hours per week of direct instructional services.

f)~~5)~~ Instructional time shall be scheduled only on days when school is regularly in session, unless otherwise agreed to by all parties.

g)~~6)~~ Services required by the IEP shall be implemented as soon as possible after the district receives the physician's statement.

~~e) State-Operated or Nonpublic Programs~~

~~The child is served in a State-operated or nonpublic facility because his or her disabilities are so profound or complex that no services offered by the public schools can meet his or her needs.~~

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

Section 226.310 Related Services

Each school district shall ensure that related~~Related~~ services (defined in 34 CFR 300.34) are~~shall be~~ provided if necessary to assist an eligible child in benefiting from his or her special education. ~~The related services that will be provided to a particular child shall be described in the IEP in conformance with the requirements of Section 226.230(a)(7) and (8) of this Part. The most commonly provided related services include assistive technology; audiology; counseling services; early identification and assessment of disabilities; diagnostic medical services; occupational therapy; orientation and mobility services; parent counseling and training; physical therapy; recreation; rehabilitation counseling; school health services; school psychological services; school social work services; special readers, braillists, typists, and interpreters; speech-language pathology services; transition services; transportation; and vocational education.~~

~~a) Assistive Technology: Any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device as defined in Section 226.75 of this Part. Examples include:~~

~~1) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;~~

~~2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices for children with disabilities;~~

~~3) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;~~

~~4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;~~

~~5) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and~~

~~6) Training or technical assistance for individuals providing education or rehabilitation services, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of a student with a disability.~~

~~b) Audiology includes such services as:~~

~~1) Identification of children with hearing loss;~~

~~2) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;~~

~~3) Provision of habilitative activities such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;~~

~~4) Creation and administration of programs for the prevention of hearing loss;~~

5) Counseling and guidance for pupils, parents, and teachers regarding hearing loss; and

6) Determination of a child's need for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

c) Occupational Therapy:

1) Improving, developing or restoring functions impaired or lost through illness, injury, or deprivation;

2) Improving ability to perform tasks for independent functioning;

3) Preventing, through early intervention, initial or further impairment or loss of function.

d) Orientation and Mobility Services: Services provided to a blind or visually impaired child to enable the child to attain systematic orientation to and safe movement within the environments in school, home, and community. Includes teaching a child:

1) Spatial and environmental concepts and the use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (for example, using sound at a traffic light to cross the street);

2) The use of the long cane to supplement visual travel skills or as a tool for safely negotiating the environment;

3) The use of remaining vision and low vision aids; and

4) Other concepts, techniques, and tools deemed appropriate for the child.

e) Parent Counseling and Training: Services to assist parents in understanding the special needs of their child, provide parents with information about child development, and help parents to acquire the skills that will allow them to support the implementation of their child's IEP or IFSP.

f) Recreation: Services such as:

~~1) Assessment of leisure function;~~

~~2) Therapeutic recreation services;~~

~~3) Recreation programs in schools and community agencies; and~~

~~4) Leisure education.~~

~~g) Rehabilitation Counseling: Services provided in individual or group sessions that focus on career development, preparation for employment, achieving independence, and integration in the workplace and community of a student with a disability.~~

~~h) School Health Services include such activities as:~~

~~1) Preparing a health assessment by conducting interviews with a child's parents and teachers, reviewing the Certificate of Child Health Examination, reviewing the vision and hearing screening results and other pertinent health information, and recommending additional medical evaluations as indicated;~~

~~2) Interpreting health assessment results;~~

~~3) Obtaining, integrating, and interpreting pertinent health information about a child as it applies to learning;~~

~~4) Consulting with other staff members in planning school programs to meet the needs of children who require the provision of special health services at school;~~

~~5) Planning and managing a program of school health services to meet the specific needs of all children;~~

~~6) Identifying and mobilizing community health resources to enable children to learn as effectively as possible in the educational program; and~~

~~7) Administering medication.~~

~~i) School Psychological Services may include such activities as:~~

~~1) Administering psychological and educational tests and other assessment procedures;~~

~~2) Interpreting assessment results;~~

~~3) Obtaining, integrating, and interpreting information about children's behavior and conditions relating to learning;~~

~~4) Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations;~~

~~5) Planning, managing, and providing a program of psychological services, including psychological counseling for children and parents; and~~

~~6) Assisting in completing a functional behavioral assessment, as well as assisting in the development of positive behavioral intervention strategies.~~

~~j) School Social Work Services may include activities such as:~~

~~1) Preparing a social developmental study on a child with a disability;~~

~~2) Group and individual counseling with a child and his or her family;~~

~~3) Working with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;~~

~~4) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and~~

~~5) Assisting in completing a functional behavioral assessment, as well as assisting in the development of positive behavioral intervention strategies.~~

~~k) Speech-Language Pathology Services encompass such activities as:~~

~~1) Screening, diagnosis and appraisal of specific speech and language impairments;~~

~~2) Identification of children with speech and/or language impairments;~~

~~3) Referral and follow-up for medical or other professional attention necessary for the habilitation of speech and language impairments;~~

~~4) Planning and developing interventions and programs for children or youth with speech and language impairments;~~

~~5) Provision of services for the habilitation and prevention of speech and language impairments; and~~

~~6) Counseling and guidance of parents, children, and teachers regarding speech and language impairments.~~

~~l) Transportation: Special transportation services required because of the child's disability or the location of the special education program or related services, and which are in addition to the regular transportation services provided by the local school district.~~

~~1) Travel to and from school and between schools;~~

~~2) Travel in and around school buildings;~~

~~3) Specialized vehicles, specialized equipment (such as lifts and ramps, whether provided on regular, adapted, or special buses), and personnel who provide assistance to students in the course of transportation~~

~~m) Travel Training: Providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to:~~

~~1) Develop an awareness of the environment in which they live; and~~

~~2) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).~~

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

Section 226.330 Placement by School District in State-Operated or Nonpublic Special

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Education Facilities

When an IEP Team determines that no less restrictive setting on the continuum of alternative placements will meet a child's needs, the child may be placed in a State-operated or nonpublic special education facility. In such a case, use of a State-operated program should be given first consideration. However, the district shall refer the child to the agency or facility which is most appropriate to the individual situation. This determination shall be based upon recent diagnostic assessments and other pertinent evidence and made in light of such other factors as proximity to the child's home. Evidence of a condition that presents a danger to the physical well-being of the student or to other students may be taken into consideration in identifying the appropriate placement for a particular child.

a) When it appears that a child will require a placement pursuant to this Section, the IEP Team shall invite representatives of potential service providers to assist in identifying or verifying the appropriate placement for that child. If one or more needed representatives cannot attend, the district shall use other methods to ensure their participation.

b) The local school district is responsible for ensuring implementation of the child's IEP and convening any needed IEP meetings, including the annual review. If the district allows a State-operated or nonpublic school to initiate and conduct the IEP meeting, the district must ensure that the parent and a representative of the district are invited to participate in any decision about the child's IEP and agree to any proposed changes in the program before the changes are implemented. The district remains responsible for the development and implementation of the child's IEP and for compliance with the requirements of this Part.

c) No school district shall place any child in a nonpublic special education program, nor shall any such program accept placement of any child with a disability under Section 14-7.02 of the School Code [105 ILCS 5/14-7.02], unless all the following conditions have been met.

1) The program has been approved by the State Board of Education pursuant to the criteria set forth in 23 Ill. Adm. Code 401 (Special Education Facilities Under Section 14-7.02 of the School Code) for the school year for which placement is sought.

2) The allowable costs for the program have been established pursuant to Section 14-7.02 of the School Code.

3) The district has made the certification of inability to meet the student's needs to the State Superintendent of Education, if required pursuant to Section 14-7.02 of the School Code, and the State Superintendent has found the district in substantial compliance with Section 14-4.01 of the School Code [105 ILCS 5/14-4.01].

4) The program has been approved by the State Board of Education for all of the disability categories applicable to the student and requiring services pursuant to the IEP.

5) The program has been approved by the State Board of Education for the age range that includes the age of the student.

6) The district has determined that all educational programming and related services specified on the child's IEP will be provided to the student~~by the facility~~. The use of a ~~nonpublic~~ facility or program pursuant to 23 Ill. Adm. Code 401 does not relieve the local school district of the responsibility for ensuring that the student will receive~~the provision of~~ all programming and related services required by the IEP, whether from one source or from multiple sources.

7) The school district and the facility have entered into the contractual agreement required by subsection (d) of this Section.

8) The child will receive an education that meets the standards applicable to education provided by the school district.

d) If a nonpublic school placement is chosen, the district and the facility shall enter into an agreement utilizing a format provided by the State Board of Education. The agreement shall provide for, but need not be limited to:

1) The child's IEP, as developed by the local school district;

2) The amount of tuition that will be charged;

3) Assurance that the special education staff of the placing school district may inspect the private facility and confer with the staff at reasonable times; and

4) Assurances that the placement will result in no cost to parents.

e) When a nonpublic facility is used, the school district shall be responsible for the payment of tuition and the provision of transportation as provided by Section 14-7.02 of the School Code. (See also Section 226.750(b)~~226.750(e)~~ of this Part.)

f) Each local school district shall be responsible for monitoring the performance of each State-operated or nonpublic facility where it has placed one or more eligible students, to ensure that the implementation of each IEP conforms to the applicable requirements of this Part.

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

Section 226.340 Nonpublic Placements by Parents Where FAPE is at Issue

This Section shall apply to students with disabilities who have been, or are to be, placed in a non-public facility by their parents following the parents' refusal to accept an offer of FAPE by a school district. For such students, the reimbursement obligations and other requirements set forth at 34 CFR 300.148 shall be applicable. If a determination is made by a hearing officer or court of law that the school district is not obligated to provide special education or reimbursement to such a student, the school district shall treat the student as a student defined by Section 226.350 of this Part.

~~Except as provided in 34 CFR 300.403, a parent who elects to place a child in a nonpublic school or facility without the consent or referral of the local school district is not entitled to have the district pay for that placement if the district made or attempted to make FAPE available to the child.~~

~~a) Disagreements between a parent and a school district regarding the district's provision of an appropriate program for a particular child shall be resolved by means of the due process afforded pursuant to Subpart G of this Part.~~

~~b) No child who is placed into a nonpublic facility by his or her parent(s) without the consent or referral of the local school district has an individual right to receive the special education and related services that the child would receive if enrolled in the district. Instead, a district's services to such children are subject to the provisions of Section 226.350 of this Part.~~

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

Section 226.350 Service to Parentally-Placed~~Children in~~ Private School Students~~Schools~~

"Parentally-Placed Private School Students" shall be defined as set forth in 34 CFR 300.130. As noted in Section 226.110 of this Part, school districts shall conduct child find for parentally-placed private school students in conformance with the requirements of 34 CFR 300.131. Each school district shall also conform to the requirements of 34 CFR 300.132 through 300.144. In fulfilling the requirements of 34 CFR 300.134 (Consultation) and 300.135 (Affirmation), school districts that are members of the same special education joint agreement are permitted to conduct jointly their consultation with private school and parent representatives. However, even when multiple districts' funds are pooled by a joint agreement, the amounts that are required to be used for services to parentally-placed private school students must be spent in accordance with each member district's "proportionate share" obligation. School districts that are members of the same special education joint agreement shall be prohibited from aggregating proportionate share funds when determining services for parentally-placed private school students.

~~a) To the extent consistent with their number and locations in the State, provision must be made by school districts for services to children with disabilities who have been enrolled in private schools by their parents.~~

~~1) Each school district shall consult annually with representatives of private schools in light of the funding available for serving their students, the number of such students, their needs, and their respective locations to decide:~~

~~A) Which children will receive services;~~

~~B) What services will be provided;~~

~~C) How the services will be provided;~~

~~D) How the services provided will be evaluated; and~~

~~E) Where the services will be provided.~~

~~2) Each school district shall give representatives of private schools a genuine opportunity to express their views regarding each matter that is subject to the consultation requirements of this subsection (a).~~

~~3) The consultation required by this subsection (a) shall occur before the school district makes any decision that affects the opportunities of private school children with disabilities to participate in services.~~

4) ~~The school district shall make the final decisions with respect to the services to be provided to eligible children who are enrolled in private schools.~~

5) ~~The school district shall maintain a written record of actions taken in compliance with the requirements of this subsection (a).~~

b) ~~The services provided by a school district to children with disabilities enrolled in private schools shall be comparable in quality to the services provided to eligible children enrolled in the district. "Comparable in quality" means provided by similarly qualified personnel.~~

1) ~~Eligible students in private schools may receive a different amount of services than eligible children in public schools.~~

2) ~~No individual child must receive a specific service or receive the same amount of service the child would receive in a public school.~~

3) ~~For any child served pursuant to this Section, the school district shall develop a service plan that identifies the services that the district will provide to the child. The plan shall meet the requirements of Section 226.230 of this Part and shall be developed, reviewed, and revised consistent with Sections 226.200, 226.210, 226.220, and 226.530 of this Part.~~

c) ~~Services may be provided on site at a child's private school, including a religiously affiliated school, to the extent consistent with the provisions of IDEA (20 USC 1413(d)).~~

d) ~~Transportation to and from a site other than the private school shall be provided if necessary for a child to benefit from or participate in the services offered by the district at that site. This includes transportation from the service site to the private school or to the child's home, depending upon the timing of services.~~

e) ~~When a student receives services from a school district pursuant to this Section, the procedural safeguards described in Subpart F of this Part shall be available only with respect to complaints that the district has failed to fulfill the requirements of this Section. The due process requirements of Subpart G of this Part shall not apply.~~

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART E: DISCIPLINE

Section 226.400 Disciplinary Actions

With respect to disciplinary action concerning children with disabilities, school districts shall conform to the requirements of 34 CFR 300.530 through 300.536, as well as Section 10-22.6 of the School Code [105 ILCS 5/10-22.6]. In addition, upon the occurrence of any act that may subject the student either to expulsion from school or suspension resulting in more than ten cumulative days of suspension during any one school year, the district shall be required to convene a meeting of the IEP Team to review the student's behavioral intervention plan or, if a behavioral intervention plan has not yet been developed, to develop one.

~~a) School personnel may order the removal of an eligible child from his or her current placement for periods of no more than ten consecutive school days each in response to separate incidents of misconduct, as long as such repeated removals do not constitute a pattern based on consideration of factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another. In such a case, these removals shall not be considered to constitute a change in placement.~~

~~1) After an eligible child has been removed from his or her placement for ten school days in the same school year, the district shall provide services to the child on any subsequent day(s) of removal.~~

~~2) School personnel, in consultation with the child's special education teacher, shall determine the extent of the services to be provided, which shall be adequate to enable the child to progress appropriately in the general curriculum and advance toward achieving the goals set forth in his or her IEP.~~

~~b) Any removal of a student (i.e., any "suspension") shall be reported immediately to the student's parents, along with a full statement of the reasons for the suspension, a copy of which shall also be given to the school board. The district shall provide the parents notice of their right to request that the district review the suspension decision, as required by Section 10-22.6 of the School Code [105 ILCS 5/10-22.6].~~

~~c) When a district first removes a child for more than ten school days in a school year or initiates a removal that will constitute a change in placement, the district shall, no later than ten business days after the date of such removal, either:~~

~~1) convene an IEP meeting to review and, if necessary, revise the child's existing behavioral intervention plan as appropriate to address the child's behavior; or~~

~~2) convene an IEP meeting to develop a plan for a functional behavioral assessment for the child and, as soon as possible thereafter, develop a behavioral intervention plan for the child in light of that assessment.~~

~~d) Upon any subsequent removal of a child that does not constitute a change in placement, the members of the IEP Team shall review the child's behavioral intervention plan and its implementation. If any one member of the team believes that the plan needs to be modified, the district shall convene an IEP meeting to review the plan and revise it as the team deems appropriate.~~

~~e) A student may be suspended from using the transportation provided by the school district if his or her behavior warrants such a measure. When suspending transportation privileges results in the student's absence from school on a given day, that day shall be considered a day of suspension or removal, and the requirements of Section 10-22.6 of the School Code shall apply.~~

~~f) School personnel may order a change in placement for an eligible child to an interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, up to a maximum of 45 days, if:~~

~~1) the child carries a weapon, as defined at 34 CFR 300.520, to school or to a school function under the jurisdiction of a state or a local school district; or~~

~~2) the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance, both as defined at 34 CFR 300.520, while at school or a school function under the jurisdiction of a state or a local school district.~~

~~g) No later than ten business days after making the decision to place the child in an alternative setting, the district shall convene an IEP meeting as delineated in~~

~~subsection (c) of this Section.~~

~~h) The interim alternative educational setting in which a child is placed pursuant to subsection (f) of this Section shall be identified by the child's IEP Team.~~

~~1) The setting shall be selected so as to enable the child to continue to progress in the general curriculum.~~

~~2) While the child is served in the interim alternative educational setting, he or she shall continue to receive the services and modifications set forth in the IEP.~~

~~3) The placement shall include services and modifications designed to address the behavior that resulted in the child's being removed from his or her current educational placement and to prevent that behavior from recurring.~~

~~i) Interim alternative educational settings for students who exhibit behavior that is likely to result in injury to themselves or others are subject to the provisions of Section 226.655 of this Part.~~

~~j) No eligible child shall be expelled for behavior or a condition which is, or results from, the child's disability. If a district is considering expelling an eligible student, the district shall:~~

~~1) Conduct a manifestation determination review as described in Section 226.410 of this Part;~~

~~2) Adhere to the requirement of Section 10-22.6(a) of the School Code regarding meeting with the parent(s); and~~

~~3) Maintain the child in an appropriate placement.~~

~~k) An expulsion constitutes a change in placement and requires revision of the child's IEP in a manner that conforms to the applicable requirements of Subpart C of this Part. Cessation of services to an eligible child is prohibited during a period of expulsion.~~

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 226.410 Manifestation Determination Review (Repealed)

~~The requirements of this Section shall apply whenever a disciplinary action is contemplated with respect to an eligible child that will constitute a change in placement and that action is being considered because of behavior that violates any rule or code of conduct of the school district that applies to all students.~~

~~a) On the date when the district determines that disciplinary action will be taken, the district shall notify the parents in writing to that effect and shall notify them of the procedural safeguards that apply.~~

~~b) As soon as possible, but in no event more than ten school days after the date on which the district determines that disciplinary action will be taken, the district shall conduct a review of the relationship between the child's disability and the behavior that is subject to the disciplinary action (a "manifestation determination review").~~

~~c) The manifestation determination review shall be conducted by the IEP Team.~~

~~d) The IEP Team shall determine whether the child's behavior was a manifestation of his or her disability. In making its determination, the IEP Team shall consider all available relevant information, including:~~

~~1) evaluation and diagnostic results, including information supplied by the child's parent(s);~~

~~2) observations of the child; and~~

~~3) the child's current IEP and placement.~~

~~e) The team may determine that the subject behavior was not a manifestation of the child's disability only if it is determined that:~~

~~1) The child's IEP and placement were appropriate, and special education services, supplementary aids and services, and behavioral intervention strategies were provided consistent with that IEP and that placement.~~

~~2) The child's disability did not impair his or her ability to understand the impact and consequences of the behavior.~~

~~3) The child's disability did not impair his or her ability to control the behavior.~~

~~f) If the child's behavior is determined to have been a manifestation of his or her disability, the district shall immediately initiate steps to remedy any deficiencies identified in the IEP or its implementation, so that such deficiencies may be removed as soon as possible.~~

~~g) If the child's behavior is determined not to have been a manifestation of the disability, the district may apply relevant disciplinary procedures in the same manner as it would with respect to children without disabilities. In such a case, the district shall ensure that the student's special education and disciplinary records are provided for consideration by the person(s) making the final determination regarding the disciplinary action to be taken.~~

~~h) When the application of a disciplinary measure results in a change in placement, services shall be provided to the extent determined necessary by the IEP Team to enable the student to progress in the general curriculum and advance appropriately toward achieving the goals set forth in his or her IEP.~~

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

Section 226.420 Appeals (Repealed)

~~a) If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the disability or with any disciplinary decision regarding placement, the parent may request an expedited due process hearing in accordance with Subpart G of this Part.~~

~~b) The local school district, upon receiving the parent's request for a due process hearing, shall immediately initiate the procedure set forth in Section 226.615 of this Part to request an expedited due process hearing.~~

~~c) If a parent requests a due process hearing to challenge the interim alternative educational setting or the manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day period, whichever occurs first, unless the parent and the district agree otherwise. The same shall apply if a parent appeals the decision of a hearing officer in this regard.~~

~~d) If a child's IEP Team proposes a new placement to take effect upon the expiration of an interim placement, and if the child's parent wishes to challenge that new placement, the child shall return to the placement previously set forth in his or her IEP (i.e., prior to placement in the interim alternative educational setting) during the pendency of any due process hearing, except as provided in subsection (e) of this Section. (For purposes of this subsection (d), "new placement" may mean placement in the same alternative educational setting that was used as an interim alternative.)~~

~~e) If school personnel consider that it is too dangerous for the child to be returned to the current placement, the district may request an expedited due process hearing to extend the length of time the student may remain in the interim alternative educational setting. (See Section 226.655 of this Part.)~~

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

Section 226.430 Protection for Children Not Yet Eligible for Special Education (Repealed)

~~a) A child who has not been determined eligible under this Part and who has engaged in behavior that violated any rule or code of conduct of the local school district may assert any of the protections provided for in this Part if the school district had knowledge that the child might be an eligible child before the occurrence of the behavior that precipitated disciplinary action.~~

~~b) A district shall be deemed to have knowledge that a child may be an eligible child if, prior to the incident:~~

~~1) The parent of the child has expressed concern in writing (or orally, if the parent is illiterate in English or has a disability that prevents a written statement) to personnel of the school district that the child is in need of special education and related services;~~

~~2) The behavior or performance of the child demonstrates the need, or a potential need, for such services;~~

~~3) The parent of the child has requested an evaluation of the child; or~~

~~4) The child's teacher or another school employee has expressed concern in writing about the behavior or performance of the child to the director of special education or to other district personnel, in accordance with the~~

~~district's child find or referral procedures.~~

~~c)~~ ~~A district shall not be deemed to have knowledge that a child may be an eligible child if:~~

~~1)~~ ~~the district determined that no evaluation was necessary or conducted an evaluation and determined that the child was not eligible; and~~

~~2)~~ ~~provided written notice to the child's parents of its determination.~~

~~d)~~ ~~If a district does not have knowledge that a child is or may be an eligible child prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as those applied to children without disabilities engaging in comparable behavior.~~

~~1)~~ ~~When a request is made for an evaluation of a child during the time period when the child is subjected to disciplinary measures, the district shall conduct an evaluation in an expedited manner.~~

~~2)~~ ~~The child shall remain in the educational placement determined by school authorities, which may include suspension or expulsion without educational services, until the evaluation is completed.~~

~~3)~~ ~~The district shall provide special education and related services after developing an IEP if the child is determined to be eligible for special education and related services.~~

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

Section 226.440 Referral to and Action by Law Enforcement and Judicial Authorities (Repealed)

~~a)~~ ~~Nothing in this Part prohibits a local school district from reporting a crime committed by a child with a disability to appropriate authorities; or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a child with a disability.~~

~~b)~~ ~~A local school district reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the~~

~~child are transmitted for consideration by the authorities to whom it reports the crime, to the extent permitted by the Illinois School Student Records Act [105 ILCS 10], the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110], and the Family Educational Rights and Privacy Act (20 USC 1232(g)).~~

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

SUBPART F: PROCEDURAL SAFEGUARDS

Section 226.500 Language of Notifications

a) The notices to individual parents required in this Subpart F shall conform to the requirements of 34 CFR 300.503(c).~~be:~~

~~1) Written in language understandable to the general public; and~~

~~2) Provided in such a way as to accommodate the primary language or other mode of communication of the respective parent, unless it is clearly not feasible to do so.~~

~~b) If the primary language or other mode of communication of the parent is not a written language, the local school district shall ensure that:~~

~~1) The notice is translated orally or by other means to the parent in his or her native language or other mode of communication;~~

~~2) The parent understands the content of the notice; and~~

~~3) There is written evidence in the child's record that the requirements of this subsection (b) have been met.~~

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

Section 226.510 Notification of Parents' Rights

A copy of the notice of procedural safeguards available to the parents of a child with a disability shall be given to the parents in accordance with, and shall conform to the requirements of, 34 CFR 300.504.

~~a) A written notification conforming to the requirements of subsection (b) of this Section shall be given to parents on at least the following occasions:~~

~~1) Upon a child's initial referral for evaluation;~~

~~2) Along with each notification of an IEP meeting;~~

~~3) Along with each request for consent for the reevaluation of a child; and~~

~~4) Upon receipt of a request for due process pursuant to this Part.~~

~~b) The notification required by this Section shall include a full explanation of all of the rights available to parents concerning:~~

~~1) Independent educational evaluation;~~

~~2) Prior written notice;~~

~~3) Parental consent;~~

~~4) Inspection and review of all educational records having to do with:~~

~~A) The identification, evaluation, and educational placement of the child; and~~

~~B) The provision of FAPE to the child;~~

~~5) The opportunity to file a written complaint with the Illinois State Board of Education as described in Section 226.570 of this Part;~~

~~6) Procedures for students who are subject to placement in an interim alternative educational setting;~~

~~7) Requirements for parents' unilateral placement of children in private schools at public expense;~~

~~8) Mediation services;~~

~~9) Due process hearings, including requirements for disclosure of evaluation results and recommendations;~~

~~10) A child's placement during the pendency of due process proceedings;~~

~~11) Civil actions; and~~

~~12) Attorneys' fees.~~

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

Section 226.520 Notification of District's Proposal

The written notice a school district is required to provide to a parent prior to a proposal or refusal ~~Ten days before a school district proposes or refuses~~ to initiate or change the identification, evaluation, or educational placement of, or the provision of FAPE to, a child shall conform to the requirements of 34 CFR 300.503. "Reasonable time", for purposes of 34 CFR 300.503(a), is defined as ten days.~~, the district shall provide written notice to the parent to that effect.~~

~~a) If the notice relates to an action proposed by the school district that also requires parental consent, the district may give notice at the same time as it requests consent.~~

~~b) The notice required by this Section shall include:~~

~~1) A description of the action proposed or refused by the district;~~

~~2) An explanation of why the district proposes or refuses to take the action;~~

~~3) A description of any other options that the district considered and the reasons why those options were rejected;~~

~~4) A description of each evaluation procedure, test, record, or report the district used as a basis for the proposed or refused action;~~

~~5) A description of any other factors that are relevant to the district's proposal or refusal;~~

~~6) A statement that the parents of an eligible child are protected by the procedural safeguards of this Part, and an indication of the means by which a description of those procedural safeguards may be obtained;~~

~~7) Sources for parents to contact to obtain assistance in understanding the provisions of this Part; and~~

~~8) If a meeting will be held, the information required by Section 226.530(b)(1) of this Part.~~

~~c) A parent may waive the ten-day notice period before placement, allowing the district to place the child in the recommended program as soon as practicable.~~

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

Section 226.530 Parents' Participation

With respect to parents' participation in meetings, school districts shall conform to the requirements of 34 CFR 300.322 and 300.501. For purposes of 34 CFR 300.322(a)(1), "notifying parents of the meeting early enough to ensure that they will have an opportunity to attend" shall mean notification no later than ten days prior to the proposed date of the meeting. In addition, the~~a)Nothing in this Part precludes routine communication and consultation from occurring among school employees without parents in attendance, including preparatory activities that school personnel engage in to develop a proposal or a response to a parent's proposal that will be discussed at an IEP meeting. b)Whenever a meeting is to be held which a parent has a right to attend, the requirements of this subsection (b) shall apply. 1)No later than ten days prior to the proposed date of the meeting, except for a meeting convened pursuant to Section 226.400(g) of this Part, the district shall notify the parents in writing of the purpose of the meeting, the proposed date, time, and place for the meeting, who else will be in attendance, and the parent's right to invite other individuals with knowledge or special expertise regarding the child. If a parent indicates that the proposed date or time is inconvenient, the district shall make reasonable efforts to accommodate the parent's schedule. 2)If neither parent can attend, the district shall use other methods to attempt to secure at least one parent's participation, including rescheduling the meeting, individual or conference telephone calls, or use of such other means of communication as may be available. 3)A meeting may be conducted without a parent in attendance if the district is unable to obtain the parent's participation. In this case, the district shall maintain a record of its attempts to arrange a mutually agreed on time and place, such as: A)Detailed records of telephone calls made or attempted and the results of those calls; B)Copies of correspondence sent to the parents and any responses received; and C)Detailed records of visits made to the parent's home or place of employment and the results of those visits. 4)The~~ district shall take whatever action is necessary to facilitate the parent's understanding of and participation in the proceedings at a meeting, including arranging for and covering the expense of an interpreter for parents who are deaf or whose native language is other than English.~~5)Any document generated during the meeting, including a copy of the IEP, shall be provided to the~~

~~parent upon request, unless an applicable federal or State statute or federal regulation requires its automatic provision without a request.~~

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

Section 226.540 Consent

Consent, as defined in 34 CFR 300.9, shall be obtained and may be revoked in accordance with the requirements of 34 CFR 300.154(e), 300.300, 300.323, and 300.622. In addition, the following requirements shall apply:

~~a)~~ ~~A parent shall be considered to have given consent only when:~~

~~1)~~ ~~The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication;~~

~~2)~~ ~~The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and~~

~~3)~~ ~~The parent understands that his or her granting of consent is voluntary and may be revoked at any time.~~

~~b)~~ ~~A school district may not require parental consent as a condition of any benefit to the parent or the child except for the service or activity for which consent is required.~~

~~c)~~ ~~Parental consent shall be obtained before conducting an initial evaluation of a child. Consent for initial evaluation shall not be construed as consent for initial placement.~~

~~d)~~ ~~Parental consent shall be obtained before conducting any reevaluation of a child. If a parent fails or refuses to provide consent for a required triennial reevaluation within ten days after the district requests it, the district shall request a due process hearing.~~

~~e)~~ ~~Parental consent shall be obtained prior to the initial provision of special education and related services.~~

~~f)~~ ~~Parental consent shall be obtained prior to the use of the parent's private insurance to pay for services required by a child's IEP.~~

~~g)~~ ~~Parental consent shall be obtained for the disclosure of personally identifiable information about a child, consistent with the requirements of the Student Records Act.~~

~~h)~~ ~~Parental consent shall be obtained for the use of an IFSP instead of an IEP.~~

a~~i~~) A parent may revoke consent for any action by the district or cooperative entity serving his or her child that requires parental consent. If a parent desires to revoke consent, he or she may do so either in writing or orally. If the revocation of consent is communicated orally, the district or cooperative entity shall commit the parent's request to writing and provide a copy of this written summary to the parent within five days.

b~~j~~) Any revocation of consent is effective immediately, subject to the provisions of subsection (c)~~(k)~~ of this Section, but is not retroactive, i.e., it does not negate an action that occurred after the consent was given and before it was revoked. For purposes of this subsection (b)~~(j)~~, a district shall be considered to have given immediate effect to a parent's revocation of consent when it either discontinues the action that is the subject of the revocation prior to its next scheduled occurrence or provides to the parent a written explanation of the timeline for the district's action and the reasons for that timeline. The district or cooperative entity shall ensure that each staff member whose activities are affected by the revocation of consent is promptly informed of the revocation.

c~~k~~) If a district disagrees with a parent's revocation of consent, the district may request a due process hearing pursuant to Subpart G~~Section 226.605~~ of this Part.

1) If the parent's revocation of consent pertains to an evaluation or re-evaluation of the student, the district shall not proceed with the evaluation or re-evaluation during the pendency of due process.

2) If the parent's revocation of consent pertains to a special education placement for the student that is already in effect, the district's request for a due process hearing shall have the effect of staying that placement, provided that the district submits the request in writing to the State Board of Education in keeping with the provisions of Section 226.615 of this Part

and within three business days after the parent's revocation occurred.

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

Section 226.550 Surrogate Parents

The qualifications, responsibilities, and appointment procedures for surrogate parents shall conform to the requirements of 34 CFR 300.519 and Section 14-8.02a of the School Code [105 ILCS 5/14-8.02a]. In addition, the following requirements shall apply:

a) ~~Whenever the parent or guardian of a child who is or may be eligible for services pursuant to this Part is not known or unavailable, or when the child is a ward of the State living in a residential facility, a person shall be assigned to act as a surrogate parent for the child in matters relating to the identification, evaluation, and educational placement of the child and the provision of a free, appropriate public education to the child.~~

~~1)~~ ~~A foster parent is considered a parent for the purposes of this Section, so a child residing with a foster parent does not require a surrogate parent to represent him or her in educational matters.~~

~~2)~~ When a child who is a ward of the State is placed in a residential facility, a representative of that facility shall submit to the State Board of Education a request for the appointment of a surrogate parent if the district has not already done so.

b) The State Board of Education shall appoint a surrogate parent for each child who requires one, in keeping with the criteria set forth in 34 CFR 300.519(d) and the following requirements.

1) All reasonable efforts shall be made to secure a surrogate parent whose racial, linguistic, and cultural background is similar to the child's.

2) The surrogate parent shall have been trained by the State Board.

~~3)~~ ~~The surrogate parent shall have no interest that conflicts with the interests of the child he or she will represent.~~

~~4)~~ ~~The surrogate parent shall have the knowledge and skills needed to ensure adequate representation of the child.~~

~~5) An individual may not be appointed as a surrogate parent for a child if he or she is:~~

~~A) employed by the State Board of Education;~~

~~B) employed by the school district in which the child is enrolled; or~~

~~C) employed by any other agency involved in the child's education.~~

c) When a surrogate parent is appointed, the State Board of Education shall provide written notification to the local school district, the individual appointed, and, if applicable, the residential facility of the name and address of the surrogate parent, the specific responsibilities to be fulfilled, and the length of time for which the appointment is valid.

d) ~~Any person participating in good faith as a surrogate parent on behalf of a child before school officials or a hearing officer shall have immunity from civil or criminal liability that otherwise might result by reason of such participation, except in cases of willful and wanton misconduct.~~

~~e) The services of any person assigned as a surrogate parent shall be terminated if the child's parent or guardian becomes available.~~

f) When a child living in a residential facility no longer requires a surrogate parent, a representative of the facility shall notify the State Board of Education in writing to that effect. This notification shall include the reason for withdrawal of the request.

e~~g~~) When a surrogate parent's appointment is terminated, the State Board of Education shall so notify the surrogate parent, the local school district, and, if applicable, the residential facility.

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

Section 226.560 Mediation

The procedures for mediation shall conform to the requirements of 34 CFR 300.506. ~~Each school district shall inform parents that the State Board of Education offers a process of mediation that can be used when there are disputes regarding the identification, evaluation, or placement of, or~~

~~the provision of FAPE to, a child. This notification shall be provided at least whenever a due process hearing is requested.~~

~~a) Each district shall ensure that, when used, the mediation process:~~

~~1) Is voluntarily entered into by all parties; and~~

~~2) Is not used to deny or delay a parent's right to a due process hearing, or to deny any other rights afforded under this Part.~~

~~b) If either party is interested in participating in mediation, that party shall contact the State Board of Education.~~

~~c) Each session in the mediation process shall be scheduled in a timely manner and held in a location that is convenient to the parties involved in the dispute.~~

~~d) Discussions that occur during mediation shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings. The parties to mediation may be required to sign a confidentiality pledge prior to the commencement of the process.~~

~~e) Any agreement reached in the course of mediation shall be set forth in writing and shall be consistent with applicable federal and State laws and regulations.~~

~~f) The State Board of Education shall maintain a list of individuals who are qualified mediators and knowledgeable about the laws and regulations relating to the provision of special education and related services.~~

~~g) Mediators shall be selected by the State Board from its list by rotation.~~

~~h) The State Board of Education shall bear the cost of sending a mediator to sessions held pursuant to this Section and other, incidental costs.~~

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

Section 226.570 Complaints

This Section sets forth the State Board of Education's written complaint procedures, as required by 34 CFR 300.151.

a) A parent, individual, organization, or advocate may file a signed, written complaint with the State Board of Education alleging that a local school district, cooperative service unit or the State has violated the rights of one or more children with disabilities. Such a complaint shall include:

1) A statement that a responsible public entity has violated a requirement of Part B of the IDEA, 34 CFR, Article 14 of the School Code, or this Part;

2) The facts on which the statement is based; ~~and~~

3) The signature and contact information for the complainant;

4) The names~~name(s)~~ and addresses of the students~~student(s)~~ involved (and the names of the schools of attendance), if known;

5) A description of the nature of the problem of the child, including the facts relating to the problem; and

6) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.

b) A complaint shall only be considered if it alleges that the violation occurred not more than one year prior to the date on which the complaint is received~~, unless a longer period is reasonable because the violation is continuing, or the complainant is requesting compensatory services for a violation that occurred not more than three years prior to the date on which the complaint is received~~.

c) Within 60 days after a valid complaint is filed, the State Board of Education shall:

1) Carry out an independent on-site investigation, if deemed necessary by the State Board of Education.

2) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.

3) Provide the public entity with the opportunity to:

A) offer a proposal to resolve the complaint; and

B) offer to engage the parent in mediation or alternative means of dispute resolution.

4) Review all relevant information and make an independent determination as to whether the public entity is violating a requirement of Part B of the IDEA, 34 CFR, Article 14 of the School Code, or this Part.

5) Issue a written decision to the complainant that addresses each allegation in the complaint and contains:

A) findings of fact and conclusions;

B) the reasons for the State Board of Education's final decision;

C) orders for any actions, including without limitation technical assistance activities and negotiation, that are necessary to bring the public entity into compliance with applicable requirements.

~~Each complaint that complies with the requirements of subsections (a) and (b) of this Section shall be investigated within 60 days after its receipt by the State Board of Education. An extension of that time limit is allowed if exceptional circumstances exist with respect to a particular complaint.~~

d) An extension of the time limit set forth in subsection (c) of this Section shall be allowed if exceptional circumstances exist with respect to a particular complaint or if the parent and the public entity agree to extend the time to conduct the activities pursuant to subsection (c)(3)(B) of this Section.~~Upon completion of the State Board's investigation, the agency shall issue a letter of findings that sets forth:~~

~~1) the allegations of the complaint;~~

~~2) findings of fact and conclusions;~~

~~3) the reasons for the decision; and~~

~~4) orders for any actions that are necessary to bring a school district into compliance with applicable requirements.~~

e) If a written complaint is received by the State Board of Education involving one

or more issues that are also the subject of a due process hearing, the State Board shall hold those portions of the complaint in abeyance pending the completion of the hearing. However, any issues that are not the subject of the hearing shall be resolved as provided in this Section.

f) If a complaint is filed about an issue that has previously been decided in a due process hearing involving the same parties, the decision arising from that hearing shall be considered binding, and the State Board shall inform the complainant to that effect. A complaint alleging a public entity's ~~local school district's~~ failure to implement a decision arising from due process, however, shall be resolved by the State Board pursuant to Section 226.675 of this Part.

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

SUBPART G: DUE PROCESS

Section 226.600 Calculation of Timelines

In calculating the timelines specified in this Subpart G, Section 1.11 of the Statute on Statutes [5 ILCS 70/1.11] shall apply. ~~The first day shall be excluded and the last day shall be included, unless the last day is Saturday, Sunday, or a holiday as defined or fixed in any statute now or hereafter in force in this State, in which case it shall be excluded. If the day succeeding such Saturday, Sunday, or holiday is also a holiday or Saturday or Sunday, then such succeeding day shall also be excluded.~~

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

Section 226.605 Request for Hearing; Basis (Repealed)

~~A parent, a school district, or a student may request an impartial due process hearing for any reason connected to the identification, evaluation, or placement of, or the provision of services to, a student who is or may be eligible pursuant to this Part. No other party shall have standing to submit such a request. The school district or public agency must insure that all requests or notices pursuant to due process are maintained in a confidential manner consistent with the Illinois School Student Records Act and the rules of the State Board of Education at 23 Ill. Adm. Code 375.~~

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

Section 226.610 Information to Parents Concerning Right to Hearing

~~a)~~Each school district shall notify parents in writing of the procedures for requesting a due process hearing in accordance with 34 CFR 300.507 and 300.508. This written notice shall be provided to the parent by the district upon receipt of a request for a due process hearing. Written notice provided to parents as required under Section 226.510 of this Part shall be deemed sufficient notice for purposes of this Section.~~inform parents in writing of their right to a hearing and of the procedures for requesting one. The district shall notify the parent of the information the parent must provide when requesting a hearing, in one of the following ways:~~

~~1) The district may provide the parent with a model form designed by the State Board of Education in accordance with 34 CFR 300.507(c)(1)(v)(3); or~~

~~2) The district may inform the parent that the request for a hearing must include the following information:~~

~~A) the name of the child;~~

~~B) the address of the child's residence;~~

~~C) the name of the school the child is attending;~~

~~D) a description of the nature of the problem relating to the proposed or refused initiation or change, including facts relating to the problem;~~

~~E) a proposed resolution of the problem, to the extent known and available to the parents at the time; and~~

~~F) if known, whether the parents will be represented by legal counsel.~~

~~b) The director of special education shall assist parents in taking whatever action is necessary to use the hearing process.~~

~~c) The district shall inform the parents of the availability of mediation and of any free or low-cost legal services and other publicly funded advocacy services available in the area if the parent requests the information, or if the parent or the district initiates a hearing.~~

~~d) The local education agency may develop procedures that require the parents who~~

~~elect not to use the mediation process to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with a parent training and information center or community parent resource center in the State that is funded through a federal grant under IDEA.~~

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

Section 226.615 Procedure for Request

The filing, basis for, and content of due process requests, whether by a parent, a student, or a local school district, shall conform to the requirements of 34 CFR 300.507 and 300.508. ~~Pursuant to Section 226.605 of this Part, the local school district, the parent of any student resident within the district, or the student may request an impartial due process hearing. A parent's or student's request for a hearing shall be made in writing to the superintendent of the school district in which the student is a resident. The district shall provide any assistance that may be necessary to enable a person requesting a due process hearing to meet any related requirements.~~ (See Section 226.655 of this Part for requirements pertaining to expedited due process hearings.) In addition, in fulfilling the requirement to "forward a copy of the due process complaint to the SEA" as required by 34 CFR 300.508(a)(2), the party filing a due process complaint must deliver the complaint to the State Board of Education in Springfield by certified mail or another means that provides written evidence of the delivery.

~~a) If the district makes the request, it shall be sent in writing to the State Board of Education in Springfield, and at the same time a copy shall be sent to the other party. This letter shall include the information set forth in subsections (b)(1)(A), (C) and (D) of this Section.~~

~~b) When a district receives a request for a hearing from a parent or from a student, then within five days after its receipt of the request the district shall:~~

~~1) Send a letter to the State Board of Education in Springfield requesting the appointment of an impartial due process hearing officer. This letter shall be delivered by certified mail or another means that provides written evidence of the delivery and shall include:~~

~~A) the name, address, and telephone number of the student and the parent, and of the person making the request for the hearing if other than the student or the parent;~~

~~B) the date on which the request for the hearing was received by the local school district;~~

~~C) the nature of the controversy to be resolved;~~

~~D) the remedy being sought;~~

~~E) the primary language spoken by the parents and student; and~~

~~F) a copy of the request.~~

~~2) Send to the person requesting the hearing, by certified mail or another means providing written evidence of delivery, a copy of the letter sent to the State Superintendent.~~

~~A) If the hearing has been requested by the district or the student, the district shall inform the parents by certified mail of the request and invite them to participate in the proceedings.~~

~~B) All references to parents made in the remainder of this Subpart G shall be understood to include both the parents and the person requesting the hearing.~~

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

Section 226.620 Denial of Hearing Request (Repealed)

~~A request for an impartial due process hearing that conforms with Section 226.605 of this Part may not be denied for any reason.~~

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

Section 226.625 Rights of the Parties Related to Hearings

The hearing rights of parties shall conform to the requirements of 34 CFR 300.512 and Section 14-8.02a of the School Code [105 ILCS 5/14-8.02a]. In addition, the following requirements shall apply.

a) ~~The parties have the right to be represented at their own expense by counsel, or to be represented and assisted by other persons having special knowledge of this~~

~~Part. b)The parents may inspect and review all school records pertaining to their child and, subject to the provisions of 23 Ill. Adm. Code 375.50 (Student Records), may obtain copies of any such records at their own expense. c)~~The parents shall have access to the district's list of independent evaluators, and may obtain an independent evaluation of their child at their own expense.

1) If the parents believe that acquisition of a completed independent evaluation will require a delay in convening the hearing, the parents shall request such a delay as provided in Section 226.640(c) of this Part.

2) The parents may ask the hearing officer to determine whether an independent evaluation is needed. If the hearing officer concludes, after reviewing the available information, that an independent evaluation is necessary to inform the hearing officer concerning the services to which the student may be entitled, it shall be so ordered and provided at the school district's expense. The hearing officer shall delay the hearing as provided for in Section 226.640(b)~~226.640(c)~~ of this Part.

3) This subsection (a)~~(c)~~ shall not apply to expedited hearings conducted pursuant to Section 226.655 of this Part.

~~d) Either party to a hearing, other than an expedited hearing conducted pursuant to Section 226.655 of this Part, has the right to the disclosure, at least five days prior to the hearing, of any evidence to be introduced. At least five days prior to the hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. Either party may prohibit the introduction of evidence which was not disclosed to that party at least five days prior to the hearing. The hearing officer may reschedule the hearing to permit full disclosure. Disclosure of evidence with respect to an expedited hearing shall conform to the requirements of Section 14-8.02b of the School Code [105 ILCS 5/14-8.02b].~~

~~e) Either party may compel the attendance of any school district employee at the hearing, or any other person who may have information relevant to the needs, the abilities, the proposed program, or the status of the student. At the request of either party, the hearing officer shall authorize the issuance of subpoenas to compel the testimony of witnesses or the production of documents relevant to the case at issue. If any person refuses to comply with a subpoena issued under this Section, court action may be sought as provided in Section 14-8.02a(g) of the School Code [105 ILCS 5/14-8.02a(g)].~~

~~f)~~ ~~Pursuant to 34 CFR 300.509(c)(1)(i), the parent has the right to have the child who is the subject of the hearing present at the hearing.~~

b~~g~~) Either party, or any other person participating in the hearing, may request that an interpreter be available during the hearing because one of the participants is hearing impaired and/or uses a primary language other than English. Interpreters shall be provided at the school district's expense.

~~h)~~ ~~The student's educational placement shall not be changed pending completion of the hearing except as provided in Section 14-8.02a(j) of the School Code.~~

~~i)~~ ~~The hearing officer shall conduct the hearing in a fair, impartial, and orderly manner. The hearing officer shall afford each party an opportunity to present the evidence, testimony, and arguments each party believes necessary to support and/or clarify the issues in dispute and the relief the party is requesting. The hearing officer shall regulate the course of the hearing and the conduct of the parties and their counsel.~~

~~j)~~ ~~The hearing shall be closed to the public unless the parents of the child specifically request that it be open. The hearing officer shall advise the parents of their right to have the hearing open to the public. If the parents make such a request, the hearing shall be open. (References to parents in this subsection (j) apply to the student if Section 226.690 of this Part applies.)~~

~~k)~~ ~~The parties shall have the right to confront and cross-examine witnesses.~~

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

Section 226.630 Qualifications, Training, and Service of Impartial Due Process Hearing Officers

a) Impartial due process hearing officers must possess qualifications in conformance with the requirements of 34 CFR 300.511 and Section 14-8.02a(c) of the School Code [105 ILCS 5/14-8.02a(c)]. ~~In order to be considered for training as an impartial due process hearing officer, an individual either must hold a master's degree or a juris doctor degree or must hold a bachelor's degree in combination with relevant experience.1)For purposes of this Subpart G,~~ "Relevant~~relevant~~ experience", as used in Section 14-8.02a(c) of the School Code, means at least

three years' experience, whether paid or voluntary, in special education, disability-related issues, or advocacy.

~~2) Employees of the State Board of Education, school districts, special education cooperatives, regional service areas or centers, regional educational cooperatives, State-Operated Elementary and Secondary Schools, or private providers of special education facilities or programs may not serve as impartial due process hearing officers. [105 ILCS 5/14-8.02a(c)]~~

~~3) Except as provided in Section 14-8.02a(f) of the School Code, former employees of, and current or former contractors to, the State Board of Education, school districts, special education cooperatives, regional service areas or centers, regional educational cooperatives, state-operated elementary and secondary schools, or private providers of special education facilities or programs shall not be disqualified as potential hearing officers by virtue of such employment or service.~~

b) An individual wishing to be considered as an impartial due process hearing officer shall submit an application to the State Board. In completing the application form, which shall be provided by the State Board, the individual shall disclose at least the following information:

1) name and address;

2) degrees~~degree(s)~~ held;

3) current employment status, including, if applicable, the employer's name and the title of the employee's position;

4) school district of residence; and

5) professional background and relevant experience.

c) ~~Persons who have complied with the requirements of subsections (a) and (b) of this Section shall, if recommended by the Screening Committee pursuant to Section 14-8.02a(b) of the School Code, then be invited to complete a training course conducted as provided in Section 14-8.02a(d) of the School Code. Failure to complete this training course successfully shall result in ineligibility to serve as a hearing officer.d)Based on the recommendations of the training entity,~~

~~interviews, and supporting information, the due process screening committee, applying the objective criteria developed by the Advisory Council on Education of Children with Disabilities, shall recommend to the Advisory Council those candidates to be appointed as impartial due process hearing officers. The number of candidates recommended shall equal 150% of the number deemed necessary by the State Board of Education.e)Each hearing officer shall at least annually attend a review session and/or training course pursuant to Section 14-8.02a(d) of the School Code. Failure to attend a required review session or training course shall result in the hearing officer's termination.f)~~

Conditions of Service

Hearing officers' terms of service and subsequent reappointment shall be as provided in Section 14-8.02a(d) and (e) of the School Code.

1) A hearing officer shall accept each case to which he or she is assigned, unless:

A) the hearing officer is ill;

B) the hearing officer has a personal, professional, or financial interest that~~which~~ would conflict with his or her objectivity with respect to a particular case; or

C) the hearing officer is ineligible to accept a particular case pursuant to Section 226.635(a) of this Part.

2) A hearing officer whose other commitments will interfere with his or her ability to accept cases for more than 15 days shall so notify the State Board of Education in writing.

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

Section 226.635 Appointment, Recusal, and Substitution of Impartial Due Process Hearing Officers

The appointment, recusal, and substitution of due process hearing officers shall conform with the requirements of Section 14-8.02a(f) of the School Code [105 ILCS 5/14-8.02a(f)].

~~a) Upon receipt of a request for a hearing the State Board shall, within five days (one day for an expedited hearing) and using the rotation system called for in Section 14-8.02a(f) of the School Code, appoint an impartial due process hearing officer~~

~~and notify that individual and the parties of his or her appointment. Prior to making any appointment, the State Board shall review the background of the prospective appointee in order to establish that:~~

~~1) the individual has never been employed by or administratively connected with the school district or special education cooperative involved in the case;~~

~~2) the individual is not a resident of the district involved; and~~

~~3) the prospective appointee has no apparent personal, professional, or financial interest that would interfere with his or her objectivity regarding the matter at issue.~~

~~b) An appointee who does not meet the requirements set forth in subsection (a) of this Section shall recuse himself or herself within five days after receiving notification of the appointment, except that an appointee in an expedited hearing shall recuse himself or herself immediately if recusal is necessary. Notification to the State Board of such recusal may occur by telephone, provided that a written statement is also supplied.~~

~~c) A PARTY TO A DUE PROCESS HEARING conducted under Section 14-8.02a of the School Code SHALL BE PERMITTED ONE SUBSTITUTION OF A HEARING OFFICER AS A MATTER OF RIGHT [105 ILCS 5/14-8.02a(f)]. A request for a substitute hearing officer shall be made in writing to the State Board of Education within five days after the verified date of delivery of the notification at the last known address. In the event that both parties submit written requests on the same day and both should be received simultaneously, the State Board of Education shall deem the substitution to have been at the request of the party initially requesting the hearing. The right of the other party to a substitution will thereby be absolutely protected.~~

~~d) Section 14-8.02a(f) of the School Code contemplates two situations requiring the appointment of a hearing officer other than the individual who originally receives the case under the rotation system and specifies different methods of selecting a replacement.~~

~~1) When the appointed hearing officer is unavailable or recuses himself or herself before the parties are notified of his or her appointment, the State~~

~~Board shall appoint the next scheduled hearing officer under the rotation system.~~

~~2) When a hearing officer recuses himself or herself after learning the circumstances of a case, or when a party to the hearing submits a proper request for substitution, the State Board shall select and appoint another hearing officer at random.~~

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

Section 226.640 Scheduling the Hearing and Pre-Hearing Conference

The provisions of this Section shall not apply to expedited hearings conducted pursuant to Section 226.655 of this Part.

a) The hearing officer shall schedule a pre-hearing conference in accordance with the requirements of Section 14-8.02a(g) of the School Code.~~Within five days after receiving written notification by the State Board, the appointed hearing officer shall contact the parties to determine a time and place reasonably convenient to the parties and otherwise in accordance with Section 14-8.02a(g) of the School Code for convening the hearing and pre-hearing conference.~~

b) ~~The hearing officer shall provide the parties at least ten days' written notice of the dates, times, and locations of the pre-hearing conference and the hearing.c)~~Either party may request a delay in convening the hearing and/or the pre-hearing conference. The party requesting a delay shall do so in writing to the hearing officer, with a copy sent at the same time to the other party. The requesting party shall set forth the reasons for the request. The hearing officer shall either grant or deny the request and shall so inform the parties and the State Board of Education in writing. The hearing officer shall determine a new time and date for convening the hearing and/or pre-hearing conference.

1) If the parties jointly propose a delay in convening the hearing or pre-hearing conference, it shall be delayed as agreed. The hearing officer, being advised of such agreement, shall confirm the delay in writing to the parties and the State Board of Education. Such notice shall become part of the administrative record.

2) If the parties cannot agree to a mutually convenient time and place for convening the hearing and/or pre-hearing conference, the hearing officer

shall fix the~~such~~ time and place, notify the parties in writing, and proceed to convene and conduct the pre-hearing conference and hearing, provided that the delay shall not continue for a period longer than necessitated by the circumstances that precipitated the delay.

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

Section 226.645 Conducting the Pre-Hearing Conference

a) The hearing officer shall convene the pre-hearing conference in accordance with Section 14-8.02a(g) of the School Code.

b) ~~Any party to the pre-hearing conference shall be permitted to participate by teleconference (Section 14-8.02a(g) of the School Code). It shall be the responsibility of the parties to ensure that any information required at the pre-hearing conference is received by the hearing officer and the other party at or prior to the conference.c)At the conclusion of the pre-hearing conference, the hearing officer shall prepare a report of the conference that shall be entered into the hearing record. The report shall include, but need not be limited to:1)the issues, the order of presentation, and any scheduling accommodations that have been made for the parties or witnesses;2)a determination of the relevance and materiality of documents or witnesses, if raised by a party or the hearing officer; and3)such stipulations of fact as have been agreed to during the pre-hearing conference.d)~~The provisions of this Section shall not apply to expedited hearings conducted pursuant to Section 226.655 of this Part.

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

Section 226.650 Child's Status During Due Process Hearing (Repealed)

~~a) Except as provided in Section 226.655 of this Part, during the pendency of any administrative or judicial proceeding regarding a due process hearing decision, the child shall remain in his or her current educational placement unless the State or local agency and the parents of the child agree otherwise.~~

~~b) If the due process hearing involves an application for initial admission to the public school, the child, with the consent of the parents, shall be placed in the public school until the completion of all the proceedings.~~

~~c) If the decision of a hearing officer agrees with the child's parents that a change of placement is appropriate, that placement shall be treated as an agreement between the State or local agency and the parents for purposes of subsection (a) of this Section.~~

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

Section 226.655 Expedited Due Process Hearing

Requests for expedited due process hearings shall be made in accordance with 34 CFR 300.532 and 300.553 and Section 14-8.02b of the School Code [105 ILCS 5/14-8.02b].

a) ~~The State Board of Education shall arrange for an expedited hearing when:1)The local school district requests such a hearing because school personnel maintain that it is dangerous for the child to be in the current placement. 2)The parent requests such a hearing because the parent disagrees with the district's placement decision when a child is moved to an interim alternative educational setting for a weapon or drug violation. 3)The parent requests such a hearing because the parent disagrees with the district's determination that a child's behavior was not a manifestation of the child's disability.b)During the pendency of an expedited hearing, the child's placement shall be the interim alternative educational setting that was determined appropriate by the IEP Team. c)~~The hearing officer shall determine:

1) whether the child shall be placed in the proposed alternative educational setting; or

2) whether the local school district has demonstrated that the child's behavior was not a manifestation of the child's disability (see Section 226.410 of this Part).

b~~d~~) The hearing officer shall consider the following factors in determining whether an interim alternative placement is appropriate:

1) Whether the local school district has demonstrated by substantial evidence (i.e., beyond a preponderance of the evidence) that maintaining the current placement of the child is substantially likely to result in injury to the child or to others;

2) Whether the child's current placement is appropriate;

3) Whether the district has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and

4) Whether the interim alternative educational setting will permit full implementation of the student's IEP and includes services and modifications designed to prevent the undesired behavior from recurring.

c~~e~~) If all the conditions set forth in subsection (b)~~(d)~~ of this Section are met, the hearing officer shall order a change in the child's placement to an appropriate interim alternative educational setting for not more than 45 days. ~~1)This new alternative educational setting shall be identified by the IEP Team as provided in Section 226.400(h) of this Part. 2)~~If the district demonstrates that the student is substantially likely to injure himself or herself or others if returned to the placement that was used prior to the student's removal, the hearing officer may order that the student remain in the interim setting for subsequent periods of up to 45 days each.

~~f)~~ ~~An expedited hearing shall result in a decision within ten school days after the request for the hearing, unless the parents and the local school district agree otherwise.~~

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

Section 226.660 Powers and Duties of Hearing Officer

~~a)~~ ~~ONCE APPOINTED, THE IMPARTIAL DUE PROCESS HEARING OFFICER SHALL NOT COMMUNICATE WITH THE STATE BOARD OF EDUCATION OR ITS EMPLOYEES CONCERNING THE HEARING [105 ILCS 5/14-8.02a(g)] and shall not initiate or participate in any ex parte communications with the parties, except as provided in Section 14-8.02a(g) or 14-8.02b of the School Code, as applicable.~~

~~b)~~ ~~The hearing officer shall disclose any actual or potential conflict of interest to the parties upon learning of such a conflict.~~

~~c)~~The hearing officer shall conduct the hearing and, with respect to the hearing, shall have, but is not limited to, the following powers:

a)~~1)~~ To administer, or to authorize the court reporter to administer, oaths;

b)~~2)~~ To examine witnesses;

c)~~3)~~ To authorize the issuance of subpoenas;

d)~~4)~~ To rule upon the admissibility of evidence;

e)~~5)~~ To order independent evaluations;

f)~~6)~~ To grant specific extensions of time;

g)~~7)~~ To read into the hearing record any stipulations of fact and other matters agreed upon at the pre-hearing conference and to enter into the record any pre-hearing orders;

h)~~8)~~ To render decisions and issue orders and clarifications.

~~d) The hearing officer shall comply with timelines established in Section 14-8.02a or Section 14-8.02b of the School Code, as applicable.~~

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

Section 226.665 Record of Proceedings

A record of the hearing shall be made and the cost of the record borne in accordance with 34 CFR 300.512(a)(4) and Section 14-8.02a(g) of the School Code [105 ILCS 5/14-8.02a(g)].~~The hearing officer shall ensure that an electronic verbatim record of the hearing is made in the format of the parent's choice (such as by tape recording or by a court reporter). The hearing officer shall also ensure that all written evidence presented at the hearing is marked to indicate the party offering the evidence and is made part of the administrative record. The parents or the district may obtain a copy of the verbatim record of the hearing. The State Board and the district shall share equally the cost of providing these copies.~~

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

Section 226.670 Decision of Hearing Officer; Clarification

The bases and timelines for decisions of hearing officers shall conform to the requirements of 34 CFR 300.513 and Section 14-8.02a(h) [105 ILCS 5/14-8.02a(h)]. In addition, ~~a)Within ten days~~

~~after the conclusion of the hearing (two days for an expedited hearing), the hearing officer shall issue a written decision that sets forth the issues in dispute, findings of fact based upon the evidence and testimony presented, and the hearing officer's conclusions of law and orders. The hearing officer shall order the parties to take all steps necessary to ensure appropriate placement and services for any student found to be eligible for special education services. The hearing officer shall specify the procedures necessary to ensure timely compliance with his or her order, in accordance with Section 14-8.02a(j) of the School Code.b)~~the~~The~~ hearing officer's decision shall be sent by certified mail to the parties enumerated in Section 14-8.02a(h) of the School Code. The decision shall be translated into the native language of the parents if their primary language is other than English.

~~c) The written decision shall be binding upon the parties unless a party aggrieved by the decision commences a civil action as provided in Section 14-8.02a(i) of the School Code.~~

~~d) As provided in Section 14-8.02a(h) of the School Code, the hearing officer shall retain jurisdiction after issuance of his or her decision for the sole purpose of considering a request for clarification. A request for clarification shall be submitted and acted upon as provided in Section 14-8.02a(h) of the School Code. In the case of an expedited hearing, the hearing officer shall retain jurisdiction either until the 45th day after the initial removal of the student or until 45 days after that hearing officer's latest decision in the case.~~

~~e) The hearing decision, if not appealed pursuant to subsection (c) of this Section, shall be enforced by the State Board as provided in Section 226.675 of this Part.~~

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

Section 226.680 Reporting of Decisions (Repealed)

~~The State Board of Education shall, after deleting all personally identifiable information and indexing by subject matter, make the decisions of impartial due process hearing officers available to the Illinois State Advisory Council on Education of Children with Disabilities, to impartial due process hearing officers, and to the Screening Committee established pursuant to Section 14-8.02a(b) of the School Code. This information shall also be available to other interested parties upon request.~~

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

Section 226.690 Transfer of Parental Rights

This Section implements 34 CFR 300.520.

a) When a student with a disability reaches the age of majority (18 years of age; see 755 ILCS 5/11-1) or becomes an emancipated minor pursuant to the Emancipation of Mature Minors Act [750 ILCS 15/Art. 11a] (except for a student with a disability who has been adjudged as a disabled person pursuant to 755 ILCS 5/Art. 11a-1):

1) The school district shall provide any notice required by this Part to both the individual and the parents, and all other rights accorded to parents under Part B of the Individuals with Disabilities Education Act, the implementing regulations at 34 CFR 300, and this Part shall transfer to the student; and

2) All rights accorded to parents under Part B of the Individuals with Disabilities Education Act, the implementing regulations at 34 CFR 300, and this Part shall transfer to a child who is incarcerated in an adult or juvenile, State, or local correctional institution.

b) Whenever rights are transferred to a student pursuant to this Section, the district shall notify the student and the parents of the transfer of rights.

c) All notices that are required under this Part and 34 CFR 300 shall be provided to the student and the parent after the student reaches the age of majority.

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

SUBPART H: ADMINISTRATIVE REQUIREMENTS

Section 226.700 General

a) ~~Each school district shall provide and maintain appropriate and effective educational programs, at no cost to the parents, for all eligible children who are residents of the district. b)Each school district shall establish and implement a goal of ensuring full educational opportunity for all children with disabilities in its service area. Each district shall make available to children with disabilities the variety of educational programs and services available to nondisabled children in the area served by the district, including art, music, industrial arts, consumer and homemaking education, and vocational education. c)Special education and related~~

~~services shall be established and conducted as an integral part of the district's educational effort. d)~~Each school district, independently or in cooperation with other districts, shall provide a comprehensive program of special education for children with disabilities who are from three through 21 years of age and who are resident in the district. A "comprehensive program" is one that includes:

1) A viable organizational and financial structure;

2) Systematic procedures for identifying and evaluating the need for special education and related services;

3) A continuum of appropriate alternative placements available to meet the needs of children for special education and related services (see Section 226.300 of this Part);

4) Qualified personnel who are employed in sufficient number to provide:

   A) Administration of the program;

   B) Supervisory services;

   C) Instructional and resource services;

   D) Related services; and

   E) Transportation services;

5) Appropriate and adequate facilities, equipment and materials;

6) Functional relationships with public and private agencies that can supplement or enhance the special education services of the public schools;

7) Interaction with parents and other concerned persons that facilitates the educational development of children with disabilities;

8) Procedures for internal evaluation of the special education services provided; and

9) Continuous planning for program growth and improvement based on

internal and external evaluation.

b~~e~~) The school district is the primary agent for the delivery of special education services. Districts may carry out their obligations with regard to special education by forming cooperatives or joint agreements. These entities are:

1) Authorized by State law to develop, manage, and provide services or programs on behalf of school districts;

2) Recognized as agencies for purposes of the provision of special education and related services provided within public elementary and secondary schools of the State;

3) Considered as service agents of the participating districts; and

4) Directed by, and responsible to, all the participating local districts.

c~~f~~) Special education and related services that~~which~~ would not comply with specific requirements of this Part shall require written approval from the State Board of Education prior to their implementation. A district's request for approval shall be submitted in writing to the State Board and shall include a description of the district's proposal. In determining whether to approve such a request, the State Board's staff shall consider whether the proposed program or service will compromise students' educational opportunity or prevent the full implementation of any student's IEP, in light of such factors as the students' disabilities and the proposed class size, staff qualifications, physical plant and evaluation plan. Denial of such a request may be appealed to the State Superintendent of Education.

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

Section 226.710 Policies and Procedures

a) Each local school district, or the cooperative entity of which it is a member, shall develop written policies and procedures conforming to the requirements of subsection (b) of this Section and shall submit these to the State Board of Education for approval, using a format supplied by the State Board. The State Board shall approve those that~~which~~ conform to the requirements of this Section and are consistent with applicable federal and State statutes and regulations. The

State Board shall notify districts of any deficiencies that must be remedied before approval will be granted.

b) Each set of policies and procedures shall address the district's compliance with at least the requirements for:

1) the provision of a free appropriate public education;

2) child find;

3) evaluation and determination of eligibility;

4) Individualized Education Programs;

5) students' participation in assessments;

6) serving students in the least restrictive environment;

7) the provision of extended school year services;

8) transition of children served under Part C of the Individuals with Disabilities Education Act into preschool programs;

9) serving students who attend nonpublic schools;

10) procedural safeguards;

11) establishing the goal of full educational opportunity;

12) confidentiality of personally identifiable information; and

13) the use of federal matching funds under the Medicaid (Title XIX) or Children's Health Insurance (KidCare; Title XXI) program to supplement special education programs and services (if the district is participating in one or more of those federal programs).

c) Any revision of a set of policies and procedures shall be submitted to the State Board for approval prior to its implementation.

~~d) Each set of policies and procedures shall constitute a public document.~~

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

Section 226.720 Facilities and Classes

a) Facilities used for special education services shall be appropriate to, and adequate for, the specific programs or services for which they are used and, pursuant to Section 14-8.01 of the School Code, shall be subject to the applicable provisions of 23 Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools). The~~Such~~ facilities shall be comparable to those provided to the students in the general education environment.

b) The age range of students within a special education grouping shall not exceed four years at the elementary level and six years at the secondary level. Early childhood classes and services shall serve only children from three through five years of age.

~~c) Special education classes and services shall be delivered in age-appropriate settings.~~

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

Section 226.730 Class ~~Case Load/Class~~ Size

a) When a student's IEP calls for services in a regular education classroom, the student must be served in a class~~A regular education classroom is one~~ that is composed of students of whom at least 70 percent are without IEPs~~ identified special education eligibility~~, that utilizes the general curriculum, that is taught by an instructor certified for regular (general) education, and that is not designated as a general remedial classroom. However, a class in which up to 40 percent of students have identified disabilities shall also be considered a regular education class for purposes of meeting this requirement, provided that:~~In the formation of special education classes, consideration shall be given to the age of the students, the nature and severity of their disability, and the degree of intervention necessary.~~

1) The class is smaller than the average class size in the State of Illinois, as identified on the Illinois School Report Card; or

2) A special education teacher is present whenever more than 30 percent of the students have IEPs, and this teacher assists the regular education teacher in the delivery of instruction as necessary to meet the needs of the students with IEPs; or

3) The total number of students in the relevant age range who are served at that location precludes forming more than one class per grade level or more than one section of a class.

~~a)~~b) Class size means the total number of students an educator serves during any class period. As used in this subsection (b), "class" means any circumstance where at least one special education teacher is assigned and provides instruction and/or therapy exclusively to students with IEPs. In the formation of special education classes, consideration shall be given to the age of the students, the nature and severity of their disabilities, the educational needs of the students, and the degree of intervention necessary,~~A student shall be considered to require "instructional services" when he or she receives special education instruction for 50 percent of the school day or more. Classes and services for such students shall be~~ subject to the limitations of this subsection (b)~~(a)~~.

1) Classes in which all the students are removed from the regular education classroom for less than 20 percent of the school day shall have at least one qualified teacher for each 15 students in attendance during any given class period. However, the district may increase the class size by a maximum of two students when a paraprofessional is provided for the entire class period.

2) Each class in which any student is removed from the regular education classroom for 20-60 percent of the school day shall have at least one qualified teacher for each ten students in attendance during that class period. However, the district may increase the class size by a maximum of two students when a paraprofessional is provided for the entire class period.

3) Each class in which any student is removed from the regular education classroom for more than 60 percent of the school day shall have at least one qualified teacher for each five students in attendance during that class period. However, the district may increase the class size by a maximum of two students when a paraprofessional is provided for the entire class period.

4) Each class for children ages three through five shall have at least one qualified teacher for each five students in attendance during that class period. However, the district may increase the class size by a maximum of five students when a paraprofessional is provided for the entire class period.

5) The provisions of subsections (b)(1)-(4) of this Section notwithstanding, class size shall be limited according to the needs of the students for individualized instruction and services.

~~1) Early childhood instructional classes or services shall have a maximum ratio of one qualified teacher to five students in attendance at any given time; total enrollment shall be limited according to the needs of the students for individualized programming.~~

~~2) Instructional classes or services for students who have either a severe/profound disability or multiple disabilities as defined in Section 226.75 of this Part shall have a maximum enrollment of five students.~~

~~3) Instructional classes or services for children whose primary disability is a severe visual, auditory, physical, speech or language impairment, autism, traumatic brain injury, or an emotional disturbance or behavioral disorder shall have a maximum enrollment of eight students.~~

~~4) Instructional classes or services for children whose primary disability is a specific learning disability or that serve children who have different disabilities shall have a maximum enrollment of ten students. Instructional programs that group students who have different disabilities shall be formulated only under the following circumstances:~~

~~A) The students are grouped in relation to a common educational need; or~~

~~B) The program can be completely individualized and the teacher is qualified to plan and provide an appropriate educational program for each student in the group.~~

~~5) Instructional classes or services designed for children whose primary disability is moderate visual or auditory impairment shall have a maximum enrollment of twelve students.~~

~~6) Instructional classes or services for children whose primary disability is mild/moderate mental impairment shall have a maximum enrollment of 12 students at the primary level and 15 students at the intermediate, middle, junior high, and secondary levels.~~

~~7) A school district may increase the enrollment in an instructional class or service by a maximum of two students in response to unique circumstances which occur during the school year. Such additions may be made only when the educational needs of all students who would be enrolled in the expanded program can be adequately and appropriately met. Alternatively, the district may increase the enrollment in an instructional class or service by a maximum of five students when a full-time, noncertified assistant is provided.~~

~~b) A student shall be considered to require "resource services" when he or she receives special education instruction for less than 50 percent of the school day. Classes and services for such students shall be subject to the limitations of this subsection (b).~~

~~1) Enrollment shall be limited to the number of students who can effectively and appropriately receive assistance, up to a maximum of 20 students.~~

~~2) The teacher or service provider shall participate in determining the appropriate enrollment.~~

~~3) The number of children served by a speech-language pathologist shall be based on the speech-language needs of each child. At no time shall the caseload exceed 80 students and, beginning September 1, 2003, the caseload of a speech-language pathologist shall not exceed 60 students.~~

~~4) A school district may not increase the enrollment subsection in a resource class or service when a noncertified assistant is provided.~~

~~c) The caseload/class size for any service provider includes each student who receives direct or indirect service, such as consultation services, as delineated in an IEP.~~

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

Section 226.735 Case Load for Speech-Language Pathologists

The number of children served by a speech-language pathologist shall be based on the speech-language needs of each child. At no time shall the caseload of a speech-language pathologist exceed 60 students.

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

Section 226.740 Records; Confidentiality

~~a)~~Students' records shall be maintained in accordance with 34 CFR 300.610 through 300.627, the School Student Records Act [105 ILCS 10] and the rules of the State Board of Education (23 Ill. Adm. Code 375). In addition, the following requirements shall apply:

~~b) Each school district shall protect the confidentiality of personally identifiable information during its collection, storage, disclosure, and destruction.~~

~~c) All persons collecting or using personally identifiable information shall receive training or instruction regarding the State's and school district's policies and procedures and the requirements of this Part for ensuring the confidentiality of any personally identifiable information collected, used or maintained.~~

~~d) Each school district shall maintain, for public inspection, a current listing of the names and positions of those employees within the local school district who may have access to personally identifiable information.~~

~~e) Parents shall be afforded the opportunity to inspect, review, and copy all educational records with respect to the identification, evaluation, educational placement, and provision of FAPE to their child. Each school district shall provide parents on request a list of the types and locations of educational records collected, maintained, or used by the agency. If any educational record includes information on more than one child, the parents of any of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.~~

a~~f~~) The portion of each district's policies and procedures that is required pursuant to Section 226.710(b)(3) of this Part shall require that all information maintained

concerning a student receiving special education be directly related to the provision of services to that child and shall address:

1) the method by which information concerning a student will be collected;

2) the confidential nature of the information;

3) the use to which ~~such~~ the information will be put;

4) how the information will be recorded and maintained;

5) the period for which the information will be maintained;

6) the persons to whom the information will be available; and

7) under what circumstances the information will be made available.

b~~g~~) The portion of each district's policies and procedures referred to in subsection (a)~~(f)~~ of this Section shall be consistent with:

1) The Illinois School Student Records Act;

2) 23 Ill. Adm. Code 375 (Student Records);

3) 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision);

4) The Family Educational Rights and Privacy Act; and

5) The Illinois Domestic Violence Act of 1986 [750 ILCS 60].

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

Section 226.750 Additional Services

Additional services and activities shall be provided to students whose IEPs require them in accordance with 34 CFR 300.105 (Assistive Technology), 300.106 (Extended School Year) and 300.108 (Physical Education). In addition, the following shall apply: ~~The additional services and activities referred to in this Section shall be provided to students whose IEPs require them. In each such case, the relevant requirements of this Section shall apply.~~

~~a)~~ ~~Assistive Technology~~

~~1)~~ ~~The responsible school district shall furnish such assistive technology devices as a child's IEP may prescribe, including providing these in the child's home if required in order for the child to receive FAPE.~~

~~2)~~ ~~Each school district shall ensure that hearing aids and assistive technology or adaptive devices are functioning properly.~~

a~~b~~) Behavioral Intervention

1) School districts shall establish local policies and procedures on the use of positive behavioral interventions to manage, intervene in, or change the behavior of students with disabilities.

2) Each district's policies and procedures shall require that IEP teams consider strategies including positive behavioral interventions and supports to address behaviors that~~behavior(s) which~~ impede a child's functioning or that of other children in the academic setting or in noninstructional contexts such as regular transportation and extracurricular activities. The district's policies and procedures shall include criteria for determining when a particular student's possible need for a behavioral intervention plan should be reviewed.

3) Behavioral interventions shall be used in consideration of the child's physical freedom, social interaction, and right to placement in the least restrictive environment and shall be administered in a manner that respects human dignity and personal privacy.

~~c)~~ ~~Extended School Year~~
~~A school district shall not limit its provision of services during an extended school year to particular categories of disability, nor shall a district unilaterally limit the type, amount, or duration of such services.~~

~~d)~~ ~~Physical Education~~
~~Physical education services, specially designed if necessary, shall be made available to every child receiving FAPE.~~

~~1)~~ ~~Each child with a disability shall participate in a regular physical education program available to nondisabled children unless the child is receiving services full time in a separate facility or needs specially designed physical education, as prescribed in the child's IEP.~~

~~2)~~ ~~If a child is receiving services full time in a separate facility, the school district shall ensure that he or she receives physical education services appropriate to his or her needs.~~

b~~e~~) Transportation
Each child who is eligible for special education and related services pursuant to this Part shall be eligible for special transportation. Such transportation shall be provided as the child's disability or the program location may require.

1) Arrival and departure times shall ensure a full instructional day which is comparable to that of the regular education students. Any deviation from this standard must be based upon the individual needs of the child and reflected in the child's IEP.

2) Every effort should be made to limit the child's total travel time to not more than one hour each way to and from the special education facility.

3) The special transportation shall be scheduled in such a way that the child's health and ability to relate to the educational experience are not adversely affected.

4) Vehicles utilized for special transportation shall be adapted to the specific needs of the children receiving this service.

5) Personnel responsible for special transportation shall be given training experiences which will enable them to understand and appropriately relate to children with disabilities.

6) When a district has placed students in a State-operated or nonpublic day program, the district shall provide transportation for the children in that program.

7) When a child is placed in a residential facility, the school district shall provide transportation services for the child's initial trip to the facility and return home at the close of the school term. The district shall likewise

provide transportation for the child at the beginning and end of each school term thereafter.

A) If the district assumes responsibility for transportation arrangements, it shall provide reasonable notice to parents of departure dates and times. It shall in all instances notify the parents within 48 hours after completing those arrangements.

B) The mode(s) of travel and degree of support and supervision to be provided shall be included in the student's IEP.

C) The district shall provide transportation services for one round trip home, at a midterm break or at another time as mutually agreed by the district and the parents, and at any additional time when the facility is to be temporarily closed.

D) The school district shall provide round-trip transportation at any time the district seeks additional diagnostic assessments of the student or if the parent wishes the child to be present during a due process hearing.

E) The school district shall provide round-trip transportation in emergencies such as serious illness of the child or death or imminent death of an individual in the child's immediate family. "Immediate family" includes a parent, grandparent, a sibling, or any person who resides in the child's immediate household. If the district questions the severity of an illness of the child or an immediate family member, it may require the opinion of a licensed physician to corroborate the severity of the illness.

F) The school district may also provide transportation services to encourage family contacts and/or to reintegrate the child into the home and community. The district shall have the authority to determine, upon consultation with the parents, when transportation is appropriate for this purpose and shall incorporate this decision, with the specific reasons for it, into the student's IEP.

c~~f~~) Vocational Education
Students eligible pursuant to this Part shall receive vocational education in accordance with their individual IEPs.

1) Community work experiences that are part of a student's IEP shall occur during the school day, unless this is precluded by the nature of the experiences.

~~2) Participation in community work experiences shall be in accordance with the student's IEP and applicable child labor laws.~~

2~~3~~) All community work experiences which are provided by the school as part of the IEP and for which the student receives educational credit shall be supervised by school personnel.

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

Section 226.760 Evaluation of Special Education

a) The extent to which a school district is fulfilling its responsibilities to children with disabilities shall be determined by the State Board of Education. Official representatives of the State Board shall be authorized to examine all documentation, including student records, that~~which~~ would facilitate the~~such~~ determination.

b) Evaluation by the State Board of Education shall focus on the district's provision of special education services, on each special education cooperative organization of which it is a participant, and on community resources utilized by the district.

c) Evaluation of special education services shall be based on all of the following elements.

1) ~~Comprehensive Plan~~
The performance of the program, as evidenced by data that state education agencies must collect, including without limitation the information collected pursuant to 34 CFR 300.170, 300.600, 300.601, 300.602, and 300.646; ~~Each district or cooperative entity shall have in place a comprehensive plan conforming to the requirements of 34 CFR 300.137 that describes the district's provision of special education services, its plan for program improvement, and those factors unique to the individual district or cooperative which must be considered in the evaluation. This plan shall be reviewed at least triennially and revised as needed to reflect the district's current circumstances. The resulting revisions shall be filed~~

~~with the State Board of Education. Alternatively, a district may submit a statement indicating that its triennial review did not reveal a need for any changes. The plan shall be a public document.~~

2) ~~Policies and Procedures~~
The ~~State Board shall consider the~~ adequacy of the policies and procedures developed pursuant to Section 226.710 of this Part;~~.~~

3) ~~Continuous Internal Evaluation~~
~~Each district or cooperative entity shall develop and implement procedures to assess the~~ The extent to which children with disabilities are being adequately served and the effectiveness of each special education service; and~~.~~

4) ~~Records~~
~~Each district or cooperative entity shall maintain records~~ Records maintained to demonstrate compliance with the assurances furnished~~it furnishes~~ in ~~its~~ applications for State and federal funds.

d) The State Board of Education shall provide written reports of its evaluations and any subsequent recommendations or actions to the appropriate boards ~~board(s)~~ of education.

e) Compliance with the requirements of this Part shall be a factor in determining a district's recognition status pursuant to 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision).

f) A district whose status is changed to "nonrecognized" due to ~~that receives~~ an unfavorable evaluation of its compliance with the requirements of this Part shall have the opportunity to request a hearing pursuant to the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475).

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Medical Malpractice Data Base

2) Code Citation: 50 Ill. Adm. Code 928

3)

Section Numbers:	Proposed Action:
928.10	Amendment
928.20	Amendment
928.30	Amendment
928.40	Amendment
928.42	New Section
928.EXHIBIT A	Amendment
928.EXHIBIT B	Repeal
982.EXHIBIT C	Repeal

4) Statutory Authority: Implementing Section 155.19 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/155.19 and 401].

5) A Complete Description of the Subjects and Issues Involved: The proposed amendments to this Part will require companies to report medical malpractice data electronically to the Secretary or Director of the Illinois Department of Financial and Professional Regulation – Division of Insurance pursuant to Section 155.19 of the Illinois Insurance Code [215 ILCS 5/155.19] using software developed by the Division. Shifting to the use of electronic medium will enable the Division to delete the existing claim reporting format and instructions currently contained in Exhibits A, B and C of this Part. Also, please note that a new Section has been added to this Part that will require Circuit Court Clerks to report to the Secretary or Director all cases alleging medical malpractice. This new mandate is authorized by PA 94-677.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Tim Cena, Senior Counsel Department of Financial and Professional Regulation Division of Insurance 100 West Randolph Street Suite 9-301 Chicago, Illinois 60601-3218 (312) 814-5407	or	Barb Smith, Rules Coordinator Department of Financial and Professional Regulation 320 West Washington 3rd Floor Springfield, Illinois 62767-0001 (217) 785-0813

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These proposed amendments will not affect small businesses, small municipalities or not for profit organizations.

B) Reporting, bookkeeping or other procedures required for compliance: Please review proposed amendments.

C) Types of professional skills necessary for compliance: Clerical, administrative or computer skills will be necessary for compliance with this Part.

13) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION~~INSURANCE~~
SUBCHAPTER l: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 928
MEDICAL MALPRACTICE DATA BASE

Section
928.10 Authority
928.20 Purpose and Scope
928.30 Definitions
928.40 Reports
928.42 Circuit Court Clerk Reporting Requirements
928.50 Effective Date (Repealed)
928.EXHIBIT A Circuit Court Clerk Paper Reporting Format~~Illinois Medical Liability Insurance Uniform Claims Report~~
928.EXHIBIT B Illinois Medical Liability Paid and Closed Insurance Claims Report (Repealed)
928.EXHIBIT C Illinois Medical Liability Insurance Uniform Claims Report Instructions (Repealed)

AUTHORITY: Implementing Section 155.19 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/155.19 and 401].

SOURCE: Filed February 2, 1977, effective March 1, 1977; codified at 7 Ill. Reg. 892; amended at 24 Ill. Reg. 19133, effective January 1, 2001; amended at 30 Ill. Reg. _____, effective _____.

Section 928.10 Authority

This Part is promulgated by the Director of the Department of Financial and Professional Regulation-Division of Insurance under Section 401 of the Illinois Insurance Code [215 ILCS 5/401], which empowers the Director ~~"~~*to make reasonable rules and regulations as may be necessary for making effective*~~..."~~ the insurance laws of this State. The purpose of this Part is to implement Section 155.19 of the Illinois Insurance Code [215 ILCS 5/155.19].

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section 928.20 Purpose and Scope

a) This Part establishes a uniform format for the reporting of information relating to allegations of provider liability. Individual liability data records filed by insurers pursuant to this Part will be held confidential by the Division~~Department~~, to the same extent as is prescribed by ~~law pursuant to~~ Section 155.19 of the Illinois Insurance Code [215 ILCS 5/155.19].

b) This Part shall apply to all companies licensed to do ~~an~~ insurance business in this State that are~~is~~ transacting the kind or kinds of business described as Class 2(c) of Section 4 of the Illinois Insurance Code [215 ILCS 5/4] and all other entities authorized or permitted by law as identified in Section 155.19 of the Illinois Insurance Code [215 ILCS 5/155.19].

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

Section 928.30 Definitions

Code means the Illinois Insurance Code ~~and any of the Acts in Chapter 215 of the Illinois Compiled Statutes~~ [215 ILCS 5].

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

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

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

Insurance Claim means a formal or written demand for compensation under a medical liability insurance policy relating to allegations of liability on the part of one or more providers, as defined in this Section, for any act, error or omission in the rendering of, or failure to render, medical services for medically related injuries. Insurance claim includes any instance for which benefits or compensation are payable under any coverage under the policy.

Insurance Claim Closed means any insurance claim, as defined in this Section, for which final payment has been made or for which the loss or loss expense reserve

is withdrawn by the insurer.

Insurance Claim Filed means any insurance claim, as defined in this Section, that alleges liability on the part of any provider, as defined in this Section, for medically related injuries and/or for which coverage is provided, for which a loss or loss expense~~experience~~ reserve is established under a medical liability insurance policy.

Insurer means an insurance company that~~which~~ has delivered or issued for delivery in this State a medical liability insurance policy.

Lawsuit means a complaint filed in any court in this State alleging liability on the part of one or more providers, as defined in this Section~~hereinafter~~, for any act, error or omission in the rendering of, or failure to render, medical services for medically related injuries.

Lawsuit Closed means any lawsuit, as defined in this Section, for which final disposition has been reached.

Lawsuit Filed means a lawsuit filed in any court of this State that alleges liability on the part of any physician, hospital or other health care provider for medically related injuries.

Other Entity means any stop loss insurer, captive insurer, risk retention group, county risk retention trust, religious or charitable risk pooling trust or surplus line insurer, or other entity authorized or permitted by law to provide medical liability insurance as identified in Section 155.19 of the Code [215 ILCS 5/155.19].

Provider means any physician, hospital facility, or other person that~~which~~ is licensed or otherwise authorized to furnish health care services and also includes any other entity that arranges for the delivery or furnishing of health care services. [215 ILCS 125/1-2(12)].

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

Section 928.40 Reports

a) All insurance claims and all lawsuits filed after January 1, 2006~~December 31, 1976, and all lawsuits filed after December 31, 1976,~~ shall be reported to the

Secretary or Director by the insurer and contain the information required in the filing software provided by the Divisionset forth in Exhibit A of this Part. ThisPreferably this report shallshould be filed with the Secretary or Director electronically; however, hard copy form will still be accepted.

b) All insurance claims closed and all lawsuits closed that were previously reported pursuant to subsection (a) of this Section shall be reported to the Secretary or Director by the insurer and contain the information required in the filing software provided by the Divisionset forth in Exhibits A and B of this Part.

c) All insurance claims and all lawsuits re-opened that were previously reported pursuant to subsection (a) of this Section shall be reported to the Secretary or Director by the insurer and contain the information required in the filing software provided by the Division.

d) All insurance claims and all lawsuits re-closed that were previously reported pursuant to subsection (c) of this Section shall be reported to the Secretary or Director by the insurer and contain the information required in the filing software provided by the Division.

e) All updates to insurance claims and lawsuits that were previously reported pursuant to subsections (a) through (d) of this Section shall be reported to the Secretary or Director by the insurer and contain the information required in the filing software provided by the Division.

fe) Beginning January 1, 2006January 1, 1977, the reports required by subsectionssubsection (a) through (e)and (b) of this Section shall be filed with the Secretary or Director on a quarterly basis, due 90 days after the end of the quarter Director at least once each month and shall cover all insurance claims and lawsuits filed or closed in that quartermonth or the preceding month.

gd) Beginning January 1, 2006January 1, 2001, insurers shall only be required to file reports pursuant to required by subsectionssubsection (a) through (e)and (b) of this Section upon request of the Secretary or Director for providers who arrangeare any other entity that arranges for the delivery or furnishing of health care services pursuant to Section 1-2(12) of the Health Maintenance Organization Act [215 ILCS 125/1-2(12)].

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

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Section 928.42 Circuit Court Clerk Reporting Requirements

a) Beginning January 1, 2006, each clerk of the circuit court shall provide for every case filed in the Circuit alleging medical malpractice the following information to the Secretary or Director, in a specified electronic format if available, in order for the Secretary or Director to verify the accuracy and completeness of reports required by Section 155.19 of the Code. Each filing will be for a unique docket number. If more than one defendant/plaintiff is associated with the same docket number, separate reports shall be filed for each named defendant and/or plaintiff. The information required for each lawsuit filed is listed below with a description and required format of each element:

1) Court Docket Number – Docket number (maximum = 40 characters);

2) Named Defendant – Defendant named in the lawsuit (Last Name Suffix, First Name MI, Professional Designation, maximum = 64 characters);

3) Named Plaintiff – Plaintiff named in the lawsuit (Last Name Suffix, First Name MI, maximum = 59 characters);

4) Award Date – Date of award (MM/DD/YYYY);

5) County – County of circuit court (maximum = 35 characters);

6) Amount Awarded by Circuit Court – Amount awarded by the circuit court (whole dollar amounts only, maximum = 8 characters);

7) Economic Damages Awarded – Amount of economic damages awarded by the circuit court (whole dollar amounts only, maximum = 8 characters);

8) Non-economic Damages Awarded – Amount of non-economic damages awarded by the circuit court (whole dollar amounts only, maximum = 8 characters);

9) Court Verdict – Use the following code that best indicates the circuit court results: (1) Directed Verdict for Plaintiff; (2) Directed Verdict for Defendant; (3) Judgment Notwithstanding Verdict for Plaintiff (judgment for defendant); (4) Judgment Notwithstanding Verdict for Defendant

(judgment for plaintiff); (5) Judgment for Plaintiff; (6) Judgment for Defendant; (7) Decision for Plaintiff on Appeal; (8) Decision for Defendant on Appeal, (9) All Other, including Dismissals.

10) Disposition of Post-Trial Motions – Describe any post-trial motions (maximum = 25 characters);

11) Name of Contact Person at the Clerk of Circuit – Name of contact person responsible for preparing this information (maximum = 59 characters);

12) Telephone Number of Contact Person – Contact person telephone number (maximum = 20 characters); and

13) Email Address of Contact Person – Contact person email address (maximum = 40 characters).

b) The information submitted pursuant to subsection (a) of this Section shall be reported via the Division website, or on 3.5" diskettes or CDs, if available. The information on each diskette or CD must be in comma-delimited format. Do not use quotes to qualify text. Each diskette or CD must be labeled "Casualty Actuarial Section – Circuit Court Information" The label must also include the following:

1) Name of Circuit Court – County;

2) Submission Date;

3) Dates Covered by the Filing;

4) Number of Diskettes/CDs in this Submission with the Diskette/CD Number; and

5) Number of Records in this Submission.

c) If electronic filing is not available, the information for each lawsuit shall be reported separately in hardcopy form as described and numbered in subsection (a) of this Section and as demonstrated in Exhibit A of this Part.

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d) Information shall be submitted to the Secretary or Director on a quarterly basis, due 90 days after the end of the quarter. Information submitted shall contain the elements listed in this Section for all new cases filed during the quarter, as well as for any new or additional information added to a previously reported case.

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

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Section 928.EXHIBIT A Circuit Court Clerk Paper Reporting Format~~Illinois Medical Liability Insurance Uniform Claims Report~~

a) Court Docket Number: _____

b) Named Defendant: _____

c) Named Plaintiff: _____

d) Award Date: MM/DD/YYYY _____

e) County: _____

f) Amount Awarded by Circuit Court: $ _____

g) Economic Damages Awarded: $ _____

h) Non-economic Damages Awarded: $ _____

i) Court Verdict: _____

j) Disposition of Post-Trial Motions: _____

k) Name of Contact Person at the Clerk of Circuit: _____

l) Telephone Number of Contact Person: _____

m) Email Address of Contact Person: _____

~~File one report for each defendant insured by filing insurer. Include claims closed without payment. Complete all requested information on each report. If the information is unknown, enter UK; if not applicable, enter NA. When an item calls for a dollar amount and no amount is involved, enter 0 in the space. Each entry marked (CODE) requires a specific code which is identified in Exhibit C of this Part. Record all amounts in whole dollars only, all dates as MM/DD/YY and all ages (on date of occurrence) as YY.~~

~~Complete For All Claims~~

~~1a. Name of Insurer:~~

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~~1b. Claim File ID#:~~

~~2a. Date of Injury:~~ ~~2b. Date Reported to Insurer:~~

~~2c. Date Reopened:~~ ~~2d. Date of Original Closure (if reopened):~~

~~3a. Insured's Name:~~ ~~3b. Insured's Age:~~

~~3c. City:~~ ~~3d. State:~~ ~~3e. Zip:~~

~~4a. Profession or Business (CODE):~~ ~~4b. Specialty (CODE):~~

~~4c. Type of Practice (CODE):~~

~~5a. Board Certification (Y or N):~~

~~5b. Foreign Medical Graduate?~~ ~~5c. Country:~~

~~6a. Place where injury occurred (CODE):~~

~~6b. City:~~ ~~6c. State:~~ ~~6d. Zip:~~

~~7a. Name of Institution (if injury occurred in institution):~~

~~7b. Location in Institution (CODE):~~

~~8a. Injured Person's Name:~~ ~~8b. Injured Person's Age:~~

~~8c. Sex of Injured Person:~~

~~9a. Total Defendants Involved in Claim:~~

~~9b. Derivative Claim (CODE):~~

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

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Section 928.EXHIBIT B Illinois Medical Liability Paid and Closed Insurance Claims Report (Repealed)

~~Complete for Paid and Closed Insurance Claims Only:~~

~~10. Amount of reserve for indemnity if still outstanding: $~~

~~11. Amount of reserve for expense if still outstanding: $~~

~~12a. Attorney for Plaintiff:~~

~~12b. City: 12c. State: 12d. Zip:~~

~~13. Describe action which caused insurance claim to be made:~~

~~14a. Final diagnosis for which treatment was sought or rendered (patient's actual condition):~~

~~14b. Describe misdiagnosis made, if any, of patient's actual condition:~~

~~15. Operation, diagnostic or treatment procedure causing the injury:~~

~~16a. Describe principal injury giving rise to the claim:~~

~~16b. Severity of Injury (CODE):~~

~~17a. Misadventures in Procedures (CODE):~~

~~17b. Misadventures in Diagnosis (CODE):~~

~~18a. Others Contributing to Injury (CODE):~~

~~18b. Associated Issues (CODE):~~

~~18c. Coverage:~~

~~19. Companion Claim File ID #s: 1. 2.~~

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~~3.~~ ~~4.~~

~~20a. Date of this payment or closure:~~

~~20b. Claim Disposition (CODE):~~

~~20c. Settlement (CODE):~~ ~~21a. Court (CODE):~~

~~21b. Binding Arbitration (CODE):~~ ~~21c. Review Panel (CODE):~~

~~22. Indemnity paid by insurer on behalf of named insured/defendant: $~~

~~23. Other indemnity paid by or on behalf of named insured/defendant: $~~

~~24. Indemnity paid by all parties (for all defendants): $~~

~~25. Loss adjustment expense paid to all defense counsel: $~~

~~26. All other allocated loss adjustment expense paid by insurer: $~~

~~27. Injured person's incurred medical expense: $~~

~~28. Injured person's anticipated future medical expense: $~~

~~29. Injured person's incurred wage loss: $~~

~~30. Injured person's anticipated wage loss: $~~

~~31. Injured person's other expense: $~~

~~32. Total amount allocated for future periodic payments (for all defendants): $~~

~~33. Person Responsible for Preparing this Report:~~

~~34. Contact Person for Insurer and Telephone Number:~~

~~35. Mailing Address for Insurer/Contact Person:~~

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~~36. City:~~ ~~37. State:~~ ~~38. Zip:~~

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

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Section 928.EXHIBIT C Illinois Medical Liability Insurance Uniform Claims Report Instructions (Repealed)

~~All fields are self-explanatory except as follows:~~

~~a) (Part 928.Exhibit A, 2d) Enter original closure date if the claim is a reopened claim.~~

~~b) (Part 928.Exhibit A, 4a) Profession or business code:~~

~~1) physicians and surgeons;~~

~~2) hospitals;~~

~~3) other medical professionals, but please specify the type of profession;~~

~~4) other health care facilities.~~

~~c) (Part 928.Exhibit A, 4b) Specialty Code is the individual industry classification code describing specific type of practice. If industry classification codes are other than ISO, please provide a description of classification codes being filed. Once a description of all classification codes is filed, it is only necessary to file descriptions of new or changed classification codes.~~

~~d) (Part 928.Exhibit A, 4c) Type of practice code:~~

~~1) institutional (academic);~~

~~2) professional corporation or partnership (group);~~

~~3) self-employed;~~

~~4) employed physician;~~

~~5) employed nurse;~~

~~6) all other employees;~~

~~7) intern or resident.~~

~~e) (Part 928.Exhibit A, 5b) Enter Yes or No, indicating if insured physician is a foreign medical graduate.~~

~~f) (Part 928.Exhibit A, 5c) Enter country in which primary medical education was received if other than U.S.~~

~~g) (Part 928.Exhibit A, 6a) Enter the appropriate code for the place where the principal injury occurred:~~

~~1) hospital inpatient facility;~~

~~2) emergency room;~~

~~3) hospital outpatient facility;~~

~~4) nursing home;~~

~~5) physician's office;~~

~~6) patient's home;~~

~~7) other outpatient facility;~~

~~8) other, but please provide a description;~~

~~9) other hospital/institutional location.~~
~~Note: Use only one code.~~

~~h) (Part 928.Exhibit A, 7b) Enter appropriate code if location of institutional injury was:~~

~~1) patient's room;~~

~~2) labor or delivery room;~~

~~3) operating suite;~~

~~4) recovery room;~~

~~5) critical care unit;~~

~~6) special procedure room;~~

~~7) nursery;~~

~~8) radiology;~~

~~9) physical therapy department.~~

~~i) (Part 928.Exhibit A, 9a) Enter the total number of defendants (persons and institutions other than John Does) involved in claim.~~

~~j) (Part 928.Exhibit A, 9b) Enter the appropriate code(s) if a derivative claim (on behalf of someone other than the medically injured) was made by:~~

~~1) spouse;~~

~~2) children;~~

~~3) parent;~~

~~4) personal representative.~~

~~k) (Part 928.Exhibit B, 14a and 14b) Use nomenclature and/or descriptions to enter the final diagnosis for which treatment was sought or rendered (actual abnormal condition) and also the misdiagnosis, if any, of the patient's actual condition.~~

~~l) (Part 928.Exhibit B, 15) Use nomenclature and/or descriptions of the procedure used. Include methods of anesthesia, or name of drug used for treatment, with detail of administration and type of adverse effect where applicable.~~

~~m) (Part 928.Exhibit B, 16a) Use nomenclature and/or descriptions of the injury. Include type of adverse effect from drugs where applicable.~~

~~n) (Part 928.Exhibit B, 16b) Enter one digit code for severity of injury from scale provided below. Enter the code for the most serious injury if several are involved.~~

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~~Severity of Injury Scale~~		~~Examples~~
~~Temporary~~	~~1) Emotional only~~	~~Fright, no physical damage.~~
	~~2) Insignificant~~	~~Lacerations, contusions, minor scars, rash. No delay.~~
	~~3) Minor~~	~~Infections, misset fracture, fall in hospital. Recovery delayed.~~
	~~4) Major~~	~~Burns, surgical material left, drug side-effect, brain damage. Recovery delayed.~~
~~Permanent~~	~~5) Major~~	~~Loss of fingers, loss or damage to organs. Include non-disabling injuries.~~
	~~6) Significant~~	~~Deafness, loss of limb, loss of eye, loss of one kidney or lung.~~
	~~7) Major~~	~~Paraplegia, blindness, loss of two limbs, brain damage.~~
	~~8) Grave~~	~~Quadriplegia, severe brain damage, lifelong care or fatal prognosis.~~
	~~9) Death~~	

~~o)~~ ~~(Part 928.Exhibit B, 17a) Enter the appropriate misadventure code(s) if the procedure was:~~

~~1)~~ ~~not adequately indicated;~~

~~2)~~ ~~contraindicated;~~

~~3)~~ ~~there was a more appropriate alternative;~~

~~4)~~ ~~delayed;~~

~~5)~~ ~~improperly performed;~~

~~6)~~ ~~not performed;~~

~~7) occasioned by misdiagnosis;~~

~~8) inadequate assessment;~~

~~9) misidentification of the patient;~~

~~10) delay in notifying physician;~~

~~11) failure to notice an improper order;~~

~~12) failure to obtain a proper order;~~

~~13) failure to instruct patient.~~

~~p) (Part 928.Exhibit B, 17b) Enter the appropriate code if the following misadventures in diagnosis caused or aggravated the injury:~~

~~1) delay in diagnosis;~~

~~2) misdiagnosis of the abnormal condition;~~

~~3) misdiagnosis in the absence of an abnormal condition.~~

~~q) (Part 928.Exhibit B, 18a) Enter the appropriate code(s) if any other person(s) caused or contributed to the injury:~~

~~1) attending physician;~~

~~2) house staff;~~

~~3) consultant;~~

~~4) nurse R.N.;~~

~~5) nurse L.P.N. or L.V.N.;~~

~~6) aide;~~

~~7) orderly;~~

~~8) pharmacist;~~

~~9) radiologist;~~

~~10) radiology technician;~~

~~11) anesthesiologist;~~

~~12) anesthetist;~~

~~13) pathologist;~~

~~14) laboratory technician;~~

~~15) physician's assistant;~~

~~16) O.R. technician;~~

~~17) physical therapist;~~

~~18) inhalation therapist;~~

~~19) other therapists;~~

~~20) other technicians;~~

~~21) dietitian;~~

~~22) maintenance personnel;~~

~~23) engineer;~~

~~24) administrator;~~

~~25) other personnel;~~

~~26) patient;~~

~~27) another patient.~~

~~r) (Part 928.Exhibit B, 18b) Enter the appropriate code(s) if one or more of the following factors were associated issues in the claim:~~

~~1) abandonment;~~

~~2) premature discharge from institution;~~

~~3) false imprisonment;~~

~~4) lack or delay of consultation;~~

~~5) lack of supervision;~~

~~6) breach of confidentiality;~~

~~7) failure to prevent an abnormal condition;~~

~~8) failure to accomplish intended result;~~

~~9) failure to conform with regulation or statutory law;~~

~~10) lack of adequate facilities or equipment;~~

~~11) laboratory error;~~

~~12) pharmacy error;~~

~~13) products liability;~~

~~14) failure to timely disclose;~~

~~15) failure to provide warning instructions;~~

~~16) lack of consent from proper person;~~

~~17) inadequate information for informed consent;~~

~~18) procedure exceeded consensual understanding;~~

~~19) breach of contract;~~

~~20) warranty;~~

~~21) assault and battery;~~

~~22) res ipsa loquitur;~~

~~23) emergency equipment;~~

~~24) cooling devices;~~

~~25) heating devices;~~

~~26) cautery equipment;~~

~~27) x-ray equipment;~~

~~28) radiation therapy equipment;~~

~~29) traction equipment;~~

~~30) anesthesia equipment;~~

~~31) operative equipment;~~

~~32) surgical instruments & materials;~~

~~33) food preparation equipment;~~

~~34) laboratory equipment;~~

~~35) laboratory mislabeling;~~

~~36) laboratory computation error;~~

~~37) inadequate laboratory specimen;~~

~~38) lost laboratory specimen;~~

~~39) laboratory interpretation;~~

~~40) laboratory reporting error;~~

~~41) laboratory delay in reporting;~~

~~42) sterilization of equipment;~~

~~43) skin preparation;~~

~~44) aseptic technique;~~

~~45) isolation for infection control;~~

~~46) records;~~

~~47) billing and collection;~~

~~48) inter-professional relations;~~

~~49) vicarious liability;~~

~~50) statute of limitations;~~

~~51) punitive damages.~~

~~s) (Part 928.Exhibit B, 18c) Enter the appropriate coverage code for the type of policy covering the claim:~~

~~1) claims made-basic (policy covers all claims made during the term of the policy);~~

~~2) claims made-tail (policy covers all claims made during the policy term for events which occurred during a designated previous policy term);~~

~~3) occurrence (policy covers all claims whenever presented for events which~~

~~occur during the policy term).~~

~~t)~~ ~~(Part 928.Exhibit B, 20b) Enter final method of claim disposition:~~

~~1)~~ ~~settled by parties;~~

~~2)~~ ~~disposed of by a court;~~

~~3)~~ ~~disposed of by binding arbitration.~~

~~u)~~ ~~(Part 928.Exhibit B, 20c) If settlement by agreement of the parties, enter the appropriate settlement code:~~

~~1)~~ ~~before filing suit or demanding hearing;~~

~~2)~~ ~~before trial or hearing;~~

~~3)~~ ~~during trial or hearing;~~

~~4)~~ ~~after trial or hearing, but before judgment or decision (award);~~

~~5)~~ ~~after judgment or decision, but before appeal;~~

~~6)~~ ~~during appeal;~~

~~7)~~ ~~after appeal;~~

~~8)~~ ~~claim or suit abandoned;~~

~~9)~~ ~~during review panel or non-binding arbitration.~~

~~v)~~ ~~(Part 928.Exhibit B, 21a) Enter the appropriate court disposition code:~~

~~0)~~ ~~no court proceedings;~~

~~1)~~ ~~directed verdict for plaintiff;~~

~~2)~~ ~~directed verdict for defendant;~~

~~3) judgment notwithstanding the verdict (plaintiff);~~

~~4) judgment notwithstanding the verdict (defendant);~~

~~5) judgment for the plaintiff;~~

~~6) judgment for the defendant;~~

~~7) decision for plaintiff on appeal;~~

~~8) decision for defendant on appeal;~~

~~9) all other.~~

~~w) (Part 928.Exhibit B, 21b) Enter appropriate binding arbitration code:~~

~~0) claim not subject to arbitration;~~

~~1) claim subject to arbitration, but previously coded disposition reached in lieu of award;~~

~~2) award for plaintiff;~~

~~3) award for defendant.~~

~~x) (Part 928.Exhibit B, 21c) If a review panel or non-binding arbitration was used in disposition, enter appropriate code:~~

~~1) finding for plaintiff;~~

~~2) finding for defendant.~~

~~y) (Part 928. Exhibit B, 23) Mark appropriate box if this amount was a deductible paid by the insured or indemnity paid under an excess limits policy by another insurer.~~

~~z) (Part 928.Exhibit B, 25) Enter fees paid to defense counsel for this defendant.~~

~~aa) (Part 928.Exhibit B, 26) Enter filing fees, telephone charges, photocopy fees,~~

~~expenses of defense counsel, etc.~~

~~bb)~~ ~~(Part 928.Exhibit B, 28) Enter best estimate of future medical expense if it appears the claimant will incur expenses in the future.~~

~~cc)~~ ~~(Part 928.Exhibit B, 30) Enter best estimate of future wage loss if it appears the claimant will incur wage loss in the future.~~

~~dd)~~ ~~(Part 928.Exhibit B, 32) If a reserve, annuity, trust fund or similar mechanism was established to provide future periodic payments, enter total amount thereof.~~

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Medical Liability Insurance Rules and Rate Filings

2) Code Citation: 50 Ill. Adm. Code 929

3)

Section Numbers:	Proposed Action:
929.10	Amendment
929.15	New Section
929.20	Amendment
929.30	Amendment
929.40	Repeal
929.200	New Section
929.210	New Section
929.220	New Section
929.230	New Section
929.240	New Section
929.250	New Section
929.260	New Section
929.270	New Section
929.280	New Section
929.290	New Section
929.300	New Section
929.310	New Section

4) Statutory Authority: Implementing Section 155.18 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/155.18 and 401].

5) A Complete Description of the Subjects and Issues Involved: The amendments to this Part will implement provisions of PA 94-677 as they relate to Section 155.18 of the Illinois Insurance Code. The Division has introduced Subparts to this rule that will divide the general regulatory provisions from the new hearing provisions. In Subpart A, we have added definitions and have clarified various other provisions consistent with PA 94-677. One significant proposed change will alter the Division's current statutory "use and file" rate filing practice to a "file and use" standard as authorized by Section 155.18(c)(1), except as otherwise provided by Section 155.18(c)(2) of the Code. Subpart B will establish the administrative hearing procedures for a public rate hearing which has been newly authorized by statute as well.

6) Will this rulemaking replace an emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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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 Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Tim Cena, Senior Counsel
Department of Financial and
Professional Regulation
Division of Insurance
100 West Randolph Street
Suite 9-301
Chicago, Illinois 60601-3218
(312) 814-5407

or

Barb Smith, Rules Coordinator
Department of Financial and
Professional Regulation
320 West Washington
3rd Floor
Springfield, Illinois 62767-0001
(217) 785-0813

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: Please review the proposed amendments as well as the new Sections found in Subpart B of this Part.

C) Types of professional skills necessary for compliance: Executive and administrative.

13) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION~~INSURANCE~~
SUBCHAPTER l: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 929
MEDICAL LIABILITY INSURANCE RULES AND RATE FILINGS

SUBPART A: GENERAL PROVISIONS AND REPORTING REQUIREMENTS

Section
929.10 Authority
929.15 Definitions
929.20 Purpose and Scope
929.30 Filing Requirements
929.40 Severability Provision (Repealed)

SUBPART B: ADMINISTRATIVE HEARING PROVISIONS

929.200 Applicability
929.210 Form of Documents
929.220 Filing
929.230 Computation of Time
929.240 Appearances
929.250 Notice of Hearing
929.260 Publication of the Notice of Hearing
929.270 Bias or Disqualification of Hearing Officer
929.280 Pre-hearing Conferences
929.290 Conduct of the Hearing
929.300 Hearing Officer's Findings, Conclusions and Recommendations
929.310 Order of the Secretary or Director

AUTHORITY: Implementing Section 155.18 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/155.18 and 401].

SOURCE: Adopted at 3 Ill. Reg. 20, p. 47, effective May 13, 1979; codified at 7 Ill. Reg. 2363; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS AND REPORTING REQUIREMENTS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section 929.10 Authority

This Part~~Rule~~ is promulgated by the Director of the Department of Financial and Professional Regulation-Division of Insurance under Section 401 of the Illinois Insurance Code [215 ILCS 5/401]~~(Ill. Rev. Stat. 1981, ch. 73, par. 1013) which~~ that empowers the Director ~~"...~~*to make reasonable rules and regulations as may be necessary for making effective*~~..."~~ the insurance laws of this State. This Part~~Rule~~ implements Section 155.18 of the Illinois Insurance Code [215 ILCS 5/155.18]~~(Ill. Rev. Stat. 1981, ch. 73, Section 767.18)~~.

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

Section 929.15 Definitions

Code means the Illinois Insurance Code [215 ILCS 5].

Department means the Illinois Department of Financial and Professional Regulation.

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

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

Secretary means the Secretary of the Illinois Department of Financial and Professional Regulation.

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

Section 929.20 Purpose and Scope

The purpose of this Part~~Rule~~ is to implement Section 155.18 of the Illinois Insurance Code. This Part~~Rule~~ shall apply to all ~~"~~*insurance on risks based upon negligence by a physician, hospital or other health care provider, referred to* in the code and this Part ~~*herein*~~ *as medical liability insurance,*~~"~~ the scope of the implemented legislation.

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

Section 929.30 Filing Requirements

a) All companies writing medical liability insurance are subject to this Section~~these filing requirements~~. Each company must file with the Secretary or Director, in a manner prescribed in this Section~~herein~~, under its own name. Combined group filings for companies subject to common management or ownership are not acceptable.

b) Rates – A company must file on its own behalf all rates for medical liability insurance, and:

1) File duplicate copies of a Rate Submission Letter that~~which~~ must include:

A) The name of the company making the filing;

B) FEIN of the company making the filing;

C~~B~~) Identification of the classes of medical liability insurance to which the filing applies;

D~~C~~) Notification of whether the filing is new or supersedes a present filing. Identification of all changes in superseding filings, as well as identification of all superseded filings is required;

E~~D~~) The effective date of use; and

F~~E~~) Certification by an officer of the company and a qualified actuary that the company's rates are based on sound actuarial principles and are not inconsistent with the company's experience.

2) File duplicate copies of FORM (RF-3), which provides information on changes in rate level based on the company's premium volume, rating system, and distribution of business with respect to the classes of medical liability insurance to which the rate revision applies. Insurers shall report the rate level change information and premium volume on the "Other" line and indicate "Medical Liability" on the "Other" descriptive line.

3) Maintain documentary data on rate development and changes in order that it be available for review by the Secretary or Director.

c) Rules – A company must file with the Secretary or Director, in a manner ~~as~~ prescribed in this subsection~~herein~~ all underwriting rule manuals that~~which~~

contain rules for applying rates or rating plans, plans for the gathering of statistics or the reporting of statistics to statistical agencies, classifications, or other such schedules used in writing medical liability insurance. A company may file directly or in conjunction with an advisory organization.

1) A company filing directly must file, in addition to all rate rules themselves, duplicate copies of a Rule Submission Letter that~~which~~ must include:

A) The name of the company making the filing;

B) The FEIN of the company making the filing;

C~~B~~) Identification of the classes of medical liability insurance to which the filing~~rule~~ applies;

D~~C~~) Notification as to whether the filing is new or supersedes a present filing. Identification of all changes in all superseding filings, as well as identification of all superseded filings is required;

E~~D~~) The effective date of use; and

F~~E~~) Certification by an officer of the company and a qualified actuary that the company's rate rules are based on sound actuarial principles and are not inconsistent with the company's experience.

2) A company filing in conjunction with an advisory organization~~,~~ must file in accord with this subsection (c)(2)~~herewith~~.

A) A company, that~~which~~ has authorized an advisory organization to file required materials on the company's behalf~~,~~ must have on file a Rule Authorization Letter, which must include:

i) The name of the company's authorized advisory organization.

ii) The kinds of insurance for which the filing is being made.

iii) Authorization clause or language.

iv) Effective date of authorization.

~~B) As an alternative to Section 929.30(c)(2)(A), a company may make rule filings in conjunction with an advisory organization by limited reference to materials developed and filed by the advisory organization by filing duplicate copies of FORM (RF-1) with respect to the referenced materials.~~

B~~C~~) A company deviating from the advisory organization's rules as they have been either filed on behalf of the company by the advisory organization under Section 929.30(c)(2)(A) or referenced by the company under Section 929.30(c)(2)(B) must file with the Secretary or Director:

i) Manual size exception pages to the rule manual in duplicate.

ii) The manual rule number, which must be the same as the rule number being replaced.

iii) The effective date of use.

iv) Certification of an officer of the company and a qualified actuary that the company's rates are based on sound actuarial principles and are not inconsistent with the company's experience.

C~~D~~) A company making a filing under this subsection (c)(2) that~~hereunder which~~ wants an effective date different from that of the advisory organization's advisory effective date must file either:

i) Manual size exception pages in duplicate establishing an automatic uniform delayed effective date applicable to all future advisory organization rule revisions, or

ii) Copies of the Advisory Organization Checking Slip, in duplicate, establishing a special effective date for a particular advisory organization rule revision.

d) All medical liability rate and rule manuals shall contain separate, clearly marked sections for rates and rules according to class or classes of insurance, such as physicians and surgeons, allied health, nursing homes, hospitals, nurses, dentists, chiropractors. Such rate and rule manuals shall also contain a comprehensive table of contents or index at the front of each manual.

e) All companies writing medical liability insurance shall file with the Secretary or Director a plan to offer each medical liability insured the option to make premium payments, including premium for extended reporting period coverage, in at least quarterly installments. The payment plan shall be included in the initial offer of the policy and the initial offer of or request for the extended reporting period coverage, or in the first policy renewal occurring after January 1, 2006. These provisions shall be contained in the filed rate and/or rule manual in a section entitled "Quarterly Installment Option" or a substantially similar title. If the company uses a substantially similar title, the Rule Submission Letter must indicate the name of the section that complies with this requirement.

f) Any company writing medical liability insurance shall file with the Secretary or Director any plan to offer deductibles to its insureds. These provisions shall be contained in the filed rate and/or rule manual in a section entitled "Deductibles Offered" or a substantially similar title. If the company uses a substantially similar title, the Rule Submission Letter must indicate the name of the section that complies with this requirement.

g) All companies writing medical liability insurance shall file with the Secretary or Director any plan to offer insureds premium discounts for participation in risk management activities. These provisions shall be contained in the filed rate and/or rule manual in a section entitled "Risk Management Activities Discounts" or a substantially similar title. If the company uses a substantially similar title, the Rule Submission Letter must indicate the name of the section that complies with this requirement.

h~~d~~) All filings must be received by the Division ~~Illinois Department~~ of Insurance, Property and Liability Evaluation Section, Springfield, Illinois no later than ~~30 days after~~ their effective date, and no filing is deemed to be received until it is received in the Property and Liability Evaluation Section.

i~~e~~) In addition to the filings ~~as~~ required in this Section~~herein~~, the Secretary or Director ~~of Insurance~~ may require the filing of statistical data and any other pertinent information necessary to determine the manner the company used to set

the filed rates and the reasonableness of those rates, as well as the manner of promulgation and the acceptability or unacceptability of a filing for rules, minimum premiums, rates, forms or any combination of those items~~thereof~~. An insurer shall provide the data or information within 14 calendar days after the Secretary's or Director's request.

j) In order to determine when 1% of Illinois insureds within a specialty have requested a hearing, the Secretary or Director may contact an insurer for the total number of Illinois insureds within the insurer's specialties, and the insurer shall provide that information within 14 calendar days.

k~~f~~) Groups, associations, organizations or companies authorized to engage in joint underwriting and joint reinsurance activities are prohibited from establishing underwriting rules with respect to rates that~~which~~ in any way inhibit a company from individually underwriting any risks.

l~~g~~) No company authorized to write medical liability insurance in Illinois may discontinue writing medical liability insurance without notifying the Secretary or Director of the action, as well as reasons for the action, 180 days before the termination of any policy is effective. The notice must include the reasons for the action, all data relied upon by the company as the basis for the action, and whether the company offers and will continue to offer medical liability insurance in any other state. For purposes of this requirement, discontinuance of the writing of medical liability insurance shall mean cancellation or nonrenewal of greater than 50% of the company's medical liability insurance policies.~~If after a review of the filings, the Director determines that the underwriting rules rating plans or rates as filed may be excessive, inadequate or unfairly discriminatory, he may call a hearing.~~

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

Section 929.40 Severability Provision (Repealed)

~~If any Section or portion of a Section of this Rule, or the applicability thereof to any person or circumstance is held invalid by a court, the remainder of the Rule or the applicability of such provision or circumstance shall not be affected thereby.~~

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

SUBPART B: ADMINISTRATIVE HEARING PROVISIONS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section 929.200 Applicability

This Part shall apply to all hearings conducted pursuant to the Secretary's or Director's authority in Section 155.18 of the Code.

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

Section 929.210 Form of Documents

a) Documents shall clearly show the file Hearing Number and the title of the proceedings in connection with which they are filed.

b) Except as otherwise provided, 2 copies of all documents, including notices, motions, and petitions, shall be filed with the Division.

c) Documents shall be typewritten or reproduced from typewritten copy on letter or legal size white paper.

d) One copy of each document filed shall be signed by the party or by an authorized representative or attorney.

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

Section 929.220 Filing

Documents and requests permitted or required to be filed with the Division in connection with a hearing shall be addressed to and mailed to or filed with the Division, Springfield, Illinois 62767, in duplicate. The offices of the Division are open for filing, inspection and copying of public documents from 8:30 A.M. to 5:00 P.M., Monday through Friday, except on National and State legal holidays.

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

Section 929.230 Computation of Time

a) Computation of any period of time prescribed by this Part shall begin with the first business day following the day on which the act, event or development initiating the period of time occurs, and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday, or legal

holiday. Where the period of time is five days or less, Saturdays, Sundays and legal holidays shall be excluded in the computation of time.

b) Notice requirements shall be construed to mean notice received, but proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received.

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

Section 929.240 Appearances

a) Any person entitled to participate in the proceeding may appear as follows:

1) A natural person may appear in his or her own behalf or by an attorney at law licensed to practice in the State of Illinois, or both.

2) A business, nonprofit, or government organization may appear by any bona fide officer, employee or representative, or may be represented by an attorney licensed to practice in the State of Illinois, or both.

b) Attorneys not licensed to practice in the State of Illinois may appear on motion.

c) An attorney appearing in a representative capacity shall file a written notice of appearance.

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

Section 929.250 Notice of Hearing

All administrative hearings under this Part shall be initiated by the issuance of a Notice of Hearing from the Division. The Notice of Hearing shall clearly state the time, date, place, and purpose of the hearing.

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

Section 929.260 Publication of the Notice of Hearing

a) The Notice of Hearing shall be made public by the Division by all the following:

1) Publication on the Illinois Department of Financial and Professional Regulation website; and

2) Publication of the Notice in at least three newspapers designed to provide wide geographical distribution of the Notice of Hearing in the State of Illinois; and

3) Service of the Notice of Hearing via registered or certified mail to the party making the filing that is the subject of the Notice of Hearing.

b) The Hearing Officer has the authority to conduct a hearing, take all necessary action to avoid delay, maintain order, and insure the development of a clear and complete record. The Hearing Officer shall have all powers necessary to conduct a hearing, including the power to:

1) Administer oaths and affirmations;

2) Regulate the course of hearings, set the time and place for continued hearings, fix time for filing of documents, provide for the taking of testimony by deposition if necessary, and generally conduct the proceeding according to generally recognized principles of administrative law and this Subpart;

3) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;

4) Rule upon offers of proof and receive relevant evidence;

5) Sign and issue subpoenas that require attendance, giving testimony and producing books, papers and other documentary evidence;

6) Dispose of procedural requests or similar matters;

7) Render Findings of Fact, Opinions and Recommendations for an Order of the Director; and

8) Enter any Order that further carries out the purpose of this Subpart.

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

Section 929.270 Bias or Disqualification of Hearing Officer

a) Any interested participant may file a timely and sufficient affidavit setting forth allegations of personal bias, prejudice, or disqualification of a presiding Hearing Officer. The Secretary or Director shall determine this issue as part of the record of the case. When a Hearing Officer is disqualified, or it becomes impractical for him to continue, another presiding officer may be assigned unless it is further shown that substantial bias or prejudice will result from the assignment.

b) The Hearing Officer may at any time voluntarily disqualify himself.

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

Section 929.280 Pre-hearing Conferences

a) Upon written notice by the Hearing Officer in any proceeding, the Hearing Officer may direct a participant or his or her attorney to appear at a specified time and place for a conference, prior to or during the course of the hearing, for the purpose of formulating issues and considering:

1) The simplification of issues;

2) The necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation;

3) The possibility of making admissions of certain averments of facts or stipulations;

4) The limitation of the number of witnesses;

5) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

b) Opportunity shall be afforded all participants to be represented by legal counsel.

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

Section 929.290 Conduct of the Hearing

a) All hearings shall be public unless required by statute to be otherwise and all hearings conducted under this Subpart shall be recorded.

b) All participating parties may present evidence by oral testimonies or by written submission or both; the burden of proof for justifying the rate or proposed rate is on the company making the filing.

c) The Hearing Officer will determine the order in which parties wishing to make oral presentations shall testify.

d) The Hearing shall be completed within 90 days after the request, decision, or increase that gave issue to the hearing.

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

Section 929.300 Hearing Officer's Findings, Conclusions and Recommendations

a) The Hearing Officer's Findings of Fact, Conclusions of Law and Recommendations shall be in writing and shall include Findings of Fact and Conclusions of Law, or Recommendations separately stated.

b) The Hearing Officer shall then submit his Findings, Conclusions and Recommendations to the Secretary or Director.

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

Section 929.310 Order of the Secretary or Director

If, after a public hearing, the Secretary or Director finds that any rate, rating plan or rating system violates Section 155.18 of the Code, the Secretary or Director shall issue an Order to the company that has been the subject of the hearing specifying in what respect the violation exists and may adjust the rate.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Professional Liability Insurance Reporting Requirements and Resource Center

2) Code Citation: 50 Ill. Adm. Code 933

3)

Section Numbers:	Proposed Action:
933.10	New Section
933.20	New Section
933.30	New Section
933.40	New Section
933.50	New Section

4) Statutory Authority: Implementing Section 155.18a and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/155.18a and 401].

5) A Complete Description of the Subjects and Issues Involved: This new rule establishes content, form and data reporting requirements for information to be reported to the Secretary or Director of the Illinois Department of Financial and Professional Regulation – Division of Insurance pursuant to Section 155.18a of the Illinois Insurance Code [215 ILCS 5/155.18a]. This new rule will implement PA 94-677.

6) Will this rulemaking replace an emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Tim Cena, Senior Counsel
Department of Financial and
Professional Regulation

Barb Smith, Rules Coordinator
Department of Financial and
Professional Regulation

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

Division of Insurance 100 West Randolph Street Suite 9-301 Chicago, Illinois 60601-3218 (312) 814-5407	or	320 West Washington 3rd Floor Springfield, Illinois 62767-0001 (217) 785-0813

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Insurance producers, should they choose to participate pursuant to Section 933.50 of this Part.

B) Reporting, bookkeeping or other procedures required for compliance: Please closely review all provisions of this new Part.

C) Types of professional skills necessary for compliance: Clerical, administrative or computer skills will be necessary for compliance with this Part.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the Division did not anticipate the need to promulgate a separate new rule to establish the Resource Center and reporting requirements thereto.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER l: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 933
PROFESSIONAL LIABILITY INSURANCE REPORTING
REQUIREMENTS AND RESOURCE CENTER

Section

933.10 Applicability
933.20 Purpose and Scope
933.30 Definitions
933.40 Company Reporting Requirements
933.50 Producer Reporting Requirements

AUTHORITY: Implementing Section 155.18a and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/155.18a and 401].

SOURCE: Adopted at 30 Ill. Reg. _____, effective _____.

Section 933.10 Applicability

This Part shall apply to each licensed insurance producer and to each insurance company licensed to write medical liability insurance in this State pursuant to Section 4, Class 2(c) [215 ILCS 5/4].

Section 933.20 Purpose and Scope

The purpose of this Part is to establish content, form and data reporting requirements for information to be reported to the Secretary of the Department or to the Director of the Illinois Department of Financial and Professional Regulation-Division of Insurance pursuant to Section 155.18a of the Illinois Insurance Code [215 ILCS 5/155.18a].

Section 933.30 Definitions

Base Rates means the average rate that is charged for the base class and base territory, as well as the relativity factors applied to the base rate and the formula for applying the factors, to determine the rates for all classes and territories as filed with the Division.

Code means the Illinois Insurance Code [215 ILCS 5].

Department means the Illinois Department of Financial and Professional Regulation.

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

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

Insurance Company means any insurance company licensed in the State of Illinois that provides medical liability insurance.

Insurance Producer means any person required to be licensed under the laws of this State to sell, solicit or negotiate medical liability insurance.

Professional Liability Insurance Resource Center means an internet website of licensed insurance companies and producers that provide medical liability insurance.

Secretary means the Secretary of the Illinois Department of Financial and Professional Regulation.

Section 933.40 Company Reporting Requirements

In order to be listed on the Division's Professional Liability Insurance Resource Center website, an insurance company providing medical liability insurance shall, on or before September 30 of each year, submit the following information to the Division electronically and in a format provided on the Division website:

a) Name;

b) Telephone number;

c) Base rates; and

d) Hyperlinks to company website.

Section 933.50 Producer Reporting Requirements

a) In order to be listed on the Division's website, each insurance producer selling medical liability insurance shall, on or before September 30 of each year, submit the following information to the Division electronically and in a format provided on the Division website:

1) Name;

2) Business address;

3) License number;

4) Telephone number; and

5) Name of each licensed company for which the producer sells medical liability insurance.

b) The license number will be used to verify an insurance producer's licensure on an inter-agency basis and will not be posted on the Division website.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Insurance Cost Containment Data Reporting Requirements

2) Code Citation: 50 Ill. Adm. Code 4203

3)

Section Numbers:	Proposed Action:
4203.10	Amendment
4203.20	Amendment
4203.30	Amendment
4203.40	Amendment
4203.50	Amendment
4203.60	Amendment
4203.70	Amendment
4203.80	Amendment
4203.90	Amendment
4203.100	Amendment
4203.110	Amendment
4203.200	New Section
4203.210	New Section
4203.220	New Section
4203.230	New Section

4) Statutory Authority: Implementing Article XLII and authorized by Section 1204 of the Illinois Insurance Code [215 ILCS 5/1200 through 1206].

5) A Complete Description of the Subjects and Issues Involved: These amendments will implement new reporting requirements contained in PA 94-677 for medical malpractice insurers. Subchapter B of this Part establishes the content, form and data reporting requirements for information required to be reported to the Secretary or Director of the Illinois Department of Financial and Professional Regulation – Division of Insurance pursuant to Section 1204 (C-5) of the Illinois Insurance Code [215 ILCS 5/1204].

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Tim Cena, Senior Counsel
Department of Financial and
Professional Regulation
Division of Insurance
100 West Randolph Street
Suite 9-301
Chicago, Illinois 60601-3218

(312) 814-5407

or

Barb Smith, Rules Coordinator
Department of Financial and
Professional Regulation
320 West Washington
3rd Floor
Springfield, Illinois 62767-0001

(217) 785-0813

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: Please closely review all the proposed amendments to this Part, as they are required procedures for reporting.

C) Types of professional skills necessary for compliance: Professional, administrative and computer skills will be necessary for compliance with this Part.

13) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION~~INSURANCE~~
SUBCHAPTER vv: INSURANCE COST CONTAINMENT

PART 4203
INSURANCE ~~COST CONTAINMENT~~ DATA AND REPORTING REQUIREMENTS

SUBPART A: COST CONTAINMENT REPORTING

Section
4203.10 Applicability
4203.20 Purpose and Scope
4203.30 Data Collection Procedures
4203.40 General Submission Guidelines
4203.50 Required Data Types (Lines, Classes, and Coverages)
4203.60 Line Item Matrix For Cost Containment Reporting
4203.70 Coding Conventions For Other Liability, Medical Malpractice, Earthquake, Commercial Auto Liability, Business Owners Packages, and Excess Insurance
4203.80 Coding Conventions for Homeowner and Residential Fire Insurance
4203.90 Coding Conventions for Private Passenger Auto Liability Insurance (Excluding PIP)
4203.100 Coding Conventions for Private Passenger Auto Physical Damage
4203.110 Record Layout for the Four Formats

SUBPART B: MEDICAL MALPRACTICE REPORTING

Section
4203.200 Applicability
4203.210 Purpose and Scope
4203.220 Definitions
4203.230 Reports

AUTHORITY: Implementing Article XLII and authorized by Section 1204 of the Illinois Insurance Code [215 ILCS 5/Art. XLII].

SOURCE: Adopted at 22 Ill. Reg. 4853, effective March 3, 1998; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: COST CONTAINMENT REPORTING

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section 4203.10 Applicability

This Part shall apply to each company licensed to write property or casualty insurance in this State pursuant to Section 4, Class 2 (a)-(l) and Class 3 (a)-(i) of the Illinois Insurance Code [215 ILCS 5/4]. These procedures are applicable to all direct property and liability business written by insurers licensed by the State of Illinois. Only direct insurance business will be reported. The data filings are not to include premiums received from, or losses paid to, other insurers because of the reinsurance assumed by the reporting insurers; nor~~,~~ shall any deductions be made by the reporting insurers for premiums ceded to, or for losses recovered from, other insurers because of the reinsurance ceded.

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

Section 4203.20 Purpose and Scope

The purpose of this Part is to establish content, form and data reporting requirements for information required to be reported to the Director of the Illinois Department of Financial and Professional Regulation-Division of Insurance (Director) pursuant to Section 1204(A) through (D) of the Illinois Insurance Code [215 ILCS 5/1204]. This Part will also establish the medium by which this~~such~~ information shall be transmitted to the Director.

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

Section 4203.30 Data Collection Procedures

a) Scope of Procedure
Each insurer shall report its business written separately for Illinois and multi-state (including Illinois) for each line, subline, or class, or endorsement specified by this Part. Where zip code reporting is required, each line, subline, class or endorsement shall be reported separately for each zip code. Zip code reporting will be required for Illinois personal line business only. Only data for the voluntary market will be reported.

b) Methods of Compiling Annual Experience
Experience for each class or type of business required will be provided for the applicable methods described in this subsection (b). The insurer or agent will report data for calendar year and calendar year premium-only data evaluated as of December 31. For calendar-accident and policy year data, the evaluation date will be March 31. The statistical periods~~period(s)~~ for reporting each type or class of

business are defined as:

1) Calendar year
The calendar year data represents a comparison of losses with exposures and premiums in the same 12 month period. For the calendar year experience method, the insurer or agent will report evaluations as of December 31. Data will be reported for the current year minus one year. (For example, the 1996 report will contain data for 1995, evaluated as of December 31, 1995, the latest complete, calendar year experience year.)

2) Calendar-accident year
The accident year data represents a comparison of losses on claims occurring in a given 12 month period with the exposures and premiums in that same period. The insurer or agent will report data based upon evaluations as of March 31 of the year following the period close. Data will be reported for the current year minus two years. The insurer will report data separately, for the latest five year experience years. (For example, the 1996 report will contain data reported separately by year for the years 1990 through 1994, evaluated as of March 31, 1995, with 1994 the latest complete, calendar-accident year experience year.)

3) Policy year
The policy year data represents a comparison of losses occurring under policies having inception dates in a given calendar year with the exposures and premiums on those~~such~~ policies. The insurer or agent will report evaluations as of March 31 of the year following the close of the period. Data will be reported for the current year minus three years. The insurer will report data separately, for the latest five year experience years. (For example, the 1996 report will contain data reported separately by year for the years 1989 through 1993, evaluated as of March 31, 1995 with 1993, the latest, complete policy-year experience year.)

4) Calendar year premium-only
For all classes that are reported on a calendar-accident or policy year basis, insurers will submit an additional and separate record for calendar year experience that~~which~~ includes written premium, earned premium, and written exposures. The data will be reported for the most recent calendar year and will be evaluated as of December 31. (For example, for the November 1997 report, insurers will report premiums and exposures for their 1996 calendar year experience for each class in addition to their

calendar-accident and policy year data.) Insurers need not submit additional records for any class that is reported using the calendar year method of compiling annual experience.

c) Experience Method By Line

1) For those lines where calendar year experience is used, including private passenger automobile physical damage; homeowners (optional); earthquake-REQ (optional); residential fire (optional); and excess insurance (optional), each insurer will report the premium and loss data for the latest experience year. (For example, 1995 data for reporting year 1996.)

2) For those lines where calendar-accident and policy year experience is used, insurers will report the latest five experience years for each line using the appropriate calendar-accident and policy year experience methods. (For example, in the 1996 report insurers will submit data for the years 1990 through 1994, for lines using the calendar-accident experience method and 1989 through 1993 for the policy year experience method.) Because there are several insurers that will not be able to comply with the five year requirement with the initial submittal, the Division of Insurance (Division) ~~Department~~ will allow the five year requirement to be phased in over the next three years. One additional year will be required each year until the five year requirement is satisfied. Insurers, however, should report as many of the five years as possible and are minimally required to report the latest experience year for both calendar-accident and policy years with the 1997 submittal. (For example, in 1997, a minimum of two years of data will be required. In the year 2000, and thereafter, five years of data will be required.)

3) Reports will be filed on an annual basis for the required lines using the applicable experience methods. The applicable experience method for each line is defined as follows:

Line or Type of Coverage	Experience Methods
Homeowners Multiple Peril[1]	Calendar year[2] or calendar-accident year and calendar year premium-only

Medical Malpractice	Policy year and calendar year premium-only
Earthquake (REQ)	Calendar year[2] or calendar-accident year and calendar year premium-only
Other Liability	Policy year and calendar year premium-only
PPA Liability	Calendar accident year and calendar year premium-only
PPA Physical Damage	Calendar year[2] only
Commercial Automobile Liability	Calendar accident year and calendar year premium-only
Residential Fire	Calendar year[2] or calendar-accident year and calendar year premium-only
Business Owners Packages	Calendar accident year and calendar year premium-only
Excess Insurance	Calendar year[2], calendar-accident year, or policy year and calendar year premium-only

[1] Includes earthquake endorsement to homeowners or residential fire (HEQ and 323 classification).

[2] A separate calendar year premium-only record is not required for classes that are already reported on calendar year basis.

4) In reporting the required data, please note the following clarifications:

A) The "Other Liability" line includes classes from liquor liability, day care centers, and lawyers professional liability. Products liability is excluded.

B) Residential fire excludes allied lines.

C) Data from Beach Plans and Assigned Risk Plans will not be reported. (The Illinois FAIR Plan Association will submit Illinois-only data for homeowners.) Insurers will not report any FAIR Plan data.

d) Preparation and Completion of Statistical Reports

1) Insurers may report statistics directly, or through an agent. Agents reporting data for more than one insurer will report each insurer's data on separate records.

2) Insurers will report their data within the required time frame using the codes and record formats provided in Sections 4203.50 through 4203.110.

3) Prior to submission of data, the insurer shall edit the data being reported. The Division~~Department~~ has available and will provide an edit program to each insurer upon ~~their~~ request.

4) Submittal information must contain the following:

A) A cover letter, signed by the Illinois Cost Containment contact person, must accompany each filing. The cover letter should explain any special situations~~situation(s)~~ regarding the data submission that needs clarification. Please note that, for internal control, companies having no cost containment data to file must send a letter to the Division~~Department~~ on each filing date, including the information listed in this subsection ~~below~~, and must state that they have no data to file. Agents must include in the cover letter a list of all companies for whom data is being submitted. This letter must contain the following information:

i) Name of company or agent,

ii) FEIN (not applicable to agents),

iii) NAIC group number (not applicable to agents),

iv) Filing date (e.g., 11/25/96),

v) Address, City, State and Zip code,

vi) Contact person,

vii) Phone number of contact person,

viii) Type of submittal (Initial-Full, Initial-Partial, Refile, or Amended),

ix) Number of records in this submittal.

B) Data submitted pursuant to this Part must be reported on 3.5" IBM formatted diskettes unless otherwise authorized. The data on each diskette must be in ASCII, comma-delimited format. The Division~~Department~~ will accept data that has been compressed with PKWARE's PKZIP product.

C) The diskettes must be labeled with the title Illinois Cost Containment Data. The label must also contain the following information:

i) Name of company or agent,

ii) FEIN (not applicable to agent),

iii) NAIC group number (not applicable to agent),

iv) Filing date,

v) Number of diskettes~~diskette(s)~~ in this submittal,

vi) Type of submission (Initial-Full, Initial-Partial, Refile, or Amended),

vii) Number of records in this submittal.

The following terms apply to the type of submission entry on the diskette label and the cover letter. An insurer's first data submittal to the Division~~Department~~ for a reporting period is considered the initial submittal. If the insurer considers it a full submission, it will

be identified as "Initial-Full-". If the insurer does not consider it a full submittal, it should be identified as "Initial-Partial-". The "Initial-Partial" identification will be used by the insurer in situations where it submits part of the data and an agent submits the remainder. Since agents most likely will never report an entire set of data for all its companies, the agents will code Field 2 with a 1, 2, 3, or 4 and will always identify their data as an Initial-Partial submittal. Thus, with this coding scheme, the only Initial-Full submittals will be submitted by insurers where Field 2 must be coded 6. For Initial-Partial submittals, Field 2 for all records must be coded 1, 2, 3, or 4 by agents and 5 by insurers. Resubmittals resulting from the receipt of a letter from the Division~~Department~~ regarding edit errors are considered a Refile. A resubmittal of data initiated by the insurer or agent to correct data previously submitted, not the result of a Divisional~~Departmental~~ edit letter, is considered an amended filing.

Example: Parent companies or multiple companies in the same group need not file a separate diskette for each company in that group; however, they must report data for each of the companies in their group separately and ensure that the FEIN for each company is accurate for each record.

D) Insurers need not submit a record (for either Illinois only or multi-state) for any line, class, or endorsement if written premiums, earned premiums, and paid and outstanding losses in the Illinois-only data are all zeroes.

e) Reporting of Exposures
A count of the number of written exposures will be reported separately for each line, type of business, or classification. Section 4203.50 provides the exposure basis for each. Note that for private passenger auto liability and commercial auto liability, the exposure count will apply only to the bodily injury component. For private passenger auto physical damage, the exposure count will apply only to the comprehensive component. For certain coverages (e.g., earthquake), the exposure count will be blank. These situations will be identified in the coding instructions in Sections~~Section~~ 4203.70 through 4203.100.

f) Reporting of Premiums
The premium reported will be the premium charged for the policies within each

classification. Excess insurance premiums will be reported separately as addressed in subsection (r)~~below~~. Premiums will be reported on both a written and earned basis.

g) Reporting of Losses
Separate fields are provided for both paid losses and outstanding losses. Losses will be reported net as to third party recoveries (under salvage and subrogation). Paid losses are defined as all sums paid to claimants or policyholders in direct settlement of losses covered by the policies. Outstanding losses are defined as the amounts of loss reserves established for paying claims for the reporting period that have not been paid as of the evaluation date. Losses covered by an excess policy will be reported separately as addressed in subsection (s)~~below~~.

h) Reporting of Allocated Loss Adjustment Expenses
Allocated loss adjustment expense (ALAE) includes all expenses of the company which can be identified with and hence allocated to a particular claim. Insurers will report the amount of paid and outstanding ALAE for the private passenger auto liability, medical malpractice, other liability and commercial auto liability lines. Also, ALAE will be collected for business owners insurance and excess insurance. In those situations where an insurer cannot separate indemnity and ALAE, the insurer will submit a separate record; however, the insurer will enter the combined loss and ALAE total in the paid loss or outstanding loss fields~~field(s)~~ and will identify this option by coding the corresponding paid ALAE or outstanding ALAE fields~~field(s)~~ with the word "combined".

i) Reporting Paid Claims Count
Insurers will report the count of their paid claims. A claim closed without a loss payment is not to be reported. A claim involving only allocated loss adjustment expense is not to be reported with a claim count. A claim count is to be reported only for those cases where a loss payment has been made or a loss reserve has been established. A paid claim is defined as a claim for which a payment has been made. In cases where a claim is partially paid with an associated case reserve still maintained, insurers have the option to report the claim count as either paid or outstanding. A case involving loss payments or loss reserves under more than one classification will have a claim count under each classification.

j) Reporting Outstanding Claims Count
Insurers will report the count of outstanding claims. An outstanding claim is defined as a claim for which a case loss reserve exists as of the evaluation date. In cases where a claim is partially paid with an associated case reserve still

maintained, insurers have the option to report the claim count as either paid or outstanding. A case involving loss payments or loss reserves under more than one classification will have a claim count under each classification.

k) Run-off Business
Companies with no written or earned premiums, but with paid or outstanding losses in a line, class, subclass, or endorsement for Illinois-only data must report data for that line, class, subclass, or endorsement for both Illinois-only and multi-state. If the aforementioned situation occurs in only the multi-state data, the insurer will not be required to report that data.

l) Three Year Prepaid Policies
Premiums for three year prepaid policies shall be reported as three separate annual policies.

m) Other Prepaid Policies
The procedure, outlined in subsection (l)~~above~~, applies to other policies not having a one year term with proper recognition of the policy term and using a pro rata allocation formula. In all cases policy periods shall be annual or less.

n) Treatment of Installment Payments
Premiums for policies written on an installment basis will be reported as though they were prepaid policies.

o) Installment Charge Premium
Additional premium resulting from the application of installment charges shall be reported as premium.

p) Divisible Package Policies
Insurers will report premiums separately by each classification used in developing the total package premium.

q) Rounding Rule
Data will be reported in whole numbers. All decimals will be rounded to the nearest integer. (Decimals less than .5 will be rounded down to the nearest whole number while decimals .5 and above will be rounded up to the nearest whole number.)

r) Reporting Excess Insurance Premiums
Written and earned premiums for excess insurance will be entered in the

appropriate fields for this type class. (See Section 4203.70.) Premiums for excess insurance are defined as that premium charged for coverage in excess of the primary policy limits added by a different policy (e.g., umbrella policy or through an endorsement to the policy).

s) Reporting Excess Insurance Losses
Paid losses and outstanding losses for excess insurance will be entered in the appropriate fields for this class. (See Section 4203.70.) An excess loss is defined as a loss resulting in an incurred cost to the insurer in excess of the primary policy limits and covered by a different policy or an endorsement to the policy. Examples include umbrella policies and excess limits endorsements.

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

Section 4203.40 General Submission Guidelines

a) Guidelines for Data Submission and Collection
There will be only one filing date each year. Data must be submitted no later than November 30 of each year. The submission will be mailed to the Illinois Department of Financial and Professional Regulation-Division of Insurance, Cost Containment Section, 320 W. Washington, Springfield, Illinois 62767-0001. Insurers are responsible for developing or obtaining any software required to convert and/or translate their internal file structures and formats to those prescribed by this Part.

b) Penalties
Failure to comply with any of these specifications may subject the insurer to those penalties described in Section 1204(E) of the Illinois Insurance Code [215 ILCS 5/1204(E)].

c) Leading Zeros
Since fields are not fixed-length, leading zeros and spaces should be omitted.

d) Negative Numbers
Negative numbers will be submitted as a dash before the number (without a space between the negative and number). For example a negative one hundred dollar premium would be coded -100.

e) Data Reported by Illinois and Multi-State
All required data will be reported in the aggregate for:

1) Illinois only, and

2) multi-state including Illinois.

AGENCY NOTE~~Note~~: To meet the calendar year premium-only requirement, insurers are to report their personal lines (i.e., homeowner, PPA liability, PPA physical damage and residential fire) data as Illinois-only by zip code and their non-personal lines data as Illinois-only. No multi-state records are necessary for reporting data under the calendar year premium-only method of compilation. Further, data that are already reported using the calendar year method do not need to be reported using the calendar year premium-only method. (For example, PPA physical damage.) For Illinois-only data that does not fall within the range of Illinois zip codes (60001 through 62999), the code 99999 will be used.

f) Required Data Elements
Data shall be reported for the following nine insurance elements:

1) Number of written exposures,

2) Amount of direct written premiums,

3) Amount of direct earned premiums,

4) Amount of paid losses,

5) Amount of outstanding losses,

6) Amount of paid allocated loss adjustment expenses,

7) Amount of outstanding allocated loss adjustment expenses,

8) Number of paid claims,

9) Number of outstanding claims.

AGENCY NOTE~~Note~~: For the calendar year premium-only method of compiling annual experience, only the number of written exposures, amount of direct written premiums, and amount of direct earned premiums are to be reported.

g) Required Lines or Coverages of Insurance
The Division~~Department~~ requires that data be submitted for classes within the following 10~~ten~~ lines or coverage types of insurance.

1) Other Liability,

2) Medical Malpractice,

3) Commercial Automobile Liability (excludes no-fault),

4) Private Passenger Automobile Liability (excludes no-fault),

5) Homeowners Multiple Peril,

6) Business Owners Packages,

7) Private Passenger Auto Physical Damage,

8) Earthquake,

9) Excess Insurance,

10) Residential Fire.

h) Reported By Zip Code
In addition to records for multi-state data, Illinois-only personal lines data (homeowners, private passenger auto, and residential fire) will be reported by zip code by line by class. There will be one record for each zip code for each class in the homeowner, private passenger auto liability, private passenger physical damage, and residential fire lines. If an insurer reports a class on a calendar year basis by zip code, the insurer should not also report data by zip code on a calendar year premium-only basis. (For example, PPA physical damage.)

i) Reported By Form Type
There will be a separate record for each line, class, or type of coverage for each form type used in writing a policy. Note that an insurer may use any one or more of the form types within the same line or class of insurance. When multiple form types are used the insurer must generate a record for each of those form types.

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

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Section 4203.50 Required Data Types (Lines, Classes, and Coverages)

Within the required lines of insurance identified in Section~~subsection~~ 4203.40(g)~~above~~, the Division~~Department~~ requires data for specified lines, classes or coverages. There are 10~~ten~~ categories contained in the following table that~~below which~~ summarize the data that must be filed in Illinois pursuant to this Part.

OTHER LIABILITY

CLASS OR DATA TYPE	CLASS CODE	EXPOSURE BASE
DAY CARE CENTERS		
Day care center liability – day nurseries	82115	square feet
Day care center liability – day care centers	41714	person-months
Day care center liability individual insurer program not rated using one of the exposure bases~~base(s)~~ noted above.[1]	81714	NA
LAWYERS PROFESSIONAL LIABILITY		
Lawyers professional liability – lawyers	81400	person-months
Lawyers professional liability – employed law clerks, investigators, abstractors, and paralegals	81420	person-months
Lawyer's professional liability individual insurance program not rated using one of the exposure bases~~base(s)~~ noted above.[2]	81401	NA
LIQUOR LIABILITY		
Clubs	70412	receipts
Package stores, and other retail establishments	59211	receipts
Manufacturers, wholesalers, and distributors	50911	receipts
Restaurants, taverns, hotels, motels incl: package sales	58161	receipts

Temporary licenses	58168	no exposure
Owners or lessors of premises used by others	58169	no exposure
Liquor liability – not otherwise classified	11111	no exposure
Liquor liability individual insurer programs not rated using one of the exposure bases~~base(s)~~ noted above.[1]	81111	NA

Table:

[1] Individual insurer programs that are not rated using one of the exposure bases~~base(s)~~ above with this specified class definition will be reported as classification codes 81111 and 81714, respectively.

[2] Individual insurer programs that are not rated using one of the exposure bases~~base(s)~~ noted above with this specified class definition will be reported as classification code 81401.

MEDICAL MALPRACTICE

CLASS OR DATA TYPE	CLASS CODE MD[1]	CLASS CODE DO[2]	EXPOSURE BASE
CARDIAC SURGERY			
Surgery – cardiac	80141	NA	person-months
Surgery – cardiovascular disease	80150	84150	person-months
CARDIAC – OTHER			
Cardiovascular disease – minor surgery	80281	84281	person-months
Cardiovascular disease – no surgery	80255	84255	person-months
CRITICAL CARE MEDICINE			
Intensive care medicine. Applies to any general practitioner or specialist employed in intensive care hospital unit	80283	84283	person-months
DENTISTS			

Oral surgery with anesthesia	80210	NA	person-months
Oral surgery without anesthesia	80211	NA	person-months
EMERGENCY ROOM SURGERY			
Emergency medicine – including major surgery	80157	84157	person-months
EMERGENCY ROOM – OTHER			
Emergency room – no major surgery	80102	84102	person-months
GENERAL PRACTITIONER (FAMILY PRACTICE)			
Family physician or general practitioner – no surgery	80420	84420	person-months
Family physician or general practitioner – minor surgery	80421	84421	person-months
Surgery – general practice or family practice	80117	NA	person-months
GENERAL SURGERY			
Surgery – general – not otherwise classified. Does not apply to family or general practitioner or to any specialist who occasionally performs major surgery.	80143	84143	person-months
NEUROSURGERY			
Surgery – neurology – including child	80152	84152	person-months
Neurology – including child – minor surgery	80288	84288	person-months
OBSTETRICS/GYNECOLOGY – SURGERY			
Surgery – gynecology	80167	84167	person-months
Surgery – obstetrics	80168	NA	person-months
Surgery – obstetrics – gynecology	80153	84153	person-months
OBSTETRICS/GYNECOLOGY – OTHER			

Gynecology – minor surgery	80277	84277	person-months
Gynecology – no surgery	80244	84244	person-months
ORTHOPEDIC SURGERY			
Surgery – orthopedic	80154	84154	person-months
PHYSICIANS, SURGEONS, AND DENTISTS			
Physicians, Surgeons, and Dentists not otherwise classified	94999	94999	NA
Physicians, Surgeons, and Dentists individual programs not rated using one of the exposure bases~~base(s)~~ noted above	90430	NA	NA
PLASTIC SURGERY			
Surgery – plastic – not otherwise classified	80156	84156	person-months
Surgery – plastic – otorhinolaryngology	80155	84155	person-months
THORASIC SURGERY			
Surgery – thoracic	80144	84144	person-months
VASCULAR SURGERY			
Surgery – vascular	80146	NA	person-months

Table:

[1] MD = Medical Doctor

[2] DO = Doctor of Osteopathy

COMMERCIAL AUTO LIABILITY

CLASS OR DATA TYPE	CLASS CODE	EXPOSURE BASE

Fleet and non-fleet combined trucks, tractors, and trailers – zone rated	1A 1B 1C	car-months (BI) receipts number of miles
Fleet and non-fleet combined trucks, tractors, and trailers – all other, regardless of miles	2A	car-months (BI)
Fleet and non-fleet taxicabs, and public livery, regardless of mileage, including limousines	3A 3B 3C	car-months (BI) receipts number of miles

PRIVATE PASSENGER AUTO LIABILITY

CLASS OR DATA TYPE	CLASS CODE	EXPOSURE BASE
PPA Liability	NA	car-months (BI)

HOMEOWNER MULTI-PERIL

CLASS OR DATA TYPE	CLASS CODE	EXPOSURE BASE
HO-1	HO-1	house-months
HO-2	HO-2	house-months
HO-3	HO-3	house-months
HO-4	HO-4	house-months
HO-5	HO-5	house-months
HO-6	HO-6	house-months
HO-8	HO-8	house-months
Mobile Homes	Mobile	house-months
HOMEOWNER ENDORSEMENTS		
Home Day Care endorsement	323	NA

Earthquake endorsement	HEQ	NA

BUSINESS OWNERS PACKAGE

CLASS OR DATA TYPE	CLASS CODE	EXPOSURE BASE
Business Owners Package (BOP~~B.O.P.~~).	77777	NA

PRIVATE PASSENGER AUTO PHYSICAL DAMAGE

CLASS OR DATA TYPE	CLASS CODE	EXPOSURE BASE
PPA Physical Damage	NA	car-months (comp)

EARTHQUAKE (REQ ONLY)

CLASS OR DATA TYPE	CLASS CODE	EXPOSURE BASE
Residential Earthquake	REQ	NA

SPECIAL CLASSIFICATIONS APPLICABLE TO EXCESS INSURANCE

CLASS OR DATA TYPE	CLASS CODE	EXPOSURE BASE
Commercial Automobile	9772	NA
Personal Umbrella	99930	NA
Commercial Umbrella	99935	NA
Excess Insurance – All Other	88888	NA

RESIDENTIAL FIRE

CLASS OR DATA TYPE	CLASS CODE	EXPOSURE BASE
Business and Contents – owner-occupied, 1-4 units	9A	house-months
Contents only	9B	house-months
Building only – non-owner-occupied	9C	house-months

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

Section 4203.60 Line Item Matrix For Cost Containment Reporting

a) The following matrices will assist the insurer in providing data that~~which~~ meet the requirements of this Part. The row headings represent the geographical reporting methods. The column headings represent the lines and types of insurance that are to be reported. This matrix describes the geographic data requirement for each line.

LINE ITEM MATRIX FOR REPORTING COST CONTAINMENT DATA

Field	Other Liab.	Med. Mal.	Comm. Auto Liab.	PPA Liab.	Homeowners
Illinois-only	yes	yes	yes	no	no
IL-only by zip code	no	no	no	yes	yes
Multi-state	yes	yes	yes	yes	yes(*)
Calendar year premium-only (IL)	yes	yes	yes	no	no
Calendar year premium-only by zip code (IL)	no	no	no	yes	yes

(*) Excludes HEQ data. Data for earthquake written as an endorsement to homeowners or residential fire policies are not required on a multi-state basis.

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	BOP	PPA Physical Damage	Earthquake (REQ)	Excess Ins	Residential Fire
Illinois-only	yes	no	yes	yes	yes
IL-only by zip code	no	yes	no	no	yes
Multi-state	yes	yes	no	yes	yes
Calendar year premium-only (IL)	yes	no	yes	yes	no
Calendar year premium-only by zip code (IL)	no	no (**)	no	no	yes

(**) PPA physical damage data is reported as calendar year data; thus no additional calendar year records a requested for this line.

b) The following matrix identifies the required fields for each line of insurance.

OTHER LIABILITY, MEDICAL MALPRACTICE, COMMERCIAL AUTO LIABILITY, PPA LIABILITY, AND HOMEOWNERS

Field	Other Liab.	Med. Mal.	Comm. Auto Liab.	PPA Liab.	Homeowners
FEIN	yes	yes	yes	yes	yes
Filing Method	yes	yes	yes	yes	yes
Line of Business	yes	yes	yes	yes	yes
Classification Code	yes	yes	yes	NA	yes
State Identifier	yes	yes	yes	yes	yes
Zip Code	NA	NA	NA	yes	yes
Experienced Method	yes	yes	yes	yes	yes
Statistical Data Year	yes	yes	yes	yes	yes
Form Type	yes	yes	yes	NA	NA
Amount of Written Prem.	yes	yes	yes	NA	yes
Amount of Earned Prem.	yes	yes	yes	NA	yes
Amt. of Paid Losses	yes	yes	yes	NA	yes

Amt. of Outstanding Losses	yes	yes	yes	NA	yes
Amt. of Paid ALAE	yes	yes	yes	NA	NA
Amt. of Outstanding ALAE	yes	yes	yes	NA	NA
# of Written Exposures	yes	yes	yes	NA	yes
# of Paid Claims	yes	yes	yes	NA	yes
# of Outstanding Claims	yes	yes	yes	NA	yes
Amt. of PPA Liab. BI Written Prem.				yes	
Amt. of PPA Liab. BI Earned Prem.				yes	
Amt. of PPA Liab. BI Paid Losses				yes	
Amt. of PPA Liab. BI OS Losses				yes	
Amt. of PPA Liab. BI Paid ALAE				yes	
Amt. of PPA Liab. BI OS ALAE				yes	
# PPA Liab. BI Written Exposures				yes	
# of PPA Liab. BI Paid Claims				yes	
# of PPA Liab. BI OS Claims				yes	
Amt. of PPA Liab. Prop. Dam. Written Prem.				yes	
Amt. of PPA Liab. Prop. Dam. Earned Prem.				yes	
Amt. of PPA Liab. Prop. Dam. Paid Losses				yes	
Amt. of PPA Liab. Prop. Dam. OS Losses				yes	
Amt. of PPA Liab. Prop. Dam. Paid ALAE				yes	
Amt. of PPA Liab.				yes	

Prop. Dam. OS ALAE	
# of PPA Liab. Prop. Dam. Paid Claims	yes
# of PPA Liab. Prop. Dam. OS Claims	yes
Amt. of PPA Liab. UM/UIM Written Prem.	yes
Amt. of PPA Liab. UM/UIM Earned Prem.	yes
Amt. of PPA Liab. UM/UIM Paid Losses	yes
Amt. of PPA Liab. UM/UIM OS Losses	yes
Amt. of PPA Liab. UM/UIM Paid ALAE	yes
Amt. of PPA Liab. UM/UIM OS ALAE	yes
# of PPA Liab. UM/UIM Paid Claims	yes
# of PPA Liab. UM/UIM OS Claims	yes
Amt. of PPA Liab. Med. Payments Written Prem.	yes
Amt. of PPA Liab. Med. Payments Earned Prem.	yes
Amt. of PPA Liab. Med. Payments Paid Losses	yes
Amt. of PPA Liab. Med. Payments OS Losses	yes
Amt. of PPA Liab. Med. Payments Paid ALAE	yes
Amt. of PPA Liab. Med. Payments OS ALAE	yes

# of PPA Liab. Med. Payments Paid Claims	yes
# of PPA Liab. Med. Payments Outstanding Claims	yes
Amt. of PPA Liab. Other Written Prem.	yes
Amt. of PPA Liab. Other Earned Prem.	yes
Amt. of PPA Liab. Other Paid Losses	yes
Amt. of PPA Liab. Other OS Losses	yes
Amt. of PPA Liab. Other Paid ALAE	yes
Amt. of PPA Liab. Other Outstanding ALAE	yes
# of PPA Liab. Other Paid Claims	yes
# of PPA Liab. Other OS Claims	yes
# of PPA Liab. All SL Exposures	yes (1)
Amt. of PPA Liab. All SL Written Prem.	yes (1)
Amt. of PPA Liab. All SL Earned Prem.	yes (1)
Amt. of Paid Losses BI-SL	yes (1)
Amt. of OS Losses BI-SL	yes (1)
Amt. of Paid ALAE BI-SL	yes (1)
Amt. of OS ALAE BI-SL	yes (1)
# of Paid Claims BI-SL	yes (1)
# of OS Claims BI-SL	yes (1)
Amt. of Paid Losses PD-SL	yes (1)

Amt. of OS Losses PD-SL	yes [1]
Amt. of Paid ALAE PD-SL	yes [1]
Amt. of OS ALAE PD-SL	yes [1]
# of Paid Claims PD-SL	yes [1]
# of OS Claims PD-SL	yes [1]

Table: [1] Applicable only to data for single limit policies.

BUSINESS OWNERS POLICY, PPA PHYSICAL DAMAGE, EARTHQUAKE, EXCESS INSURANCE, AND RESIDENTIAL FIRE

Field	BOP	PPA Physical Damage	Earthquake	Excess Ins	Res Fire
FEIN	yes	yes	yes	yes	yes
Filing Method	yes	yes	yes	yes	yes
Line of Business	yes	yes	yes	yes	yes
Classification Code	yes	NA	yes	yes	yes
State Identifier	yes	yes	yes	yes	yes
Zip Code	NA	yes	NA	NA	yes
Experience Method	yes	yes	yes	yes	yes
Stat. Data Year	yes	yes	yes	yes	yes
Form Type	yes	NA	NA	yes	NA
Amount of Written Premium	yes	NA	yes	yes	yes
Amount of Earned Premium	yes	NA	yes	yes	yes
Amount of Paid Losses	yes	NA	yes	yes	yes
Amount of Outstanding Losses	yes	NA	yes	yes	yes
Amt. of Paid ALAE	yes	NA	NA	yes	NA
Amt. of Outstanding ALAE	yes	NA	yes	yes	NA
# Exposures	NA	NA	NA	NA	yes
# of Paid Claims	yes	NA	yes	yes	yes

# of Outstanding Claims	yes	NA	yes	yes	yes
Amt. of PPA PD Comp. Written Prem.		yes			
Amt. of PPA PD Comp. Earned Prem.		yes			
Amt. of PPA PD Comp. Paid Losses		yes			
Amt. of PPA PD Comp. OS Losses		yes			
# of PPA PD Comp. Exposures		yes			
# of PPA PD Comp. Paid Claims		yes			
# of PPA PD Comp. OS Claims		yes			
Amt. of PPA PD Collision Written Prem.		yes			
Amt. of PPA PD Collision Earned Prem.		yes			
Amt. of PPA PD Collision Paid Losses		yes			
Amt. of PPA PD Collision OS Losses		yes			
# of PPA PD Collision Paid Claims		yes			
# of PPA PD Collision OS Claims		yes			
Amt. of PPA PD Other Written Prem.		yes			
# of PPA PD Other Earned Prem.		yes			
Amt. of PPA PD Other Paid Losses		yes			
Amt. of PPA PD Other OS Losses		yes			
# of PPA PD Other Paid Claims		yes			
# of PPA PD Other OS		yes			

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Claims

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

Section 4203.70 Coding Conventions For Other Liability, Medical Malpractice, Earthquake, Commercial Auto Liability, Business Owners Packages, and Excess Insurance

This Section provides instructions for coding the fields for other liability, medical malpractice, earthquake, commercial auto liability, Business Owners Packages (BOP), and excess insurance records. For the calendar year premium-only requirement only Fields 1 through 10 and 15 (see Section 4203.110) are to be reported for the classes in other liability, medical malpractice, earthquake, commercial automobile liability, Business Owners Policy, and excess insurance. Insurers writing earthquake and excess insurance on calendar-accident year basis must also submit calendar year premium-only records.

a) Data for commercial auto liability and BOP~~Business Owners Packages (BOP)~~ are to be reported on a calendar-accident year basis. Data for medical malpractice and other liability are to be reported on a policy year basis. Data for earthquake (REQ) are to be reported using either the calendar year or the calendar-accident year method. Excess insurance data are to be reported either on a calendar year, calendar-accident year, or policy year basis.

b) In the medical malpractice, other liability, commercial auto liability, BOP, and excess insurance the insurer will submit one record for each class for multi-state data and one record for each class for Illinois-only data. For earthquake (REQ), only Illinois-only data are required.

c) For all classes reported under the calendar-accident or policy year methods of compiling annual experience, premium and exposure data are to be reported as calendar year premium-only for non-personal line classes or by calendar year premium-only by zip code for homeowner and residential fire, using the instructions for reporting calendar year premium-only data.

d) Insurers should note that earthquake data refers to stand alone earthquake policies (non-commercial) (REQ) and should be reported separately from the earthquake data for homeowners and residential fire, addressed in Section 4203.80. If an insurer is unable to make this distinction, it will report all earthquake data under the stand alone earthquake class REQ. Also, for earthquake data, the form type, # of written exposures, and amount of paid ALAE, amount of outstanding ALAE fields for earthquake should be blank.

e) The following provides a detailed description of each data field:

1) FEIN – This alpha-numeric field reflects the Federal Employer Identification Number assigned to the insurer. (Do not include the hyphen; for example 555555555.)

2) Filing Method – This one-character alpha-numeric field identifies the source of the data as either an agent or an insurance company. Possible codes are:

1 = American Association of Insurance Services (AAIS)
2 = Insurance Services Office, Inc. (ISO)
3 = National Association of Independent Insurers (NAII)
4 = National Independent Statistical Service (NISS)
5 = Company Direct – Partial
6 = Company Direct – 100 Percent
7 = Other

3) Line of Business – This alpha-numeric field identifies the line or general classification to which the data belongs. Possible codes are:

1 = Other Liability
2 = Medical Malpractice
3 = Commercial Auto Liability
6 = BOP (Business Owners Package)
8 = Earthquake
9 = Excess Insurance

4) State Identifier – This field identifies the geographical source of the data. Possible codes are:

12 = Illinois only
MS = Multi-state
AGENCY NOTE~~Note~~: MS does not apply to earthquake (REQ).

5) Experience Method – This one-character alpha-numeric field designates the experience method for the statistical data year reported. Possible codes are:

C = Calendar year
A = Calendar-accident year
P = Policy year
X = Calendar year premium-only

6) Statistical Data Year – This four-character alpha-numeric field reflects the experience year. (For example, for the November 1996 annual data filing, the statistical data year will be coded 1995 for lines that use the calendar year experience method. For lines using the calendar-accident and policy year experience methods, the statistical data year field will be coded for one of the years 1990-1994 and for one of the years 1989-1993, respectively.)

7) Classification Code – This alpha-numeric field identifies the class of insurance being reported in the line. The insurer should report one record for Illinois-only data and one record for multi-state data for the medical malpractice, other liability, commercial auto liability, Business Owners Package (BOP), and excess insurance. For earthquake data, Illinois-only data are required but multi-state data are not required. Possible codes for Field 7 by line of business or type of coverage are:

Other Liability

Day care

- 82115 = day care center liability – day nurseries
- 41714 = day care center liability – day care centers
- 81714 = day care center liability individual insurance not rated using one of the exposure bases~~base(s)~~ noted above.

Lawyer

- 81400 = lawyers professional liability – lawyers
- 81420 = lawyers professional liability – employed law clerks, investigators, abstractors and paralegals
- 81401 = lawyers professional liability individual insurance not rated using one of the exposure bases~~base(s)~~ noted above.

Liquor

- 70412 = clubs
- 59211 = package stores, and other retail establishments
- 50911 = manufacturers, wholesalers, and distributors
- 58161 = restaurants, taverns, hotels, motels including package sales
- 58168 = temporary licenses
- 58169 = owners or lessors of premises used by others
- 11111 = liquor liability – not otherwise classified
- 81111 = liquor liability individual insurer programs not rated using one of the exposure bases~~base(s)~~ noted above.[1]

Medical Malpractice

Cardiac – Other

- 80281 = cardiovascular disease – minor surgery by MD
- 84281 = cardiovascular disease – minor surgery by DO
- 80255 = cardiovascular disease – no surgery by MD
- 84255 = cardiovascular disease – no surgery by DO

Cardiac – Surgery

- 80141 = surgery – cardiac by MD
- 80150 = surgery – cardiovascular disease by MD
- 84150 = surgery – cardiovascular disease by DO

Critical Care Medicine

- 80283 = intensive care medicine – applies to any general practitioner or specialist employed in intensive care hospital unit by MD
- 84283 = intensive care medicine – applies to any general practitioner or specialist employed in intensive care hospital unit by DO

Dentists

- 80210 = Oral surgery with anesthesia
- 80211 = Oral surgery without anesthesia

Emergency Room – Other

- 80102 = emergency room – no major surgery by MD
- 84102 = emergency room – no major surgery by DO

Emergency Room – Surgery

- 80157 = emergency medicine – including major surgery by MD
- 84157 = emergency medicine – including major surgery by DO

General Surgery

- 80143 = surgery – general – not otherwise classified. Does not apply to family or general practitioner or to any specialist who occasionally performs major surgery by MD
- 84143 = surgery – general – not otherwise classified. Does not apply to family or general practitioner or to any specialist who occasionally performs major surgery by DO

Neurosurgery

- 80152 = surgery – neurology – including child by MD
- 84152 = surgery – neurology – including child by DO
- 80288 = neurology – including child – minor surgery by MD
- 84288 = neurology – including child – minor surgery by DO

Obstetrics/Gynecology – Other

- 80277 = gynecology – minor surgery by MD
- 84277 = gynecology – minor surgery by DO
- 80244 = gynecology – no surgery by MD
- 84244 = gynecology – no surgery by DO

Obstetrics/Gynecology – Surgery

- 80167 = surgery – gynecology by MD
- 84167 = surgery – gynecology by DO
- 80168 = surgery – obstetrics by MD
- 80153 = surgery – obstetrics – gynecology by MD
- 84153 = surgery – obstetrics – gynecology by DO

Orthopedic Surgery

- 80154 = surgery – orthopedic by MD
- 84154 = surgery – orthopedic by DO

Physicians and Surgeons

- 80420 = family physician or general practitioner – no surgery by MD
- 84420 = family physician or general practitioner – no surgery by DO
- 80421 = family physician or general practitioner – minor surgery by MD
- 84421 = family physician or general practitioner – minor surgery DO
- 80117 = surgery – general practice or family practice by MD

Physicians, Surgeons, and Dentists

- 94999 = physicians, surgeons, and dentists classes not specifically listed
- 90430 = physicians, surgeons, and dentists individual insurer programs not rated using one of the exposure bases~~base(s)~~ noted above

Plastic Surgery

- 80156 = surgery – plastic – not otherwise classified by MD
- 84156 = surgery – plastic – not otherwise classified by DO
- 80155 = surgery – plastic – otorhinolaryngology by MD
- 84155 = surgery – plastic – otorhinolaryngology by DO

Vascular Surgery

- 80146 = surgery – vascular by MD
- 80144 = surgery – thoracic by MD
- 84144 = surgery – thoracic by DO

Commercial Auto Liability

- 1A = fleet and non-fleet combined trucks, tractors, and trailers – zone rated (car-months (BI))
- 1B = fleet and non-fleet combined trucks, tractors, and trailers – zone rated (receipts)
- 1C = fleet and non-fleet combined trucks, tractors, and trailers – zone rated (number of miles)
- 2A = fleet and non-fleet combined trucks, tractors, and trailers – all other, regardless of miles (car-months (BI))
- 3A = fleet and non-fleet taxicabs, and public livery, regardless of mileage, including limousines (car-months (BI))
- 3B = fleet and non-fleet taxicabs, and public livery, regardless of mileage, including limousines (receipts)
- 3C = fleet and non-fleet taxicabs, and public livery, regardless of mileage, including limousines (number of miles)

Business Owners Package

- 77777 = business owners package (BOP)

Earthquake

- REQ = residential earthquake (stand alone policies)

Excess Insurance

- 9772 = commercial auto
- 99930 = personnel umbrella
- 99935 = commercial umbrella
- 88888 = excess insurance – all other

8) Form Type – This alpha-numeric field reflects the form type that was used in providing coverage. The insurer will report a separate record for each form type for each class, geographic location (Illinois-only or multi-state), and zip code, if required. Possible codes are:

C = claims-made
O = occurrence
T = claims-made tail coverage

For the earthquake data, the form type field should be left blank.

9) Amount of Written Premium – This field reflects the amount of total written premiums corresponding to each of the class codes.

10) Amount of Earned Premium – This field reflects the total amount of earned premiums corresponding to each of the class codes.

11) Amount of Paid Losses – This field reflects the amount of paid losses corresponding to each of the class codes. Please see Section~~subsection~~ 4203.30(g) for the definition of paid losses. If the insurer is unable to separate paid losses from ALAE, the insurer will follow the instructions provided in Section~~subsection~~ 4203.30(h).

12) Amount of Outstanding Losses – This field reflects the amount of outstanding losses corresponding to each of the class codes. Please see Section~~subsection~~ 4203.30(g) for the definition of outstanding losses and Section~~subsection~~ 4203.30(h) for special instructions for those situations where separating outstanding losses and outstanding ALAE are not possible.

13) Amount of Paid ALAE – This field reflects the amount of paid ALAE for each of the class codes. If an insurer is unable to separate paid ALAE from the paid losses, the combined paid losses and paid ALAE will be reported in the paid losses field for the line and the code "combined" will appear in the paid ALAE field. For the earthquake data, the amount of paid ALAE field should be blank.

14) Amount of Outstanding ALAE – This field reflects the amount of outstanding allocated loss adjustment expenses for each of the class codes. If an insurer is unable to separate outstanding ALAE from the outstanding losses, the combined outstanding losses and outstanding ALAE will be reported in the outstanding losses field for the line and the code "combined" will appear in the ALAE field. For the earthquake data, the amount of outstanding ALAE field should be blank.

15) Number of Written Exposures – This field reflects the count of written exposures for each of the class codes. The field "number of exposures" for BOP, earthquake, and excess insurance will be left blank.

16) Number of Paid Claims – This field reflects the paid claims count

corresponding to each of the class codes. Please see Section~~subsection~~ 4203.30(i) for the definition of paid claims.

17) Number of Outstanding Claims – This field reflects the outstanding claims count corresponding to each of the class codes. Please see Section~~subsection~~ 4203.30(j) for the definition of outstanding claims.

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

Section 4203.80 Coding Conventions for Homeowner and Residential Fire Insurance

This Section provides instructions for coding 15 fields included in the homeowner and residential fire insurance line. For the calendar year premium-only records of homeowner and residential fire lines, only Fields 1 through 10~~,~~ and 13 are to be reported. Insurers writing homeowner and residential fire on a calendar-accident year basis must also submit calendar year premium-only records. And finally, homeowner and residential fire records will be submitted by zip code.

a) Data for the homeowner and residential fire lines will be reported on either a calendar year or calendar-accident year basis. Only voluntary business will be reported.

b) In the homeowner line, the insurer will code one record for each class for multi-state data and one record for each class for each zip code for Illinois-only data. It is not necessary to submit a record that sums the data for all the zip codes in each class. If an insurer reports homeowner or residential fire data using the calendar-accident method of compiling annual experience, it must also report the data under the calendar year premium-only method by zip code.

c) If an insurer is unable to separate a homeowner endorsement for earthquake (classification code HEQ) from the residential earthquake data (classification code REQ), the data should be reported as part of REQ using the instructions for reporting earthquake data in Section 4203.70. In like manner, earthquake data from an endorsement to a residential fire policy should be reported under the HEQ code.

d) The following provides a detailed description of each data field:

1) FEIN – This alpha-numeric field reflects the Federal Employer Identification Number assigned to the insurer. (Do not include the hyphen,

for example 555555555.)

2) Filing Method – This one-character alpha-numeric field identifies the source of the data as either an agent or an insurance company. Possible codes are:

1 = American Association of Insurance Services (AAIS)
2 = Insurance Services Office, Inc. (ISO)
3 = National Association of Independent Insurers (NAII)
4 = National Independent Statistical Service (NISS)
5 = Company Direct – Partial
6 = Company Direct – 100 Percent
7 = Other

3) Line of Business – This alpha-numeric field identifies the general business line to which the data belongs. The possible codes are:

5 = Homeowners
10 = Residential Fire

4) State Identifier – This field identifies the geographical source of the data. Possible codes are:

12 = Illinois only
MS = Multi-state

5) Experience Method – This one-character alpha-numeric field designates the experience method for the statistical data year reported. The possible codes for these lines are:

C = Calendar year
A = Calendar-accident year
X = Calendar year premium-only

6) Statistical Data Year – This four-character alpha-numeric field reflects the experience year. (For example, the statistical data year for the November 1996 annual filing for the calendar year method will be coded 1995 and for the calendar-accident year method will be coded for one of the years 1990-1994.)

7) Zip Code – This alpha-numeric field identifies the zip code where the homeowner exposure is located. Possible codes are:

Actual zip code	=	The range for Illinois zip codes (60001 through 62999).
99999	=	Code for Illinois-only data where zip code does not fall within the range for Illinois zip codes (60001 through 62999).

AGENCY NOTE~~Note~~: There should be one record for each represented zip code for each of the classes HO-1, HO-2, HO-3, HO-4, HO-5, HO-6, HO-8, mobile, 323, 9A, 9B, and 9C for Illinois-only data and one record for each class reported for multi-state data. For the HEQ class, reporting for Illinois-only data by zip code is required while multi-state reporting is not required. Insurers reporting homeowner or residential fire data using the calendar-accident method of compiling annual experience must also report premium and exposure data using the calendar year premium-only method by zip code. For multi-state data, the zip code field will be blank.

8) Classification Code – This alpha-numeric field identifies the class of insurance being reported in the line. The insurer should report one record for multi-state data and one record for each class by zip code for Illinois-only data. It is not necessary to report a record that sums all zip code data for a class. Possible codes for the classification field are:

- HO-1
- HO-2
- HO-3
- HO-4
- HO-5
- HO-6
- HO-8
- Mobile

- 323 = Day care endorsement
- HEQ = Homeowner earthquake endorsement
- 9A = residential fire, building & contents (owner-occupied 1-4 units)
- 9B = residential fire (contents only)
- 9C = residential fire (building only for non-owner-occupied)

9) Amount of Written Premium – This field reflects the amount of written premiums corresponding to each of the class codes HO-1 through HO-8, mobile homes, 323, HEQ, 9A, 9B, and 9C.

10) Amount of Earned Premium – This field reflects the amount of earned premium corresponding to each of the class codes HO-1 through HO-8, mobile homes, 323, HEQ, 9A, 9B, and 9C.

11) Amount of Paid Losses – This field reflects the paid losses corresponding to each of the class codes HO-1 through HO-8, mobile homes, 323, HEQ, 9A, 9B, and 9C. Please see Section~~subsection~~ 4203.30(g) for the definition of paid losses.

12) Amount of Outstanding Losses – This field reflects the outstanding losses corresponding to each of the class codes HO-1 through HO-8, mobile homes, 323, HEQ, 9A, 9B, and 9C.

13) Number of Written Exposures – This field reflects the count of exposures for each of the class codes HO-1 through HO-8, mobile homes, 9A, 9B, and 9C. (Note that class 323 and HEQ should be left blank for this field.)

14) Number of Paid Claims – This field reflects the paid claims count corresponding to each of the class codes HO-1 through HO-8, mobile homes, 323, HEQ, 9A, 9B, and 9C. Please see Section~~subsection~~ 4203.30(i) for the definition of paid claims.

15) Number of Outstanding Claims – This field reflects the outstanding claims count corresponding to each of the class codes HO-1 through HO-8, mobile homes, 323, HEQ, 9A, 9B, and 9C. Please see Section~~subsection~~

4203.30(j) for the definition of outstanding claims.

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

Section 4203.90 Coding Conventions for Private Passenger Auto Liability Insurance (Excluding PIP)

This Section provides instructions for coding the 63 fields in the private passenger auto liability records, excluding PIP. For the calendar year premium-only records, the private passenger auto liability, Fields 1 through 9, 14, 17, 18, 25, 26, 33, 34, 41, 42, 49, 50 and 51 are to be reported. And finally, private passenger auto liability records will be submitted by zip code.

a) Data for the private passenger automobile liability line will be reported on a calendar-accident year basis and will include only the voluntary market. No-fault data will be excluded.

b) In the private passenger auto liability line, the insurer will submit one record for the line for multi-state data and one record for each zip code for Illinois-only data. It is not necessary to submit a record which sums the Illinois-only data for all the zip codes. Insurers are also required to report premium and exposure data by zip code using the calendar year premium-only method of compiling annual experience.

c) The applicable bodily injury and property damage data for split limit policies will be reported in Fields 8-48. The applicable data for single limit policies will be reported in Fields 49-63. Written exposures, written premium, and earned premium for single limit policies will be reported in Fields 49-51. Losses, loss adjustment expenses, and claims counts will be reported for bodily injury and property damage using the instructions in Fields 51-63.

d) The following provides a detailed description of each data field:

1) FEIN – This alpha-numeric field reflects the Federal Employer Identification Number assigned to the insurer. (Do not include the hyphen, for example 555555555.)

2) Filing Method – This one-character alpha-numeric field identifies the source of the data as either an agent or an insurance company. Possible codes are:

1 = American Association of Insurance Services (AAIS)
2 = Insurance Services Office, Inc. (ISO)
3 = National Association of Independent Insurers (NAII)
4 = National Independent Statistical Service (NISS)
5 = Company Direct – Partial
6 = Company Direct – 100 Percent
7 = Other

3) Line of Business – This alpha-numeric field identifies the general business line to which the data belongs. The code is:

4 = Private passenger auto liability

4) State Identifier – This field identifies the geographical source of the data. Possible codes are:

12 = Illinois only
MS = Multi-state

5) Experience Method – This one-character alpha-numeric field designates the experience method for the statistical data year reported. The code for the private passenger auto liability line is:

A = Calendar-accident year
X = Calendar year premium-only

6) Statistical Data Year – This four-character alpha-numeric field reflects the experience year. (For example, the statistical data year field for the November 1996 annual filing, will be coded one of the years 1990-1994.)

7) Zip Code – This alpha-numeric field identifies the zip code where the automobile exposure is rated (auto is garaged). Possible codes are:

Actual zip code = The range for Illinois zip codes (60001 through 62999).
99999 = Code for Illinois-only data where zip code does not fall within the range for Illinois zip codes (60001 through 62999).

AGENCY NOTE~~Note~~: There should be one record for each represented

zip code for private passenger auto liability for Illinois-only data and one record for the multi-state data. Each insurer will report premium and exposure data by zip code for private passenger automobile liability. For multi-state data, the zip code field will be blank.

8) Amount of PPA Liability Bodily Injury (BI) Written Premium – This field reflects the amount of written premiums for BI.

9) Amount of PPA Liability BI Earned Premium – This field reflects the amount of earned premiums for BI.

10) Amount of PPA Liability BI Paid Losses – This field reflects the paid losses for BI. Please see Section~~subsection~~ 4203.30(g)~~above~~ for the definition of paid losses.

11) Amount of PPA Liability BI Outstanding Losses – This field reflects the outstanding losses for BI. Please see Section~~subsection~~ 4203.30(g) for the definition of outstanding losses.

12) Amount of PPA Liability BI Paid ALAE – This field reflects the ALAE for BI. If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

13) Amount of PPA Liability BI Outstanding ALAE – This field reflects the ALAE for BI. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.

14) Number of PPA Liability BI Written Exposures – This field reflects the count of written exposures for the line. PPA liability exposures are based on the bodily injury component.

15) Number of PPA Liability BI Paid Claims – This field reflects the paid claims count for BI. Please see Section~~subsection~~ 4203.30(i) for the definition of paid claims.

16) Number of PPA Liability BI Outstanding Claims – This field reflects the outstanding claims count for BI. Please see Section~~subsection~~ 4203.30(j)

for the definition of outstanding claims.

17) Amount of PPA Liability Property Damage Written Premium – This field reflects the amount of written premiums for property damage liability.

18) Amount of PPA Liability Property Damage Earned Premium – This field reflects the amount of earned premiums for property damage liability.

19) Amount of PPA Liability Property Damage Paid Losses – This field reflects the paid losses for property damage liability. Please see Section~~subsection~~ 4203.30(g) for the definition of paid losses.

20) Amount of PPA Liability Property Damage Outstanding Losses – This field reflects the outstanding losses for property damage liability. Please see Section~~subsection~~ 4203.30(g) for the definition of outstanding losses.

21) Amount of PPA Paid Liability Property Damage ALAE – This field reflects ALAE for property damage liability. If an insurer is unable to separate paid ALAE from the paid loss, the combined paid loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

22) Amount of PPA Outstanding Liability Property Damage ALAE – This field reflects outstanding ALAE for property damage liability. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined outstanding loss and outstanding ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.

23) Number of PPA Liability Property Damage Paid Claims – This field reflects the paid claims count for property damage liability. Please see Section~~subsection~~ 4203.30(l) for the definition of paid claims.

24) Number of PPA Liability Property Damage Outstanding Claims – This field reflects the outstanding claims count for property damage liability. Please see Section~~subsection~~ 4203.30(j) for the definition of outstanding claims.

25) Amount of PPA Liability UM/UIM Written Premium – This field reflects the written premiums for UM/UIM.

26) Amount of PPA Liability UM/UIM Earned Premium – This field reflects the earned premiums for UM/UIM.

27) Amount of PPA Liability UM/UIM Paid Losses – This field reflects the paid losses for UM/UIM. Please see Section~~subsection~~ 4203.30(g) for the definition of paid losses.

28) Amount of PPA Liability UM/UIM Outstanding Losses – This field reflects the outstanding losses for UM/UIM. Please see Section~~subsection~~ 4203.30(g) for the definition of outstanding losses.

29) Amount of PPA Liability UM/UIM Paid ALAE – This field reflects the ALAE for UM/UIM liability. If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

30) Amount of PPA Liability UM/UIM Outstanding ALAE – This field reflects the outstanding ALAE for UM/UIM liability. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the outstanding ALAE field.

31) Number of PPA Liability UM/UIM Paid Claims – This field reflects the paid claims count for UM/UIM liability. Please see Section~~subsection~~ 4203.30(i) for the definition of paid claims.

32) Number of PPA Liability UM/UIM Outstanding Claims – This field reflects the outstanding claims count for UM/UIM liability. Please see Section~~subsection~~ 4203.30(j) for the definition of outstanding claims.

33) Amount of PPA Liability Medical Payments Written Premium – This field reflects the amount of written premiums for medical payments.

34) Amount of PPA Liability Medical Payments Earned Premium – This field reflects the amount of earned premiums for medical payments.

35) Amount of PPA Liability Medical Payments Paid Losses – This field reflects the paid losses for medical payments. Please see

Section~~subsection~~ 4203.30(g) for definition of paid losses.

36) Amount of PPA Liability Medical Payments Outstanding Losses – This field reflects the outstanding losses for medical payments. Please see Section~~subsection~~ 4203.30(g) for the definition of outstanding losses.

37) Amount of PPA Liability Medical Payments Paid ALAE – This field reflects ALAE for medical payments. If an insurer is unable to separate paid ALAE from the paid loss, the "combined" loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

38) Amount of PPA Liability Medical Payments Outstanding ALAE – This field reflects ALAE for medical payments. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the paid ALAE field.

39) Number of PPA Liability Medical Payments Paid Claims – This field reflects the paid claims count for medical payments. Please see Section~~subsection~~ 4203.30(i) for the definition of paid claims.

40) Number of PPA Liability Medical Payments Outstanding Claims – This field reflects the outstanding claims count for medical payments. Please see Section~~subsection~~ 4203.30(j) for the definition of outstanding claims.

AGENCY NOTE~~Note~~: Fields 41-48 will be blank for the majority of private passenger auto liability insurers. The purpose of the other component is to capture any private passenger auto liability data from insurers that do not fall within bodily injury, property damage, UM/UIM, or medical payments.

41) Amount of PPA Liability Other Written Premium – This field reflects the amount of written premiums for other (not fitting any other private passenger auto liability field).

42) Amount of PPA Liability Other Earned Premium – This field reflects the amount of earned premiums for other (not fitting any other private passenger auto liability field).

43) Amount of PPA Liability Other Paid Losses – This field reflects the paid

losses for other (not fitting any other private passenger auto liability field). Please see Section~~subsection~~ 4203.30(g) for the definition of paid losses.

44) Amount of PPA Liability Other Outstanding Losses – This field reflects the outstanding losses for other (not fitting any other private passenger auto liability field). Please see Section~~subsection~~ 4203.30(g) for the definition of outstanding losses.

45) Amount of PPA Liability Other Paid ALAE – This field reflects the paid ALAE for other (not fitting any other private passenger auto liability field). If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

46) Amount of PPA Liability Other Outstanding ALAE – This field reflects the outstanding ALAE for other (not fitting any other private passenger auto liability field). If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.

47) Number of PPA Liability Other Paid Claims – This field reflects the paid claims count for other (not fitting any other liability field). Please see Section~~subsection~~ 4203.30(i) for the definition of paid claims.

48) Number of PPA Liability Other Outstanding Claims – This field reflects the outstanding claims count for other (not fitting any other liability field). Please see Section~~subsection~~ 4203.30(j) for the definition of outstanding claims.

AGENCY NOTE~~Note~~: Fields 49-63 provide the fields for an insurer to report its private passenger auto liability policies written with a single limit. If none were written for the experience period, these fields will be left blank.

49) Number of PPA Liability Single Limit (SL) Written Exposures – This field reflects the count of exposures written under single limit policies.

50) Amount of PPA Liability for Single Limit (SL) Written Premium – This field reflects the amount of written premiums for policies written under single limit policies.

51) Amount of PPA Liability for SL Earned Premium – This field reflects the amount of earned premiums for policies written under single limit policies.

52) Amount of PPA Liability BI Paid Losses for SL Policies – This field reflects the amount of paid losses for bodily injury under single limit policies. Please see Section~~subsection~~ 4203.30(g) for the definition of paid losses.

53) Amount of PPA Liability BI Outstanding Losses for SL Policies – This field reflects the amount of outstanding losses for bodily injury under single limit policies. Please see Section~~subsection~~ 4203.30(g) for the definition of outstanding losses.

54) Amount of PPA Liability BI Paid ALAE for SL Policies – This field reflects the paid ALAE for bodily injury under single limit policies. If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

55) Amount of PPA Liability BI Outstanding ALAE for SL Policies – This field reflects the outstanding ALAE for bodily injury under single limit policies. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.

56) Number of PPA Liability BI Paid Claims for SL Policies – This field reflects the paid claims count for bodily injury under single limit policies. Please see Section~~subsection~~ 4203.30(i) for the definition of paid claims.

57) Number of PPA Liability BI Outstanding Claims for SL Policies – This field reflects the outstanding claims count for bodily injury under single limit policies. Please see Section~~subsection~~ 4203.30(j) for the definition of outstanding claims.

58) Amount of PPA Liability Property Damage (PD) Paid Losses for SL Policies – This field reflects the paid losses for property damage under single limit policies. Please see Section~~subsection~~ 4203.30(g) for the

definition of paid losses.

59) Amount of PPA Liability PD Outstanding Losses for SL Policies – This field reflects the outstanding losses for property damage under single limit policies. Please see Section~~subsection~~ 4203.30(g) for the definition of outstanding losses.

60) Amount of PPA Liability PD Paid ALAE for SL Policies – This field reflects the paid ALAE for property damage under single limit policies. If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

61) Amount of PPA Liability PD Outstanding ALAE for SL Policies – This field reflects the outstanding ALAE for property damage under single limit policies. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.

62) Number of PPA Liability PD Paid Claims – This field reflects the paid claims count for property damage under single limit policies. Please see Section~~subsection~~ 4203.30(i) for the definition of paid claims.

63) Number of PPA Liability PD Outstanding Claims – This field reflects the outstanding claims count for property damage under single limit policies. Please see Section~~subsection~~ 4203.30(j) for the definition of outstanding claims.

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

Section 4203.100 Coding Conventions for Private Passenger Auto Physical Damage

This Section provides instructions for coding the 26 fields included in the private passenger auto physical damage records. Insurers writing private passenger auto physical damage will not submit calendar year premium-only records.

a) Private passenger auto physical damage data are to be reported on a calendar year basis for only the voluntary market.

b) In the private passenger physical damage line, the insurer will code one record for the line for multi-state data and one record for the line for each zip code represented in the Illinois-only data. It is not necessary to submit a record that~~which~~ sums the Illinois-only data for all the zip codes. No calendar year premium-only records are required.

c) The following provides a detailed description of each data field:

1) FEIN – This alpha-numeric field reflects the Federal Employer Identification Number assigned to the insurer. (Do not include the hyphen, for example 555555555.)

2) Filing Method – This one-character alpha-numeric field identifies the source of the data as either an agent or an insurance company. Possible codes are:

1 = American Association of Insurance Services (AAIS)
2 = Insurance Services Office, Inc. (ISO)
3 = National Association of Independent Insurers (NAII)
4 = National Independent Statistical Service (NISS)
5 = Company Direct – Partial
6 = Company Direct – 100 Percent
7 = Other

3) Line of Business – This alpha-numeric field identifies the general business line to which the data belongs. The code for private passenger auto physical damage is:

7 = Private passenger auto physical damage

4) State Identifier – This field identifies the geographical source of the data. Possible codes are:

12 = Illinois only
MS = Multi-state

5) Experience Method – This one-character alpha-numeric field designates the experience method for the statistical data year reported. The code for the private passenger auto physical damage line is:

C = Calendar year

6) Statistical Data Year – This four-character alpha-numeric field reflects the experience year. (For example, the statistical data year for the November 1996 annual filing, will be coded 1995.)

7) Zip Code – This alpha-numeric field identifies the zip code where the Illinois-only exposure is written. Possible codes are:

Actual zip code	=	The range for Illinois zip codes (60001 through 62999).
99999	=	Code for Illinois-only data where zip code does not fall within the range for Illinois zip codes (60001 through 62999).

AGENCY NOTE~~Note~~: There should be one record for each represented zip code for private passenger auto physical damage for Illinois-only data. It is unnecessary to submit a record that sums the data for all the zip codes. For multi-state data, the zip code field should be blank.

8) Amount of PPA Physical Damage Comprehensive (Comp) Written Premium – This field reflects the amount of written premiums for comprehensive.

9) Amount of PPA Comprehensive Earned Premium – This field reflects the amount of earned premiums for comprehensive.

10) Amount of PPA Comprehensive Paid Losses – This field reflects the paid losses for comprehensive. Please see Section~~subsection~~ 4203.30(g) for the definition of paid losses.

11) Amount of PPA Comprehensive Outstanding Losses – This field reflects the outstanding losses for comprehensive. Please see Section~~subsection~~ 4203.30(g) for the definition of outstanding losses.

12) Number of PPA Comprehensive Written Exposures – This field reflects the written exposure count for private passenger auto physical damage – using the comprehensive component.

13) Number of PPA Comprehensive Paid Claims – This field reflects the paid

claims count for comprehensive. Please see Section~~subsection~~ 4203.30(i) for the definition of paid claims.

14) Number of PPA Comprehensive Outstanding Claims – This field reflects the outstanding claims count for comprehensive. Please see Section~~subsection~~ 4203.30(j) for the definition of outstanding claims.

15) Amount of PPA Collision Written Premium – This field reflects the amount of written premiums for collision.

16) Amount of PPA Collision Property Damage Earned Premium – This field reflects the amount of earned premiums for collision.

17) Amount of PPA Collision Paid Losses – This field reflects the paid losses for collision. Please see Section~~subsection~~ 4203.30(g) for the definition of paid losses.

18) Amount of PPA Collision Outstanding Losses – This field reflects the outstanding losses for collision. Please see Section~~subsection~~ 4203.30(g) for the definition of outstanding losses.

19) Number of PPA Collision Paid Claims – This field reflects the paid claims count for collision. Please see Section~~subsection~~ 4203.30(i) for the definition of paid claims.

20) Number of PPA Collision Outstanding Claims – This field reflects the outstanding claims count for collision. Please see Section~~subsection~~ 4203.30(j) for the definition of paid claims.

AGENCY NOTE~~Note~~: Fields 21-26 will be blank for the majority of private passenger auto physical damage insurers. The purpose of the other category is to capture any private passenger auto physical damage data from insurers that do not fall within the comprehensive or collision components.

21) Amount of PPA Other Written Premium – This field reflects the amount of written premiums for other (not fitting in comp or collision).

22) Amount of PPA Other Earned Premium – This field reflects the amount of earned premiums for other (not fitting in comp or collision).

23) Amount of PPA Other Paid Losses – This field reflects the paid losses for other (not fitting in comp or collision). Please see Section~~subsection~~ 4203.30(g) for the definition of paid losses.

24) Amount of PPA Other Outstanding Losses – This field reflects the outstanding losses for other (not fitting in comp or collision). Please see Section~~subsection~~ 4203.30(g) for the definition of outstanding losses.

25) Number of PPA Other Paid Claims – This field reflects the paid claims count for other (not fitting in comp or collision). Please see Section~~subsection~~ 4203.30(i) for the definition of paid claims.

26) Number of PPA Other Outstanding Claims – This field reflects the outstanding claims count for other (not fitting in comp or collision.) Please see Section~~subsection~~ 4203.30(j) for the definition of outstanding claims.

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

Section 4203.110 Record Layout for the Four Formats

The following table ~~below~~ should assist users and data processing personnel in understanding the requirements of this Part. This Section provides the required fields for each line or type of insurance. Special attention should be given to the classes that are reported on a calendar year premium-only basis.

- The calendar year premium-only records for other liability, medical malpractice, earthquake (REQ), BOP, excess insurance, and commercial auto liability will have entries only in Fields 1-10 and 15. Please follow the specific instructions for each of these 11 fields. (Note that insurers that use a calendar year method of annual compilation for reporting earthquake (REQ) or excess insurance classes need not submit calendar year premium-only records for these classes.)

- The calendar year premium-only records for homeowner and residential fire will have entries only in Fields 1-10 and 13. Please follow the specific instructions for each of these 11 fields. (Note that calendar year premium-only records are not required for these lines if insurers use the calendar year method of annual compilation for reporting this data.)

- For the private passenger auto liability line, Fields 1-9, 14, 17, 18, 25, 26, 33, 34,

41, 42, 49, 50, and 51 are to be reported. Please follow the specific instructions for each of these 21 fields.

- Since private passenger auto physical damage is reported on a calendar year basis, no calendar year premium-only records are required.

- Zip code reporting is required for homeowner, residential fire, and private passenger liability for the calendar year premium-only records.

Due to space limitations, the following abbreviations were used in this table:

Wr Prem	=	Written Premium
OS	=	Outstanding
BI	=	Bodily Injury
Med Pay	=	Medical Payments
SL	=	Single Limit
E Prem	=	Earned Premium
ALAE	=	Allocated Loss Adjustment Expenses
PD	=	Property Damage
UM/UIM	=	Uninsured/Underinsured Motorists
Comp	=	Comprehensive
Pd	=	Paid
Coll	=	Collision, Other Liab, Medical

Other Liab, Medical Malpractice, Earthquake (REQ), BOP, Excess Insurance, and Commercial Auto Liab	Homeowners Res Fire	Priv Pass Auto Liability	Priv Pass Auto Physical Damage
1. FEIN #	FEIN #	FEIN #	FEIN #
2. Filing Method	Filing Meth	Filing Meth	Filing Meth
3. Line of Business	Line of Bus	Line of Bus	Line of Bus
4. State ID	State ID	State ID	State ID
5. Experience Method	Exp Meth	Exp Meth	Exp Meth
6. Statistical Data Yr	Stat Data Yr	Stat Data Yr	Stat Data Yr
7. Classification Code	Zip Code[3]	Zip Code[3]	Zip Code[3]
8. Form Type[1]	Class Code	Amt BI Wr Prem	Amt Comp Wr Prem
9. Amt of Wr Prem	Amt Wr Prem	Amt BI E Prem	Amt of Comp E Prem

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Other Liab, Medical Malpractice, Earthquake (REQ), BOP, Excess Insurance, and Commercial Auto Liab	Homeowners Res Fire	Priv Pass Auto Liability	Priv Pass Auto Physical Damage
10. Amt of E Prem	Amt E Prem	Amt BI Pd Loss	Amt of Comp Pd Loss
11. Amt of Pd Losses	Amt Pd Loss	Amt BI OS Loss	Amt of Comp OS Loss
12. Amt of OS losses	Amt OS Loss	Amt BI Pd ALAE	Amt of Comp Wr Exp
13. Amt of Pd ALAE[1]	# of Wr Exp	Amt BI OS ALAE	# of Comp Pd Claims
14. Amt of OS ALAE[1]	# Pd Claims	# BI Wr Exp	# of Comp OS Claims
15. # of Wr Exposures[2)]	# OS Claims	# of BI Pd Claims	Amt of Coll Wr Prem
16. # of Pd Claims		# of BI OS Claims	Amt of Coll EPrem
17. # of OS Claims		Amt of PD Wr Prem	Amt of Coll Pd Loss
18.		Amt of PD E Prem	Amt of Coll OS Loss
19.		Amt of PD Pd Loss	# of Coll Pd Claims
20.		Amt of PD OS Loss	# of Coll OS Claims
21.		Amt of PD Pd ALAE	Amt Other Wr Prem
22.		Amt of PD OS ALAE	Amt of Other E Prem
23.		# of PD Pd Claims	Amt of Other Pd Loss
24.		# of PD OS Claims	Amt of Other OS Loss
25.		Amt UM/UIM Wr Prem	# of Other Pd LClaims
26.		Amt UM/UIM E Prem	# of Other OS Claims
27.		Amt UM/UIM Pd Loss	
28.		Amt UM/UIM OS Loss	
29.		Amt Um/UIM Pd ALAE	
30.		Amt UM/UIM OS ALAE	
31.		# of UM/UIM Pd Claims	
32.		# of UM/UIM OS Claims	
33.		Amt of Med Pay Wr Prem	
34.		Amt of Med Pay E Prem	
35.		Amt of Med Pay Pd Losses	
36.		Amt of Med Pay OS Losses	
37.		Amt of Med Pay Pd ALAE	
38.		Amt of Med Pay OS ALAE	
39.		# of Med Pay Pd Claims	
40.		# of Med Pay OS Claims	
41.		Amt of Other Wr Prem	
42.		Amt of Other E Pem	
43.		Amt of Other Pd Losses	

Other Liab, Medical Malpractice, Earthquake (REQ), BOP, Excess Insurance, and Commercial Auto Liab	Homeowners Res Fire	Priv Pass Auto Liability	Priv Pass Auto Physical Damage
44.		Amt of Other OS Losses	
45.		Amt of Other Pd ALAE	
46.		Amt of Other OS ALAE	
47.		# of Other Pd Claims	
48.		# of Other OS Claims	
49.		# of SL Wr Exposures	
50.		Amt of SL Wr Prem	
51.		Amt of SL E Prem	
52.		Amt of BI SL Pd Losses	
53.		Amt of BI SL OS Losses	
54.		Amt of BI SL Pd ALAE	
55.		Amt of BI SL OS ALAE	
56.		# of BI SL Pd Claims	
57.		# of BI SL OS Claims	
58.		Amt of PD SL Pd Losses	
59.		Amt of PD SL OS Losses	
60.		Amt of PD SL Pd ALAE	
61.		Amt of PD SL OS ALAE	
62.		# of PD SL Pd Claims	
63.		# of PD SL OS Claims	

Table:

[1] This field should be left blank for earthquake data.

[2] This field should be left blank for earthquake, BOP, and excess insurance data.

[3] This field should be left blank for multi-state data.

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

SUBPART B: MEDICAL MALPRACTICE REPORTING

Section 4203.200 Applicability

This Part shall apply to each company licensed to write medical malpractice insurance in this State pursuant to Section 4, Class 2(c) of the Illinois Insurance Code [215 ILCS 5/4].

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

Section 4203.210 Purpose and Scope

The purpose of this Part is to establish content, form and data reporting requirements for information required to be reported to the Secretary or Director of the Illinois Department of Financial and Professional Regulation-Division of Insurance pursuant to Section 1204(C-5) of the Illinois Insurance Code [215 ILCS 5/1204(C-5)]. This Part will also establish the medium by which such information shall be transmitted to the Secretary or Director.

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

Section 4203.220 Definitions

Code means the Illinois Insurance Code [215 ILCS 5].

Consulting Actuary means independent or company actuary, appointed or retained by the company, to develop the company's rates, as required by Section 155.18 of the Code [215 ILCS 5/155.18] and to create supporting actuarial report and data, as required by Section 1204(C-5) of the Code [215 ILCS 5/1204(C-5)].

Department means the Illinois Department of Financial and Professional Regulation.

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

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

Secretary means the Secretary of the Illinois Department of Financial and Professional Regulation.

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

Section 4203.230 Reports

a) All reports shall be completed, validated and filed in an electronic format as prescribed by the Secretary or Director.

b) All reports, including the consulting actuarial report and data supporting the company's rate filing, shall be filed with the Secretary or Director electronically. The initial 2006 filing of reports shall be made no later than July 1, 2006. Each year thereafter the filing shall be made by no later than April 1.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Medical Assistance Programs

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Number: 120.520 — Proposed Action: Repeal

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 94-86

5 Complete Description of the Subjects and Issues Involved: The SeniorCare provisions at Section 120.520 are being repealed because SeniorCare has been replaced by the Illinois Cares Rx Program under Public Act 94-0086.

6) Will this rulemaking replace any emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any proposed amendments pending on this Part? No

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

11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this Notice. The Department will consider all written comments it receives

during the First Notice Period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10 Eligibility For Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
120.14 Presumptive Eligibility for Children
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 KidCare Parent Coverage Waiver Eligibility and Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD – MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
120.64 MANG(P) Cases
120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community – Integrated Living Arrangements

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

SUBPART D: MEDICARE PREMIUMS

Section
120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73 Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74 Qualified Medicare Beneficiary (QMB) Income Standard
120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
120.90 Migrant Medical Program (Repealed)
120.91 Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
120.200 Elimination Of Aid To The Medically Indigent
120.208 Client Cooperation (Repealed)
120.210 Citizenship (Repealed)
120.211 Residence (Repealed)
120.212 Age (Repealed)
120.215 Relationship (Repealed)
120.216 Living Arrangement (Repealed)
120.217 Supplemental Payments (Repealed)
120.218 Institutional Status (Repealed)
120.224 Foster Care Program (Repealed)
120.225 Social Security Numbers (Repealed)
120.230 Unearned Income (Repealed)
120.235 Exempt Unearned Income (Repealed)
120.236 Education Benefits (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

120.240 Unearned Income In-Kind (Repealed)
120.245 Earmarked Income (Repealed)
120.250 Lump Sum Payments and Income Tax Refunds (Repealed)
120.255 Protected Income (Repealed)
120.260 Earned Income (Repealed)
120.261 Budgeting Earned Income (Repealed)
120.262 Exempt Earned Income (Repealed)
120.270 Recognized Employment Expenses (Repealed)
120.271 Income From Work/Study/Training Program (Repealed)
120.272 Earned Income From Self-Employment (Repealed)
120.273 Earned Income From Roomer and Boarder (Repealed)
120.275 Earned Income In-Kind (Repealed)
120.276 Payments from the Illinois Department of Children and Family Services (Repealed)
120.280 Assets (Repealed)
120.281 Exempt Assets (Repealed)
120.282 Asset Disregards (Repealed)
120.283 Deferral of Consideration of Assets (Repealed)
120.284 Spend-down of Assets (AMI) (Repealed)
120.285 Property Transfers (Repealed)
120.290 Persons Who May Be Included in the Assistance Unit (Repealed)
120.295 Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section
120.308 Client Cooperation
120.309 Caretaker Relative
120.310 Citizenship
120.311 Residence
120.312 Age
120.313 Blind
120.314 Disabled
120.315 Relationship
120.316 Living Arrangements
120.317 Supplemental Payments
120.318 Institutional Status
120.319 Assignment of Rights to Medical Support and Collection of Payment
120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Medical Support
120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324 Health Insurance Premium Payment (HIPP) Program
120.325 Health Insurance Premium Payment (HIPP) Pilot Program
120.326 Foster Care Program
120.327 Social Security Numbers
120.330 Unearned Income
120.332 Budgeting Unearned Income
120.335 Exempt Unearned Income
120.336 Education Benefits
120.338 Incentive Allowance
120.340 Unearned Income In-Kind
120.342 Child Support and Spousal Maintenance Payments
120.345 Earmarked Income
120.346 Medicaid Qualifying Trusts
120.347 Treatment of Trusts
120.350 Lump Sum Payments and Income Tax Refunds
120.355 Protected Income
120.360 Earned Income
120.361 Budgeting Earned Income
120.362 Exempt Earned Income
120.363 Earned Income Disregard – MANG(C)
120.364 Earned Income Exemption
120.366 Exclusion From Earned Income Exemption
120.370 Recognized Employment Expenses
120.371 Income From Work/Study/Training Programs
120.372 Earned Income From Self-Employment
120.373 Earned Income From Roomer and Boarder
120.375 Earned Income In Kind
120.376 Payments from the Illinois Department of Children and Family Services
120.379 Provisions for the Prevention of Spousal Impoverishment
120.380 Assets
120.381 Exempt Assets
120.382 Asset Disregard
120.383 Deferral of Consideration of Assets
120.384 Spend-down of Assets (AABD MANG)
120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

120.386 Property Transfers Occurring On or Before August 10, 1993
120.387 Property Transfers Occurring On or After August 11, 1993
120.390 Persons Who May Be Included In the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395 Payment Levels for MANG (Repealed)
120.399 Redetermination of Eligibility
120.400 Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section
120.500 Health Benefits for Persons with Breast or Cervical Cancer
120.510 Health Benefits for Workers with Disabilities
120.520 SeniorCare (Repealed)
120.530 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
120.540 Illinois Healthy Women Program
120.TABLE A Value of a Life Estate and Remainder Interest
120.TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill.

Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, l983; amended at 7 Ill. Reg. 8264, effective July 5, l983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25,

1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150

days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a

maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. _____, effective _____.

SUBPART I: SPECIAL PROGRAMS

Section 120.520 SeniorCare (Repealed)

~~a) To be eligible for SeniorCare pharmaceutical benefits as set forth at 89 Ill. Adm. Code 140.405, an individual must meet all of the following eligibility requirements:~~

~~1) Be a U.S. citizen or qualify as an eligible non-citizen pursuant to Section 120.310.~~

~~2) Reside in Illinois.~~

~~3) Be 65 years of age or older.~~

~~4) Assign rights to medical support and collection of payments as described in Section 120.319.~~

~~5) Furnish his or her Social Security Number.~~

~~6) Have countable annual income at or below 200 percent of the poverty guidelines published annually by the U.S. Department of Health and Human Services.~~

~~b) The earned and unearned income of the applicant and his or her spouse (if the spouse resides with the applicant) shall be counted when determining eligibility, except that the following shall not be counted:~~

~~1) cash gifts;~~

~~2) child support payments;~~

~~3) Circuit Breaker grants;~~

~~4) damages awarded from a lawsuit for a physical personal injury or sickness;~~

~~5) Energy Assistance payments;~~

~~6) federal income tax refunds;~~

~~7) IRAs "rolled over" into other retirement accounts;~~

~~8) lump sums from inheritances;~~

~~9) lump sums from insurance policies;~~

~~10) money borrowed against a life insurance policy;~~

~~11) reverse mortgage income;~~

~~12) stipends from the Foster Parent and Foster Grandparent programs; and~~

~~13) Worker's Compensation.~~

~~c) Assets shall not be considered.~~

~~d) SeniorCare participants shall be exempt from the requirements of 89 Ill. Adm. Code 102.210, Estate Claims, with regard to expenditures made for SeniorCare benefits.~~

~~e) An individual who is eligible for medical assistance with a spenddown may participate in SeniorCare.~~

~~f) An individual who receives benefits from any of the Medicare Savings programs (QMB, SLIB, or QI) may participate in SeniorCare.~~

~~g) Application Process~~

~~1) Individuals shall apply by completing and submitting an application as specified by the Illinois Department of Revenue.~~

~~2) Spouses may apply on the same application as long as the application contains both signatures.~~

~~3) After eligibility is determined by the Illinois Department of Revenue, notice of the outcome shall be sent to the applicant.~~

~~4) An individual enrolled in SeniorCare shall receive coverage under his or her own name and unique Recipient Identification Number.~~

~~h) Enrollment Periods~~

~~1) Enrollment shall be effective no later than one month after the date when the applicant was determined to be eligible for the program.~~

~~2) An individual who first enrolls in SeniorCare between July 1 and December 31 of any year shall be enrolled through the end of that State fiscal year. For example, an individual who first enrolls on December 1, 2002, shall be eligible through June 30, 2003.~~

~~3) An individual who first enrolls in SeniorCare between January 1 and June 30 of any year shall be enrolled through the end of that fiscal year plus all of the following fiscal year. For example, an individual who first enrolls on January 1, 2003, shall be eligible through June 30, 2004.~~

~~4) Individuals must reapply annually.~~

~~5) Subsequent uninterrupted periods of enrollment shall be for 12 months and shall be coincident with the State fiscal year.~~

~~i) Authorization of SeniorCare~~

~~1) Once an individual has been determined eligible for SeniorCare, a SeniorCare identification card shall be sent to the individual.~~

~~2) Upon receipt of the card, the participant shall have the option of receiving a SeniorCare Rebate as established in 89 Ill. Adm. Code 140.405 instead of using the SeniorCare card. Enrollment in the SeniorCare Rebate option shall be effective prospectively for the month following the month in which the individual is approved for SeniorCare Rebate.~~

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NOTICE OF PROPOSED AMENDMENT

~~j) SeniorCare coverage shall terminate:~~

~~1) at the end of a participant's enrollment period unless the participant reapplies timely and is found to continue to be eligible;~~

~~2) when a participant no longer resides in Illinois;~~

~~3) when a participant becomes an inmate of a public institution as set forth in 42 CFR 435.1008;~~

~~4) upon a participant's death; or~~

~~5) upon discovery that the initial determination of the participant's eligibility was incorrect.~~

~~k) Individuals applying for or enrolled in SeniorCare shall be entitled to appeal rights as described at 89 Ill. Adm. Code 102.80.~~

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

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1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Number: 140.405 — Proposed Action: Repeal

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 94-0086

5) Complete Description of the Subjects and Issues Involved: The SeniorCare provisions at Section 140.405 are being repealed because SeniorCare has been replaced by the Illinois Cares Rx Program under Public Act 94-0086.

6) Will this rulemaking replace any emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.442	Amendment	October 28, 2005 (29 Ill. Reg. 16151)
140.464	Amendment	October 14, 2005 (29 Ill. Reg. 15424)
140.569	Amendment	January 27, 2006 (30 Ill. Reg. 1231)

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

11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

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(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this Notice. The Department will consider all written comments it receives during the First Notice Period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under Medical Assistance Programs
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under General Assistance
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

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140.20 Submittal of Claims
140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22 Magnetic Tape Billings (Repealed)
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited
140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.30 Audits
140.31 Emergency Services Audits
140.32 Prohibition on Participation, and Special Permission for Participation
140.33 Publication of List of Terminated, Suspended or Barred Entities
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.55 Recipient Eligibility Verification (REV) System
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72 Drug Manual (Recodified)
140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95 Hospital Services Trust Fund
140.96 General Requirements (Recodified)
140.97 Special Requirements (Recodified)
140.98 Covered Hospital Services (Recodified)
140.99 Hospital Services Not Covered (Recodified)
140.100 Limitation On Hospital Services (Recodified)

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NOTICE OF PROPOSED AMENDMENT

140.101 Transplants (Recodified)
140.102 Heart Transplants (Recodified)
140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.116 Payment for Inpatient Services for GA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203 Limits on Length of Stay by Diagnosis (Recodified)
140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350 Copayments (Recodified)
140.360 Payment Methodology (Recodified)
140.361 Non-Participating Hospitals (Recodified)
140.362 Pre July 1, 1989 Services (Recodified)
140.363 Post June 30, 1989 Services (Recodified)
140.364 Prepayment Review (Recodified)
140.365 Base Year Costs (Recodified)
140.366 Restructuring Adjustment (Recodified)
140.367 Inflation Adjustment (Recodified)
140.368 Volume Adjustment (Repealed)
140.369 Groupings (Recodified)
140.370 Rate Calculation (Recodified)
140.371 Payment (Recodified)
140.372 Review Procedure (Recodified)
140.373 Utilization (Repealed)
140.374 Alternatives (Recodified)
140.375 Exemptions (Recodified)
140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391 Definitions (Recodified)
140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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Section	
140.400	Payment to Practitioners
140.402	Copayments for Noninstitutional Medical Services
140.405	SeniorCare Pharmaceutical Benefit (Repealed)
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items – Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Clinical Laboratory Services
140.431	Services Not Covered by Independent Clinical Laboratories
140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
140.435	Advanced Practice Nurse Services
140.436	Limitations on Advanced Practice Nurse Services
140.438	Imaging Centers
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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140.450 Record Requirements for Pharmacies
140.451 Prospective Drug Review and Patient Counseling
140.452 Mental Health Services
140.453 Definitions
140.454 Types of Mental Health Services
140.455 Payment for Mental Health Services
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140.457 Therapy Services
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140.460 Clinic Services
140.461 Clinic Participation, Data and Certification Requirements
140.462 Covered Services in Clinics
140.463 Clinic Service Payment
140.464 Hospital-Based and Encounter Rate Clinic Payments
140.465 Speech and Hearing Clinics (Repealed)
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140.469 Hospice
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140.472 Types of Home Health Services
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140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.479 Limitations, Medical Supplies
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140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
140.482 Family Planning Services
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140.484 Payment for Family Planning Services
140.485 Healthy Kids Program
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140.487 Healthy Kids Program Timeliness Standards
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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140.490 Medical Transportation
140.491 Limitations on Medical Transportation
140.492 Payment for Medical Transportation
140.493 Payment for Helicopter Transportation
140.494 Record Requirements for Medical Transportation Services
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140.496 Payment for Psychological Services
140.497 Hearing Aids
140.498 Fingerprint-Based Criminal Background Checks

SUBPART E: GROUP CARE

Section
140.500 Long Term Care Services
140.502 Cessation of Payment at Federal Direction
140.503 Cessation of Payment for Improper Level of Care
140.504 Cessation of Payment Because of Termination of Facility
140.505 Informal Hearing Process for Denial of Payment for New ICF/MR
140.506 Provider Voluntary Withdrawal
140.507 Continuation of Provider Agreement
140.510 Determination of Need for Group Care
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AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

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SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, l983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill.

Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg.7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989;

amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992;

emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995;

amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957,

effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days;

emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. _____, effective _____.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.405 SeniorCare Pharmaceutical Benefit (Repealed)

~~a) Definitions. For purposes of this Section:~~

~~"Brand name drug" means those drugs as defined in Section 140.440(g)(3).~~

~~"FPL" means the federal poverty income guideline as determined annually by the United States Department of Health and Human Services.~~

~~"Generic drug" means those legend drugs as defined in Section 140.440(g)(2).~~

~~"Over-the-counter items" means those pharmaceutical items that may be purchased off the shelf by the general public, but for Medicaid-eligible individuals require a prescription.~~

~~"Pharmaceutical product" means a brand name drug, a generic drug, or an over-the-counter item.~~

~~"Reimbursable amount" means the price payable by the Department or its agent for a pharmaceutical product, as defined in subsection (e) of this Section.~~

~~"SeniorCare" means the provision of benefits to individuals qualifying for medical assistance under the provisions of 89 Ill. Adm. Code 120.520.~~

~~"SeniorCare benefit amount" means the cumulative sum of the reimbursable amounts for prescribed pharmaceutical products received by an individual eligible for SeniorCare during any State fiscal year.~~

~~"SeniorCare rebate" means a SeniorCare benefit in the form of a monetary payment (a monthly payment of $25) made to an individual enrolled in a third-party plan that provides a pharmacy benefit. The payment is made in lieu of the covered services described in this Section.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

~~b) Covered Services~~
~~Except for an individual who elects to participate in the SeniorCare rebate program, covered services under the SeniorCare program shall consist of pharmaceutical products that are prescribed by licensed medical professionals authorized under State law to issue prescriptions within the scope of their professional practice, and subject to the provisions in Section 140.443.~~

~~c) Co-Payment~~
~~An individual eligible for SeniorCare benefits shall be responsible for payment of applicable co-payments. The co-payment for each brand name drug prescription or generic drug prescription is:~~

~~1) For an individual with a household income equal to or greater than the FPL, $1 for each dispensing of a generic drug and $4 for each dispensing of a brand name drug, in addition to any applicable co-payment under subsection (c)(2) of this Section.~~

~~2) For all individuals, 20 percent of the reimbursable amount for each prescription dispensed after the SeniorCare benefit amount has exceeded $1,750 for the State fiscal year. If any part of the cost is paid for by Medicare or another third party, the 20 percent is calculated on the net amount paid by the Department.~~

~~3) On any prescription for which Medicare is the primary payer, the co-payments described in subsections (c)(1) and (2) of this Section do not apply.~~

~~d) Additional Payment~~
~~An individual eligible for SeniorCare benefits may be responsible for an additional payment to the pharmacy, as determined in subsection (e)(2) or (3) of this Section.~~

~~e) Reimbursable Amount~~

~~1) Except as provided in subsections (e)(2), (3) and (4) of this Section, the reimbursable amount for a pharmaceutical product shall be:~~

~~A) For legend (prescription) drugs, the Department shall pay the lower of:~~

~~i) the pharmacy's prevailing charge to the general public; or~~

~~ii) the Department's maximum price plus a dispensing fee of $2.25 for both generic and brand name drugs less applicable co-payments as set forth in subsection (c) of this Section.~~

~~B) For generic drugs, the Department's maximum price is calculated as the lowest of:~~

~~i) the average wholesale price minus 25 percent; or~~

~~ii) the Federal Upper Limit for drugs; or~~

~~iii) the State Upper Limit for drugs; or~~

~~iv) the average wholesale price for drugs where that price is based upon the actual market wholesale price.~~

~~C) For brand name drugs, the Department's maximum price is calculated as the lower of:~~

~~i) the average wholesale price minus 14 percent ; or~~

~~ii) the average wholesale price for drugs where that price is based upon the actual market wholesale price.~~

~~D) For those over-the-counter items which are covered, the Department shall pay the lower of:~~

~~i) the prevailing charge to the general public; or~~

~~ii) the average wholesale price plus 25 percent.~~

~~2) If a generic drug is available, based upon the Illinois Formulary for Drug Product Selection Program (77 Ill. Adm. Code 790), and the individual wants the brand name version of the drug, the reimbursable amount shall be that of the generic drug unless the brand name drug is a federally defined narrow therapeutic index drug and substitution is not permitted because the prescribing practitioner has indicated "brand medically~~

~~necessary" on the prescription. The co-payment amount shall be based upon the generic drug.~~

~~3) If a brand name drug is dispensed when the reimbursable amount is that for the generic drug, the individual shall be responsible for paying the difference between the reimbursable amount (based upon the generic drug) and what would have been the reimbursable amount for the brand name drug.~~

~~4) If the Department contracts with a third-party to manage some portion of the SeniorCare program, the reimbursable amount shall be the price established by the third-party contractor for its pharmacy network or the amount required to be paid to pharmacies by the Department's contract with the third-party.~~

~~f) Provider Participation~~
~~In order to participate in the SeniorCare program, pharmacies shall meet the following requirements:~~

~~1) Prior to enrolling with the Department of Public Aid, the pharmacy must possess a current registration issued by the United States Drug Enforcement Administration (see 21 CFR 1301) and, if located in Illinois, a current controlled substances license issued by the Illinois Department of Professional Regulation (68 Ill. Adm. Code 1330) pursuant to the Illinois Controlled Substances Act [720 ILCS 570].~~

~~2) The pharmacy must be licensed as required by applicable State and federal laws and regulations.~~

~~3) The pharmacy must meet all enrollment criteria set forth by the Department of Public Aid and, if the Department contracts with a third-party to manage some portion of the SeniorCare program, agree to the terms required for participation in that third-party's pharmacy network.~~

~~4) The pharmacy must agree to comply with all applicable State and federal laws and regulations.~~

~~5) The pharmacy must agree to comply with all applicable Department of Public Aid policies and directives.~~

~~6) The pharmacy must agree not to limit prescriptions filled for individuals receiving care or services from the group practice or long term care facility to those written by practitioners connected with a group practice or long term care facility.~~

~~7) If it is located in, or administratively associated with a group practice or long term care facility, the pharmacy must:~~

~~A) Provide the same scope of general pharmacy and professional services as does a pharmacy not so affiliated.~~

~~B) Be retail in nature and open and accessible to the general public.~~

~~8) A hospital pharmacy that provides pharmaceutical services and supplies for inpatients, outpatient clinic patients, or emergency room patients of the hospital shall not enroll as a participating pharmacy unless licensed to provide pharmaceutical services to the general public (division V license).~~

~~g) Payment~~
~~Payment by the Department to a participating pharmacy for a pharmaceutical product dispensed to an individual eligible for SeniorCare shall be the difference of the reimbursable amount, as described in subsection (e) of this Section, less applicable co-payments, as described in subsection (c) of this Section, and any amount paid or payable by Medicare or another third-party as described in Section 140.12(h)(2).~~

~~h) SeniorCare Rebate~~
~~An individual eligible for SeniorCare who maintains coverage by a third-party plan that provides a pharmacy benefit may elect to participate in the SeniorCare rebate program. Individuals making that election shall receive a monthly payment of $25.~~

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

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Practice and Procedure for Appeals Before the Property Tax Appeal Board

2) Code Citation: 86 Ill. Adm. Code 1910

3)

Section Numbers:	Proposed Action:
1910.50	Amended
1910.67	Amended
1910.91	New Section
1910.98	New Section

4) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195

5) A Complete Description of the Subjects and Issues Involved:

Section 1910.50 – Determination of Appealed Assessment: This Section is amended to reflect changes in Illinois case law relating to the use of sales ratio studies in Cook County for all non-Class 2 property appeals.

Section 1910.67 – Hearings: This Section is amended to delete subsection n and move it to new Section 1910.98.

Section 1910.91 – Business Records: This new Section is added to delineate the requirements for admissibility of business records as evidence in Board hearings.

Section 1910.98 – Transcription of Hearings – Official Record: This new Section is added to specify when Board hearings will be recorded or transcribed by stenographic means; the procedure to be followed when no transcript is available in any administrative review action; what documentation constitutes the Board's official record in each appeal; and recording of hearings by parties other than the Board's designated representative or the court reporter retained by the contesting party.

6) Will these rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporation by reference? No

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

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
1910.50	Amended	29 Ill. Reg. 18071; 11/4/05
1910.55	New Section	29 Ill. Reg. 18071; 11/4/05
1910.66	Amended	29 Ill. Reg. 18071; 11/4/05
1910.76	Amended	29 Ill. Reg. 13983; 9/16/05
1910.90	Amended	29 Ill. Reg. 18071; 11/4/05
1910.92	New Section	29 Ill. Reg. 13983; 9/16/05

10) Statement of Statewide Policy Objectives: This rulemaking will not modify or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this rulemaking: Interested persons may comment on this proposed rulemaking by filing such comments in writing, within 45 days after publication of this Notice in the *Illinois Register*, with the Property Tax Appeal Board at its offices in Springfield:

James W. Chipman - Executive Director
Property Tax Appeal Board
Rm. 402, Stratton Office Building
401 S. Spring St.
Springfield, Illinois 62706

(217) 782-6076
james.chipman@illinois.gov

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: All small businesses owning taxable real property in Illinois

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 2006

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

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER II: PROPERTY TAX APPEAL BOARD

PART 1910
PRACTICE AND PROCEDURE FOR APPEALS
BEFORE THE PROPERTY TAX APPEAL BOARD

Section
1910.5 Construction and Definitions
1910.10 Statement of Policy
1910.11 Rules of Order
1910.20 Correspondence
1910.25 Computing Time Limits
1910.30 Petitions – Application
1910.40 Board of Review Response to Petition Application
1910.50 Determination of Appealed Assessment
1910.60 Interested Parties – Intervention
1910.63 Burdens of Proof
1910.64 Motion Practice – Service of Papers
1910.65 Documentary Evidence
1910.66 Rebuttal Evidence
1910.67 Hearings
1910.68 Subpoenas
1910.69 Sanctions
1910.70 Representation at Hearings
1910.71 Ex Parte Communications
1910.72 Informal Settlement Conference
1910.73 Pre-hearing Conference – Formal Settlement Conference
1910.74 Administrative Review
1910.75 Access to Board Records – Freedom of Information Procedures
1910.76 Publication of Annual Synopsis
1910.77 Withdrawals and Substitutions of Attorneys
1910.78 Consolidation of Appeals
1910.80 Forms
1910.90 Practice Rules
1910.91 Business Records
1910.93 Request for Witnesses
1910.95 Separability (Renumbered)
1910.98 Transcription of Hearings – Official Record
1910.100 Severability

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by Article 7 and Sections 16-180 through 16-195 of the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. 16533, effective September 2, 1998; amended at 24 Ill. Reg. 1233, effective January 5, 2000; amended at 29 Ill. Reg. 13574, effective August 19, 2005; amended at 29 Ill. Reg. 21046, effective December 16, 2005; amended at 30 Ill. Reg. 1419, effective January 20, 2006; amended at 30 Ill. Reg. _____, effective _____.

Section 1910.50 Determination of Appealed Assessment

a) All proceedings before the Property Tax Appeal Board shall be considered de novo meaning the Board will consider only the evidence, exhibits and briefs submitted to it, and will not give any weight or consideration to any prior actions by a local board of review or to any submissions not timely filed or not specifically made a part of the record. *The Board shall not be limited to the evidence presented to the board of review of the county. A party participating in the hearing before the Property Tax Appeal Board is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the board of review of the county. Each appeal shall be limited to the grounds listed in the petition filed with the Board.* (Section 16-180 of the Code)

b) The Property Tax Appeal Board may accept into the record all evidence, exhibits and briefs submitted by all interested parties and render a decision without holding a hearing. On its own motion, the Board may order a hearing to be held at a time and place designated by the Board. *A hearing shall be granted if any party to the appeal submits a request in writing.* (Section 16-170 of the Code)

c) The decisions of the Property Tax Appeal Board will be based on equity and the weight of the evidence.

1) In all counties other than Cook, a three-year county wide assessment level to be based on relevant sales during the previous three years as certified by the Department of Revenue will be considered where sufficient probative evidence is presented indicating the estimate of full market value of the

subject property on the relevant real property assessment date of January 1.

2) In Cook County, for residential property of six units or less currently designated as Class 2 real estate according to the Cook County Real Property Assessment Classification Ordinance, as amended, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board may consider evidence of the appropriate level of assessment for property in that class. Such evidence may include:

A) the Department of Revenue's annual sales ratio studies for Class 2 property for the previous three years; and

B) competent assessment level evidence, if any, submitted by the parties pursuant to this Part.

3) In Cook County, for all other classes of property, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board will only~~may~~ consider ~~competent evidence admitted pursuant to this Part, if any, which is relevant to~~ the level of assessment applicable to the subject property under the ~~Illinois Constitution, the Illinois Property Tax Code, and the~~ Cook County Real Property Assessment Classification Ordinance, as amended, or a sales ratio study where the taxpayer shows by clear and convincing evidence that the studies are random, representative, properly edited and properly adjusted according to Illinois case law.

d) Whether or not a hearing is held in the appeal proceeding, the proceeding before the Property Tax Appeal Board shall be terminated when the Board renders a decision. The Board may revise and/or correct a decision upon its own initiative at any time prior to the expiration of the administrative review filing period as provided in Section 16-195 of the Property Tax Code if a mistake in the calculation of an assessment or other clerical error is discovered. In such event, the Board shall issue an amended decision. The decision or order of the Property Tax Appeal Board in any such appeal shall, within 10 days after it is made and entered, be certified to every party to the proceeding and to the proper authorities, including the board of review whose decision was appealed, the County Clerk who extends taxes upon the assessment in question, and the County Collector (Treasurer) who collects property taxes upon such assessment.

e) A majority of the Members of the Board is required to make a decision of the Board.

f) *If a petition is filed by a taxpayer with the Property Tax Appeal Board, the taxpayer is precluded from filing objections based upon valuation in the Circuit Court as may otherwise be permitted by Sections 21-175 and 23-5 of the Property Tax Code.* (Section 16-160 of the Code)

g) *If a taxpayer files objections based upon valuation in the Circuit Court as permitted by Sections 21-175 and 23-5 of the Property Tax Code, the taxpayer is precluded from filing a petition contesting the assessment of the subject property with the Property Tax Appeal Board.* (Section 16-160 of the Code)

h) *If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the board of review or after adjournment of the session of the board of review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of the written notice of the Property Tax Appeal Board decision, appeal the assessment for such subsequent year directly to the Property Tax Appeal Board.* (Section 16-185 of the Code)

i) *If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225 of the Code, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.* (Section 16-185 of the Code)

j) If a stipulation is agreed to by all interested parties, it may be taken into consideration by the Property Tax Appeal Board but must be supported by evidence in the record. The Board reserves the right to write a decision based on the facts, evidence and exhibits in the record.

k) The contesting party may, at any time before the hearing begins, upon notice to the parties to the appeal, move to dismiss the appeal, by written request filed with the Board. However, where a party to the appeal has filed substantive evidence in

response to the contesting party's petition, a dismissal will only be granted if no objections are made by any party to the appeal.

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

Section 1910.67 Hearings

a) The Property Tax Appeal Board may render a decision based upon the evidence, exhibits and briefs submitted to it by all interested parties without holding a hearing.

b) The Property Tax Appeal Board shall review all appeals filed in compliance with these rules to determine whether a hearing shall be held on any factual or legal issue. Whenever the Board determines that a hearing is not required, the appeal shall be decided based upon the evidence in the record. The Board shall hold a hearing at the request of any party in writing. In the event a hearing is deemed necessary, the Board shall give notice to all parties to the appeal of the time, date, and place of the hearing at least 20 days prior to the hearing, unless the 20 day period is specifically waived by all the parties to the appeal.

c) A party may request a decision of the Property Tax Appeal Board based upon the evidence in the record by filing a written request with the Board. Any such request shall not be binding on the Board.

d) Notice of a hearing to all interested taxing bodies by the Property Tax Appeal Board shall be deemed to have been given when served upon the State's Attorney of the county from which the appeal has been taken, unless such interested taxing bodies have specifically been made parties to the appeal proceeding.

e) Hearings may be held before less than a majority of the Members of the Board, and the Chairman may assign Members or Hearing Officers to hold hearings. Any hearing may be conducted by the Property Tax Appeal Board at its offices in Springfield or Des Plaines or at any other location in Illinois selected by the Board. The Board may cause its Hearing Officer to conduct such hearing and report his findings for affirmation or rejection by the Board.

f) Hearings shall be open to the public and shall be conducted in accordance with such rules of practice and procedure as the Board may make and promulgate.

g) Every Hearing Officer presiding over a Property Tax Appeal Board hearing must

meet the following requirements:

1) possess a working knowledge of the English language, including composition and grammar;

2) possess a working knowledge of standard office practices and procedures;

3) possess an ability to effectively communicate technical information both orally and in writing;

4) possess an ability to deal tactfully with the general public, attorneys, and service providers;

5) possess an ability to prepare concise and factual reports on hearing findings for presentation to the Board;

6) possess an ability to conduct hearings and obtain and analyze necessary information;

7) possess a valid Illinois driver's license;

8) be of high integrity and good personal repute;

9) be familiar with this Part and the Property Tax Code;

10) be disinterested and impartial; and

11) have no financial or personal interest in the result of the hearing.

h) Authority of the Board and designated Hearing Officers.

1) In connection with any proceeding, the Board, or any of its designated Hearing Officers, shall have full authority over the conduct of a hearing and the responsibility for submission of the matter to the Board for decision. The Board or its designated Hearing Officer shall have those duties and powers necessary to these ends, including:

A) To conduct hearings and pre-hearing conferences;

B) To admit or exclude testimony or other evidence into the record

pursuant to this Part;

C) To administer oaths and affirmations and examine all persons appearing at the hearing to testify or to offer evidence;

D) To require the production of any book, record, paper or document at any stage of the appeal or of the hearing which is the foundation for any evidence or testimony presented in the appeal;

E) To require the submission of briefs on issues of law raised during the hearing within 60 days after the termination of the hearing;

F) To call upon any person at any stage of the hearing to produce witnesses or information that is material and relevant to any issue; and

G) To ensure that the hearing is conducted in a full, fair and impartial manner, that order is maintained, and that unnecessary delay is avoided in the disposition of the hearing.

2) Any Hearing Officer assigned to conduct a hearing on behalf of the Board shall be empowered to exercise the full authority of the Board with respect to the conduct and control of the proceeding.

i) Continuances shall be granted for good cause shown in writing, and then only on an order of a Member of the Property Tax Appeal Board, or a duly authorized Hearing Officer. Good cause shall be the inability to attend the hearing at the date and time set by the Board for a cause beyond the control of the party, such as the unavoidable absence of a party, his attorney or material witness, or the serious illness or death of a witness or party. The Board shall set the hearing of a continued case at the time it sets other hearings of appeals from the county in which the subject of the continued appeal lies, unless the parties request that the Board decide the appeal based upon the evidence in the record without a formal hearing.

j) At the hearing, the contesting party shall first introduce his case into evidence, followed by the evidence of other parties to the appeal, in the order directed by the Property Tax Appeal Board or Hearing Officer. All parties are entitled to a rebuttal after all evidence of all parties has been introduced. Evidence submitted to the Board in documentary form may be made a part of the record without the

document being read into the record if the Board or Hearing Officer so orders.

k) In no case shall any written or documentary evidence be accepted into the appeal record at the hearing unless:

1) Such evidence has been submitted to the Property Tax Appeal Board prior to the hearing pursuant to this Part;

2) The filing requirement is specifically waived by the Board; or

3) The submission of the written or documentary evidence is specifically ordered by the Board or by a Hearing Officer.

l) Appraisal testimony offered to prove the valuation asserted by any party shall not be accepted at the hearing unless a documented appraisal has been timely submitted by that party pursuant to this Part. Appraisal testimony offered to prove the valuation asserted may only be given by a preparer of the documented appraisal whose signature appears thereon.

m) All testimony taken at the hearing shall be under oath or affirmation. The Board shall eliminate such rules of evidence, practice and procedure to the extent it considers practicable.

~~n) In all cases where the contesting party is seeking a change of $100,000 or more in assessed valuation, the contesting party must provide a court reporter at his own expense. The original certified transcript of such hearing shall be forwarded to the Property Tax Appeal Board and shall become part of the Board's official record of the proceedings on appeal. The court reporter's certified transcript should be forwarded as soon as possible but no later than within 60 days after the hearing.~~

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

Section 1910.91 Business Records

a) Business records shall be admissible. A business record is:

1) Relevant;

2) A memorandum, report, record or data compilation;

3) Made by a person with first-hand knowledge of the facts;

4) Made at or near the time of the facts;

5) Made as part of the regular practice of the business activity; and

6) Kept in the course of the regularly conducted business activity.

b) Any party may prove elements outlined in subsections (a)(3) through (a)(6) by presentation of a sworn statement by an individual responsible for making or keeping those records.

c) Any party seeking introduction of a business document will be allowed to offer a mechanical reproduction or carbon copy of the original without any showing that the original is unavailable, upon representation of the party that the copy is a true and accurate copy of the original.

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

Section 1910.98 Transcription of Hearings – Official Record

a) All Property Tax Appeal Board hearings at which evidence is presented for the purpose of determining the correct assessment of property that is the subject of an appeal shall be recorded either by an electronic recording device or by a certified court reporter. *In all cases where the contesting party is seeking a change of $100,000 or more in assessed valuation, the contesting party must provide a court reporter at his or her own expense.* (Section 16-190 of the Code) In all cases where the contesting party is seeking a change of less than $100,000 in assessed valuation, the Board shall record the hearing by an electronic recording device. A Board tape recording of any hearing will be retained through and including the time allotted for an appeal of a Board decision under the Administrative Review Law [735 ILCS 5/Art. III)] and Section 16-195 of the Code.

b) The original certified transcript of a hearing shall be forwarded to the Property Tax Appeal Board and shall become part of the Board's official record of the proceedings on appeal. The court reporter's certified transcript should be forwarded as soon as possible, but no later than 60 days after the hearing.

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

c) In any administrative review action where no verbatim transcript is available, either through the failure of electronic recording devices or incomplete stenographic means, the plaintiff shall utilize the procedures for preparing a report of the proceedings contained in Illinois Supreme Court Rule 323(c).

d) The Board's official record in any appeal shall include the following:

1) All petitions, pleadings, motions, correspondence and rulings;

2) All evidence received;

3) A statement of matters officially noticed;

4) Any offers of proof, objections and rulings on those offers;

5) The transcript of any hearing held before the Board, any assigned Board Member, or any designated Hearing Officer; and

6) The Board's decision.

e) Recording of a hearing by any party to the appeal other than the officially designated court reporter or Board representative is permitted so long as the recording does not interfere with the conduct of the hearing and no party to the appeal objects. Except as provided in subsection (c), the electronic recording of the proceeding by the Board, or the certified transcript prepared by the court reporter provided by the contesting party pursuant to this Part, shall constitute the official record of the hearing.

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

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Miscellaneous

2) Code Citation: 50 Ill. Adm. Code 7110

3) Section Number: 7110.90 — Proposed Action: New Section

4) Statutory Authority: Implementing and authorized by the Workers' Compensation Act [820 ILCS 305].

5) A Complete Description of the Subjects and Issues Involved: In accordance with Section 8.2 of the Workers' Compensation Act, the proposed amendment adopts the Illinois Workers' Compensation Commission Medical Fee Schedule, including payment rates, instructions, guidelines, and payment guides and policies regarding the application of the schedule. The fee schedule is available on the Internet free of charge via a link from the Commission's Web site (www.iwcc.il.gov). The fee schedule sets the maximum allowable payment for a medical procedure, treatment or service covered under the Workers' Compensation and Workers' Occupational Diseases Acts. Under the fee schedule, the employer is required to pay the lesser of the amount set forth in the schedule or the health care provider's actual charges. If an employer or insurance carrier contract with a health care provider, the rate negotiated in the contract will prevail.

In accordance with Section 8.2 of the Act, the fee schedule sets forth payment rates for medical services in each geozip (area in which all zip codes have the same first three digits) in Illinois. Payment rates and reimbursement are based on the place of service. Payment rates are set at 90% of the 80th percentile of actual (non-discounted) provider charges (as of August 1, 2004 but not earlier than August 1, 2002) in each geozip, or combination of geozips in accordance with Section 8.2, adjusted by the Consumer Price Index-U for the period August 1, 2004 through September 30, 2005 (4.96%).

Whenever a specific fee could not be determined for a service, procedure or treatment, the maximum allowable payment is set at 76% of actual charge. The maximum allowable payment for a service, treatment or procedure performed outside the State of Illinois is the greater of 76% of actual charge or the payment set forth in that state's workers' compensation medical fee schedule, if such a schedule has been adopted. In the case of cost outliers, the maximum reimbursement amount is the fee schedule reimbursement amount plus 76% of the charges that exceed the fee schedule amount. A cost outlier is extraordinary treatment in which the bill for an inpatient stay is equal to or above two times the fee schedule amount for the assigned Diagnosis-Related Group (DRG) after pass-through revenue code charges have been subtracted.

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF PROPOSED AMENDMENT

The schedule is comprised of nine parts including ambulatory surgical treatment center, anesthesia, dental, emergency room facility, HCPCS (Healthcare Common Procedure Coding System) Level II, hospital inpatient-standard, hospital inpatient-trauma, hospital outpatient, and professional services. Services are identified by applicable standard numeric coding systems. Payment rates may be accessed by geozip, code look-up, or the fee schedule. Users may also download the entire schedule or any specific module in the schedule.

Pursuant to Section 8.2 of the Act, the fee schedule payment rates are to be increased or decreased no later than September 30, 2006 and each year thereafter by the percentage change in the Consumer Price Index-U for the period ending August 31st of the same year. The Consumer Price Index-U is defined as the index published by the U.S. Department of Labor Bureau of Labor Statistics that measures the average change in prices of all goods and services purchased by all urban consumers, U.S. city average, all items, 1982-84=100. The yearly adjustment takes effect January lst of the following year.

6) Will this rulemaking replace an emergency rulemaking currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: These proposed amendments neither create nor expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing no later than 45 days after publication of this Notice in the *Illinois Register* to:

Kathryn Kelley
Counsel
Re: Medical Fee Schedule
Illinois Workers' Compensation Commission
100 West Randolph, Suite 8-272
Chicago, Illinois 60601

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF PROPOSED AMENDMENT

312/814-6560

The Commission will hold public hearings on the proposed rulemaking as follows:

DATE: February 14, 2006
TIME: 10:00 a.m.
PLACE: Illinois Workers' Compensation Commission
Oral Argument Room
100 W. Randolph St., 8th floor
Chicago, IL 60601

DATE: February 22, 2006
TIME: 10:00 a.m.
PLACE: Illinois Workers' Compensation Commission
701 S. Second St.
Springfield, IL 62704

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 2006

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment which appears in this issue of the *Illinois Register* on page 1912.

ATTORNEY GENERAL

NOTICE OF ADOPTED RULES

1) Heading of the Part: Price Gouging

2) Code Citation: 14 Ill. Adm. Code 465

3)

Section Numbers:	Proposed Action:
465.10	New Section
465.20	New Section
465.30	New Section

4) Statutory Authority: Sections 2 and 4 of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2 and 4]

5) Effective Date of Rules: January 30, 2006

6) Does these rules contain an automatic repeal date? No

7) Does these rules contain incorporations by reference? No

8) A copy of the adopted rules, including material incorporated by reference, is on file and is available for public inspection in the Attorney General's principal office in Chicago (12th Floor, James R. Thompson Center).

9) Notice of Proposal published in Illinois Register: September 16, 2005; 29 Ill. Reg. 13937

10) Has JCAR issued a Statement of Objection to these rules? No

11) Differences between proposal and final version: In order to address concerns regarding the ability to determine the end of the emergency situation, a provision was added to Section 465.30 that establishes a rebuttable presumption that a market emergency lasts for 45 days from the occurrence of the market disruption. A few other non-substantive, drafting changes were also made.

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

13) Will these rules replace any emergency rules currently in effect? Yes

14) Are there any amendments pending on this Part? No

NOTICE OF ADOPTED RULES

15) Summary and purpose of rules: The Consumer Fraud and Deceptive Business Practices Act makes it unlawful to use unfair methods of competition and unfair or deceptive acts or practices in the conduct of commerce. This rule sets forth the basis for determining whether sudden spikes in fuel prices in market emergency conditions are truly market driven or constitute price gouging in violation of the Act. Adding clarity in this important respect through rulemaking signals that special enforcement attention is being paid to this problem and should deter unlawful actions and decrease some of the extreme volatility in fuel prices in emergency situations.

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

Deborah Hagan, Chief
Consumer Protection Division
Office of the Attorney General
500 South. Second Street
Springfield IL 62705

217/782-9021

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

ATTORNEY GENERAL

NOTICE OF ADOPTED RULES

TITLE 14: COMMERCE
SUBTITLE B: CONSUMER PROTECTION
CHAPTER II: ATTORNEY GENERAL

PART 465
PRICE GOUGING

Section
465.10 General
465.20 Definitions
465.30 Petroleum Products

AUTHORITY: Implementing Section 2 and authorized by Section 4 of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2 and 4].

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 14066, effective September 2, 2005, for a maximum of 150 days; adopted at 30 Ill. Reg. 1831, effective January 30, 2006.

Section 465.10 General

The purpose of this Part is to describe circumstances in which the charging of unconscionably high prices for petroleum products constitutes an unfair or deceptive act or practice. This Part shall not be construed to limit the ability of the Attorney General or the courts to determine that acts and practices other than those described in this Part are unfair or deceptive acts of price gouging in the absence of market emergencies.

Section 465.20 Definitions

"Market emergency": Any abnormal disruption of any market for petroleum products, including, but not limited to, any actual or threatened shortage in the supply of petroleum products or any actual or threatened increase in the price of petroleum products, resulting from severe weather, convulsion of nature, failure or shortage of electric power or other source of energy, strike, civil disorder, act of war, terrorist attack, national or local emergency, or other extraordinary adverse circumstances.

"Petroleum product": Includes, but shall not be limited to, motor fuels, as defined in Section 1.1 of the Motor Fuel Tax Law [35 ILCS 505/1.1], and fuel oil used for heating or cooking purposes.

"Petroleum-related business": Any producer, supplier, wholesaler, distributor or retail seller of any petroleum product.

Section 465.30 Petroleum Products

a) It shall be an unfair or deceptive act or practice, during any market emergency, for any petroleum-related business to sell or offer to sell any petroleum product for an amount that represents an unconscionably high price.

b) A price is unconscionably high if:

1) the amount charged represents a gross disparity between the price of the petroleum product and:

A) the price at which the same product was sold or offered for sale by the petroleum-related business in the usual course of business immediately prior to the onset of the market emergency, or

B) the price at which the same or similar petroleum product is readily obtainable by other buyers in the trade area; and

2) the disparity is not substantially attributable to increased prices charged by the petroleum-related business suppliers or increased costs due to an abnormal market disruption.

c) There is a rebuttable presumption that a market emergency lasts for 45 days from the occurrence of the market disruption or other event that constitutes the market emergency.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Certification

2) Code Citation: 23 Ill. Adm. Code 25

3)

Section Numbers:	Adopted Action:
25.105	New Section
25.300	Amendment
25.365	Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6, 14C-8, and Art. 21

5) Effective Date of Amendments: January 26, 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 amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in Illinois Register: September 30, 2005; 29 Ill. Reg. 14452 (Section 25.105) and October 7, 2005; 29 Ill. Reg. 14601 (Sections 25.300 and 25.365).

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: This rulemaking combines 2 separately proposed rulemakings into one text for adoption (see #9 above for proposed dates).

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 these amendments replace any emergency amendments currently in effect? Yes; Section 25.105 only (see 29 Ill. Reg. 14547).

14) Are there any other amendments pending on this Part? Yes

Section	Action	Illinois Register Citation
25.Appendix D	Amendment	29 Ill. Reg. 18235, November 14, 2005
25.100	Amendment	30 Ill. Reg. 16, January 6, 2006

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

25.115	Amendment	30 Ill. Reg. 16, January 6, 2006
25.125	Amendment	30 Ill. Reg. 16, January 6, 2006
25.127	Amendment	30 Ill. Reg. 16, January 6, 2006
25.142	New Section	30 Ill. Reg. 16, January 6, 2006
25.145	Amendment	30 Ill. Reg. 16, January 6, 2006
25.147	Amendment	30 Ill. Reg. 16, January 6, 2006
25.155	Amendment	30 Ill. Reg. 16, January 6, 2006
25.160	Amendment	30 Ill. Reg. 16, January 6, 2006
25.165	Amendment	30 Ill. Reg. 16, January 6, 2006
25.225	Amendment	30 Ill. Reg. 16, January 6, 2006
25.444	Amendment	30 Ill. Reg. 16, January 6, 2006
25.490	Amendment	30 Ill. Reg. 16, January 6, 2006
25.710	Amendment	30 Ill. Reg. 16, January 6, 2006
25.720	Amendment	30 Ill. Reg. 16, January 6, 2006
25.Appendix E	Amendment	30 Ill. Reg. 16, January 6, 2006

15) Summary and purpose of amendments: New Section 25.105 was developed as a means of assisting persons displaced by Hurricane Katrina who were seeking shelter and employment here in Illinois. This new rule was intended to provide relief to persons qualified to serve as substitute teachers who might not have access to documents proving their eligibility.

Under this Section, individuals from the geographic area drastically affected by the hurricane can receive a temporary permit for substitute teaching in Illinois schools, provided that they indicate their possession of a bachelor's degree, which is generally the qualification we require. Our intention has been to make this a short-term, non-renewable permit but also:

- to build in enough flexibility to extend it if that seems warranted after the passage of time; and
- to provide for withdrawal of the permit if an individual either misrepresents his or her eligibility or later disqualifies himself or herself.

Several features of this approach distinguish the permit from a true certificate while at the same time affording relief to people whose lives have been severely disrupted. There is neither an application fee nor a registration fee, as would be the case for a certificate. Applicants are not required to provide proof of their credentials but rather only to affirm possession of the bachelor's degree. The permit will be valid only for the 2005-06 school year unless prevailing circumstances dictate an extension.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

It should be noted that this rule does not eliminate the requirement for a criminal background check as a condition for employment in Illinois schools, nor can it provide any guarantee that a holder of this permit will find such employment. The rule does, however, remove such barriers as are within the authority of the State Board of Education to remove.

The other portion of this rulemaking is designed to address a problem that has become apparent with respect to the requirements under which individuals may serve as directors or assistant directors of special education. Under the current rules, transcript review against a specified set of coursework for this credential ceased being available as of June 30, 2005. Instead, new requirements call for completion of an approved program and passage of the content-area test in order to receive an administrative certificate with this endorsement.

The rule establishing this change has been in effect for several years. However, two factors came to our attention that have a bearing on these requirements. First, only one approved program for "director of special education" currently exists. Second, there were numerous individuals who apparently did not understand the June 30, 2005, completion deadline for the long-standing coursework requirements who wished to acquire this credential but were not entirely finished with those courses. Because this is a shortage area, it would be counter-productive to proceed with the policy currently expressed in Section 25.365. Individuals such as these would be forced to enroll in preparation programs to which they do not have access. We therefore concluded that the most advisable policy is to restore the list of coursework that previously existed and make completion of that coursework an alternative to completion of an approved program. Individuals making either choice will now be required to pass the content-area test for the endorsement.

Section 25.300 of the rules is also affected, because individuals who already hold an administrative certificate will again be able to add the special education director's endorsement to that certificate.

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

Dennis Williams
Certification and Professional Development
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

217/782-7702

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 25
CERTIFICATION

SUBPART A: DEFINITIONS

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

SUBPART B: CERTIFICATES

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared as Teachers But Not Currently Certified
25.90 Transitional Bilingual Certificate and Examination
25.92 Visiting International Teacher Certificate
25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate (Repealed)
25.99 Endorsing Teaching Certificates (Repealed)
25.100 Endorsing Teaching Certificates (2004)
25.105 Temporary Substitute Teaching Permit

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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)
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)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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)
25.435 School Service Personnel Certificate – Waiver of Evaluations (Repealed)
25.437 Equivalency of General Education Requirements (Repealed)
25.440 Master of Arts NCATE (Repealed)
25.442 Illinois Teacher Corps Programs
25.444 Illinois Teaching Excellence Program
25.445 College Credit for High School Mathematics and Language Courses (Repealed)
25.450 Lapsed Certificates
25.455 Substitute Certificates
25.460 Provisional Special and Provisional High School Certificates (Repealed)
25.464 Short-Term Authorization for Positions Otherwise Unfilled
25.465 Credit (Repealed)
25.470 Meaning of Experience on Administrative Certificates (Repealed)
25.475 Certificates and Permits No Longer Issued (Repealed)
25.480 Credit for Certification Purposes (Repealed)
25.485 Provisional Recognition of Institutions (Repealed)
25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime
25.493 Part-Time Teaching Interns
25.495 Approval of Out-of-State Institutions and Programs (Repealed)
25.497 Supervisory Endorsements

SUBPART G: THE UTILIZATION OF PARAPROFESSIONALS AND OTHER NONCERTIFIED PERSONNEL

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

SUBPART H: CLINICAL EXPERIENCES

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section
25.705 Purpose – Severability
25.710 Definitions
25.715 Test Validation
25.717 Test Equivalence
25.720 Applicability of Testing Requirement and Scores
25.725 Applicability of Scores (Repealed)
25.728 Use of Test Results by Institutions of Higher Education
25.730 Registration
25.732 Late Registration
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AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429,

effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; peremptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; peremptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; peremptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744, effective March 21, 2003; amended at 27 Ill. Reg. 8071, effective April 28, 2003; emergency amendments at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 12523, effective July 21, 2003; amended at 27 Ill. Reg. 16412, effective October 20, 2003; emergency amendment at 28 Ill. Reg. 2451, effective January 23, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 8556, effective June 1, 2004; emergency amendments at 28 Ill. Reg. 12438, effective August 20, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1212, effective January 4, 2005; 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. 1835, effective January 26, 2006.

SUBPART B: CERTIFICATES

Section 25.105 Temporary Substitute Teaching Permit

An individual who holds a bachelor's degree and who resided in Louisiana, Mississippi, or Alabama but was displaced by the effects of Hurricane Katrina, or an individual from another state contiguous to the Gulf of Mexico whose displacement is demonstrably due to Hurricane

Katrina, shall be eligible for an Illinois temporary substitute teaching permit as provided in this Section.

a) In recognition of the unavailability of written or electronic records in this situation, the State Board of Education shall require an individual seeking a permit under this Section only to:

1) supply one form of personal identification, which may include not only a passport, driver's license, or other government-issued document but also a credit card, a bill, or any other piece of correspondence showing the individual's name;

2) provide a notarized written affirmation that he or she has received a bachelor's degree from a regionally accredited institution of higher education; and

3) identify the institution and the year when the degree was issued.

b) No application fee shall be charged for a temporary substitute teaching permit, and no registration fee shall apply to its use.

c) A permit issued under this Section shall be valid for teaching in all grades of the common schools and shall be subject to the limitations set forth in Section 21-9 of the School Code [105 ILCS 5/21-9].

d) A permit issued under this Section shall be valid through June 30, 2006, and shall be renewable for subsequent six-month periods only if the State Superintendent of Education determines that conditions in the permit-holder's home state continue to be such that the individual cannot reasonably be expected to supply records substantiating the field of his or her certification in that state so that a corresponding Illinois provisional certificate or a substitute teaching certificate can be issued.

e) A temporary substitute teaching permit may be rescinded at any time if the State Superintendent of Education determines, in his sole discretion, that the individual has misrepresented his or her eligibility under this Section or that other sufficient cause exists.

f) Employment of an individual holding a temporary substitute teaching permit shall be subject to the requirements of Section 10-21.9 of the School Code [105 ILCS 5/10-21.9].

(Source: Added at 30 Ill. Reg. 1835, effective January 26, 2006)

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

Section 25.300 Relationship Among Credentials in Subpart E

Except as provided in Section 25.365 of this Part, each~~Each~~ of the credentials discussed in this Subpart requires separate certification.

(Source: Amended at 30 Ill. Reg. 1835, effective January 26, 2006)

Section 25.365 Director of Special Education

This endorsement shall be required for directors and assistant directors of special education beginning July 1, 2005. ~~This endorsement is available to certain individuals based on qualifications earned on or before June 30, 2005, in accordance with subsection (e) of this Section. All other candidates shall be subject to the requirements of subsections (a) through (d) of this Section. (See also 23 Ill. Adm. Code 29.140.)~~

a) Each candidate for the director of special education endorsement shall hold a master's degree awarded by a regionally accredited institution of higher education.

b) Each candidate shall:

1) have completed an Illinois program approved for the preparation of directors of special education pursuant to Subpart C of this Part or a comparable approved program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part); or~~.~~

2) submit, along with the application for the endorsement and the applicable fee, a copy of a letter of approval as an administrator of special education issued by the State Board of Education at any time; or

3) submit, along with the application for the endorsement and the applicable fee, evidence of holding an administrative certificate, and having completed 30 semester hours of coursework, distributed among all the areas listed in this subsection (b)(3).

A) Survey of exceptional children.

B) Special methods courses covering at least three areas of disability.

C) Educational and psychological diagnosis and remedial techniques.

D) Guidance and counseling.

E) Supervision of programs for children with disabilities.

c) Each candidate shall have two years' full-time teaching experience or school service personnel experience in a field other than school nursing in public schools, schools under the supervision of the Department of Corrections, schools under the administration of the Department of Human Services, or nonpublic schools recognized by the State Board of Education or meeting comparable out-of-state recognition standards.

d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills if its passage would be required for receipt of a subsequent~~standard~~ certificate pursuant to Section 25.720 of this Part.

e) ~~Certain individuals may receive the director of special education endorsement as specified in this subsection (e).~~

~~1) An individual who has received a letter of approval as an administrator of special education from the State Board of Education at any time may receive an endorsement for director of special education by submitting an application for the endorsement accompanied by the applicable fee and a copy of his or her letter of approval.~~

~~2) An individual who holds an administrative certificate and the teaching or school service personnel experience required by subsection (c) of this Section but who has never been approved as an administrator of special education may receive endorsement for director of special education at~~

~~any time by submitting an application for the endorsement accompanied by the applicable fee and evidence of having completed 30 semester hours of coursework, distributed among all the areas listed in subsections (e)(2)(A) through (e)(2)(E) of this Section. These requirements must have been met on or before June 30, 2005.~~

~~A) Survey of exceptional children.~~

~~B) Special methods courses covering at least three areas of disability.~~

~~C) Educational and psychological diagnosis and remedial techniques.~~

~~D) Guidance and counseling.~~

~~E) Supervision of programs for children with disabilities.~~

~~f)~~ Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Amended at 30 Ill. Reg. 1835, effective January 26, 2006)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: The "Grow Your Own" Teacher Education Initiative

2) Code Citation: 23 Ill. Adm. Code 60

3)

Section Numbers:	Adopted Action:
60.10	New Section
60.20	New Section
60.30	New Section
60.40	New Section
60.50	New Section
60.60	New Section
60.70	New Section
60.80	New Section
60.90	New Section
60.100	New Section

4) Statutory Authority: 110 ILCS 48/90 and 105 ILCS 5/2-3.6

5) Effective Date of Rules: January 24, 2006

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in Illinois Register: October 14, 2005; 29 Ill. Reg. 15367

10) Has JCAR issued a Statement of Objection to these rules? Yes

11) Differences between proposal and final version:

The definition of "student with a non-traditional background" was expanded.

The definition of "year of service" was revised to refer to the time at which the individual becomes employed.

The definitions were reordered, and definitions were added for the terms "Applicant", "Candidate", "Cohort", "Consortium", "Institution", and "Potential consortium".

A change was made to require each potential consortium to include a community organization.

References to "application" were generally changed to "proposal", and references to "students" were changed to "candidates".

Specificity was added to Section 60.40(e) with regard to the information consortia will be required to collect.

The requirements for continued funding set forth in Section 60.70(b) were made less stringent.

The introductory material in Section 60.100 was reorganized.

The loan repayment schedule discussed in Section 60.100 was revised to require 60 equal installments and to provide for deferment in certain instances.

Responsibility for tracking candidates for purposes of the loan obligation was specified to rest with the institution of higher education.

Several additional wording changes were made for purposes of clarification.

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

13) Will these rules replace any emergency rules currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of rules: This initiative was established by Public Act 93-802, enacted in 2004. The program described in the law has two complementary goals:

- to create new opportunities for certain individuals to become certified as teachers; and
- to place graduates of the program in positions or schools that have difficulty attracting or retaining qualified teachers.

The Act seeks to stimulate the development of consortia made up of institutions that prepare teachers, targeted school districts or schools, and community organizations with certain characteristics. Working together, these partners are to identify paraeducators and

parents who have been leaders in schools with hard-to-staff positions and provide these individuals with the financial and other support they will need to complete teacher preparation programs. The new teachers are then to be placed in positions in the targeted schools.

An important element of the support candidates for certification will receive is to come in the form of forgivable loans. Loan forgiveness is contingent upon the recipient's completion of five years of teaching in a position or school that qualifies as "hard to staff".

These rules provide for three separate types of grants that are necessary to implement various portions of the "Grow Your Own" legislation.

- "Potential consortia" may be eligible for planning grants that will enable them to use the latter half of the current fiscal year to secure commitments from other required entities, identify eligible candidates, and outline the services and types of support these individuals will require if they are to become certified teachers. Planning grants may also be issued in future years, depending upon how the program develops and whether funding is available.

- Implementation grants to eligible consortia will generally be available starting in FY 07 and will provide funding for the forgivable loans contemplated by the new law, among other things.

- A limited number of "transitional projects" may receive implementation funding in FY 06 without going through the competitive process for the general implementation grants, if the participating organizations qualify as eligible consortia and if the programs already in operation conform to the requirements of the Act.

The rules for these types of grants identify the eligible applicants, discuss the general categories of expenditures and activities that each type of grant will support, and describe the respective bases on which proposals will be evaluated. The rules also address the forgivable loans contemplated by the statute. State funding is to be provided to offset the costs incurred by the teacher candidates in the program that cannot be covered from other sources. Each individual will be given ample time to begin teaching in a qualifying position and to complete five years of service before a determination is made that a loan must be repaid.

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

Dennis Williams
Certification and Professional Development
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

217/782-7702

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 60
THE "GROW YOUR OWN" TEACHER EDUCATION INITIATIVE

Section

60.10 Purpose
60.20 Definitions
60.30 Eligible Applicants
60.40 Implementation Grants – Procedure and Content of Proposals
60.50 Implementation Grants – Criteria for the Review of Proposals
60.60 Implementation Grants – Allocation of Funds
60.70 Continuation of Implementation Funding
60.80 Implementation Funding for "Transitional Projects"
60.90 Planning Grants
60.100 Loans

AUTHORITY: Implementing the Grow Our Own Teacher Education Act [110 ILCS 48] and authorized by Section 90 of the Act [110 ILCS 48/90].

SOURCE: Adopted at 30 Ill. Reg. 1850, effective January 24, 2006.

Section 60.10 Purpose

This Part establishes the procedure and criteria for approval of proposals for grants to support teacher preparation initiatives under the Grow Our Own Teacher Education Act [110 ILCS 48].

Section 60.20 Definitions

"Act" means the Grow Our Own Teacher Education Act [110 ILCS 48].

"Applicant" is a consortium or a potential consortium, as applicable, as described in Section 60.30 of this Part.

"Candidate" means a person working toward a degree qualifying that individual for a teaching certificate who is assisted under a grant awarded to a consortium pursuant to this Part.

"Cohort" means a group of students preparing for a teaching certificate who, pursuant to Sections 20 and 25 of the Act, begin receiving assistance under this Part together.

"Consortium" means an entity to which the State Board can issue grants under this Part. A consortium shall be composed of at least one 4-year institution of higher education with an accredited teacher education program, at least one school district or group of schools, and one or more community organizations. The consortium may also include a 2-year institution of higher education and/or a school employee union. Eligible consortia are further defined in Section 20 of the Act. A consortium shall implement and manage a program of forgivable loans to cover any portion of tuition and direct expenses of students preparing for teaching certificates in excess of grants-in-aid and other forgivable loans received.

"Hard-to-staff school" is an Illinois public school that ranks in the upper third among public schools of its type (e.g., elementary, middle, secondary) in terms of the rate of attrition among teachers.

"Hard-to-staff teaching position in a school serving a substantial percentage of low-income students" is any position in a school that meets the criterion stated in Section 10 of the Act that is identified as hard to staff by the responsible official of the school district.

"Institution" means an institution of higher education.

"Potential consortium" is a group of entities that is eligible to submit a proposal for a planning grant in response to an RFP issued under this Part.

"Student with a non-traditional background" is either one who begins a baccalaureate program at a point in time other than immediately following graduation from high school or one who began a baccalaureate program after high school, did not complete it, and re-enters a baccalaureate program after some passage of time.

"Year of service" means full-time employment for at least half a school year, or an equivalent amount of part-time employment, in:

a public school that, at the time the individual becomes employed, is either one of the schools targeted by the program completed by the individual

with assistance under this Part or another school that is defined as hard to staff in Section 10 of the Act; or

a teaching position that, at the time the individual becomes employed, is hard to staff as defined in Section 10 of the Act.

Section 60.30 Eligible Applicants

a) Only consortia whose membership meets the requirements of Section 20(1) and (2) of the Act shall be eligible to apply for implementation grants to cover expenditures discussed in Section 25 of the Act.

b) Pursuant to Section 30 of the Act, potential consortia shall be eligible for grant funds for planning purposes under the Act. A "potential consortium" will be considered eligible to submit a proposal if it includes a four-year institution of higher education and at least one community organization and if its proposal:

1) provides evidence that at least a subset of the teachers typically prepared by the institution seeks employment in communities where hard-to-staff schools are located; and

2) demonstrates that the institution is not applying for funding on behalf of an existing consortium that is currently serving a group of candidates under a model substantially similar to that described in the Act and that further information is needed about the specific barriers that exist with respect to enabling individuals with a long-term commitment to those communities to complete teacher preparation; and

3) includes:

A) letters of interest from one or more school districts or schools indicating willingness to collaborate in offering opportunities for candidates in the program to complete pre-student teaching clinical experiences in hard-to-staff schools or positions; and

B) if additional community organizations are being considered for membership in the consortium, letters of commitment that the applicant has received from one or more relevant community organizations outlining the role for the organizations in the

proposed consortium, along with a rationale provided by the applicant for inclusion of these organizations.

Section 60.40 Implementation Grants – Procedure and Content of Proposals

New implementation grants shall be offered in years when the level of available funding is such that one or more new programs or cohorts of candidates can be supported given the requirements of Section 25 of the Act for ongoing support of cohorts that have begun their preparation in previous years. (See Section 60.70 of this Part.)

a) When sufficient funding is available, the State Superintendent of Education will issue an RFP specifying the information that proposals must include and specifying a deadline for their submission, which shall provide at least 45 calendar days in which to submit proposals.

b) Each RFP shall specify the descriptive information that applicants will be required to provide, which shall be designed to permit comparative judgments of the degree to which each program will address the requirements of Section 20 of the Act and shall address:

1) the teacher preparation programs involved and their qualifications relevant to the requirements of the Act, including specific information on the institution's success in preparing teachers for positions in schools that serve a substantial percentage of low-income students;

2) the consortium's plans for recruiting and providing support to participants, including information that demonstrates that potential or existing members of the cohort are paraeducators or parent and community leaders as defined in the Act;

3) the preparation status of existing candidates, if a cohort is already engaged in the program;

4) the hard-to-staff schools and positions that are targeted; and

5) the demographic make-up of the area served by the targeted schools.

c) Each RFP shall describe the required proposal format, if any (e.g., cover page, proposal abstract, proposal narrative, letters of intent to participate, etc.).

d) Each RFP shall identify the categories of allowable expenditures and require the submission of a budget summary and payment schedule, completed on the forms provided, as well as a narrative budget breakdown that provides a detailed explanation of each line item of expenditure and covers the entire period of time during which the identified cohort is expected to be enrolled in the teacher preparation program.

1) Applicants shall be required to demonstrate that grant funds will supplement and not supplant amounts typically devoted by the institution of higher education to, and other resources available for, assisting teacher candidates.

2) Applicants shall be required to describe the steps that will be taken to decrease the need for external financial support for the consortium and its program over time.

e) Each RFP shall identify the information that consortia will be required to collect and furnish to the entity that conducts the evaluation required by Section 35 of the Act, including but not limited to zip codes of the candidates, the racial/ethnic make-up of the candidate cohort, the percentage of candidates who progress at the expected rate through the preparation program, the percentage who complete the program, and information on the positions eventually taken by these candidates.

f) Each RFP shall identify the assurances and certifications that entities receiving funding must furnish.

Section 60.50 Implementation Grants – Criteria for the Review of Proposals

Proposals for implementation grants shall be evaluated in accordance with the following criteria:

a) Feasibility, Impact, and Cost-Effectiveness (40 points)

1) The proposal identifies a need for teachers in hard-to-staff schools and hard-to-fill positions and describes either a cohort that is available to enroll in the identified preparation program or time-specific plans for identifying and attracting the members of such a cohort.

2) The proposal describes strategies that will be used to reach members of underrepresented groups that reflect the diversity of the students enrolled

in targeted schools and outlines plans for serving additional cohorts in future years.

3) The proposal demonstrates that:

A) coursework and experiences required for certification will be scheduled and located to be accessible to members of the cohort; and

B) supportive services (e.g., child care, counseling, tutoring) that have been identified as necessary will be offered to enable candidates to progress through the program and attain certification.

4) The proposal establishes a timetable or performance level for candidates as a condition for their continued receipt of assistance under this program.

5) The evaluation plan is designed to yield information that can be used both in judging the program's qualitative and quantitative impact and in identifying changes or new approaches that will improve the program's outcomes.

6) The proposal describes commitments on the part of all the consortium's members that will enable the consortium to sustain the program over time with a reduction in the need for external resources.

b) Quality of the Plan (30 points)

1) The proposal describes the role of each entity that is a member of the consortium, including the resources each entity will devote to this initiative, the major areas requiring collaboration among the members, and how decisions will be made with input from the members and the participants.

2) The proposal includes plans for assisting candidates in tapping sources of financial aid beyond those made available under this Part and by the members of the consortium.

3) The proposal demonstrates that the institution of higher education has the capacity (i.e., faculty and other resources) to serve the cohort in its approved teacher preparation program. If a two-year institution is

involved in the consortium, the proposal delineates how coursework, other requirements, and services will be coordinated between the institutions.

4) The proposal describes the needs of the targeted schools and demonstrates that the consortium's plan for certification under the program is relevant to those needs and will have an impact on the availability of qualified staff.

5) The plan of work for the program includes specific strategies for overcoming known barriers faced by the targeted schools in retaining qualified teachers as well as barriers faced by the individuals who make up the cohort to be enrolled in the program.

6) The proposal describes the consortium's plans for extending support to candidates for at least two years after they attain certification, including such activities and services as mentoring and group meetings of the cohort.

c) Experience and Qualifications (20 points)

1) The proposal provides evidence that faculty and relevant staff of the institution are knowledgeable regarding the needs of hard-to-staff schools and the specific issues that candidates from non-traditional backgrounds encounter when attempting to complete preparation for teaching careers.

2) The proposal demonstrates that the community organization that is a member of the consortium has conducted projects or initiatives with a specific focus on involving parents and others in school improvement, either in the targeted schools or schools with similar characteristics, and has the capacity to recruit candidates for and support them as they progress through the program.

3) The individual who is identified as coordinator for the cohort has experience in education and/or community organizing and in supporting individuals in the collegiate environment, and is knowledgeable about group dynamics, support services, and cultural issues relevant to the cohort.

d) Evaluation Plans (10 points)

1) The proposal relates plans for the evaluation of candidates' teaching skills to the relevant portions of the institution's educational unit assessment system (see 23 Ill. Adm. Code 25.140) and demonstrates that candidates in the program will be expected to meet the standards applicable to the approved program.

2) The proposal includes a plan for the evaluation of the program by or on behalf of the members of the consortium that will provide:

A) information on the progress of candidates within the preparation program; and

B) when applicable, information on this initiative's outcomes in terms of candidates' placement into hard-to-staff teaching positions or hard-to-staff schools and their retention in those positions.

Section 60.60 Implementation Grants − Allocation of Funds

The State Superintendent of Education shall approve proposals for funding and make final determinations regarding the amounts to be provided based upon:

a) the total funds appropriated for this initiative;

b) the needs and resources described and the amounts requested in the top-ranked proposals identified in accordance with the criteria set forth in Section 60.50 of this Part; and

c) the need to make programs under this Part accessible on a statewide basis in a manner that will increase the availability of candidates to serve in hard-to-staff schools and positions.

Section 60.70 Continuation of Implementation Funding

a) A consortium that has received implementation funding for a cohort of candidates shall be subject to the requirements of this Section with respect to continued funding for that cohort in subsequent years.

1) The consortium shall submit an application for continued funding for the cohort, using a format specified by the State Superintendent of Education.

2) Each application shall contain a mid-year report on the current status of the program and the cohort, documenting the activities and support provided to date and describing the degree to which candidates are achieving the program's objectives.

3) Each application shall provide an updated narrative description of the objectives, activities, timelines, and evaluation procedures for the renewal year, relating the proposed plan of work to the results that have been achieved to date.

4) Each application shall include an updated budget summary and payment schedule for the renewal year, including a narrative budget breakdown that describes any needed variances from the budget proposed in the initial year of funding.

5) Each application shall include such certifications and assurances as the State Superintendent of Education may require.

b) The State Board shall, contingent upon appropriation of funds for this initiative, provide continuation funding to consortia that:

1) demonstrate that:

A) a majority of the candidates in the cohort served have completed coursework or other requirements for certification during at least one semester of the preceding year; or

B) funds will be used to support only those candidates who have progressed toward certification and/or have identified the steps to be taken toward certification in the academic year in which funding is requested; and

2) demonstrate success in providing the supports necessary to retain candidates in the program.

Section 60.80 Implementation Funding for "Transitional Projects"

During Fiscal Year 2006, the State Superintendent of Education will invite proposals as described in Section 60.40 of this Part from existing entities already engaged in teacher preparation initiatives whose principal features are congruent with those required by Section 20

of the Act. One or more entities whose proposals demonstrate that an eligible consortium exists and that a cohort of eligible candidates is being prepared for service in hard-to-staff positions or schools may receive implementation funding in accordance with an approved proposal and budget, depending upon the preparation status of the candidates, the amounts requested, and the availability of funding.

Section 60.90 Planning Grants

In order to identify potential consortia with a substantial likelihood of establishing additional Grow Your Own programs, the State Superintendent of Education will issue an RFP for planning grants. The RFP may be issued repeatedly, contingent upon the availability of funding, until the maximum number of consortia permitted under Section 20 of the Act has been established. Each RFP shall indicate the maximum amount to be reserved for planning grants and the maximum available amount per grant. The RFP shall specify the information that proposals must include and a deadline for their submission, which shall provide no fewer than 30 calendar days in which to submit proposals.

a) Eligible applicants for planning grants shall be as set forth in Section 60.30 of this Part.

b) Allowable uses of planning grant funds shall include:

1) activities that are designed to secure the participation and commitment of the required members and the optional members of a consortium; and

2) activities that are designed to attract or identify potential candidates for teacher preparation who are paraeducators or parent and community leaders as contemplated by the Act, including assistance that will permit potential candidates to complete developmental coursework that will verify their academic readiness for enrolling in teacher preparation; and

3) activities that are designed to identify barriers to teacher certification for potential members of a given cohort and to identify strategies and resources for mitigating those barriers.

c) Each proposal shall describe a plan of work for developing a consortium and a Grow Your Own program that will be eligible for an implementation grant under this Part. Each proposal shall include a budget for the planned activities, provided in a format specified in the RFP.

d) Applicants may be asked to clarify aspects of their proposals.

e) Each proposal that is submitted by an eligible applicant and meets the requirements of this Section shall be considered qualified for funding. Funding decisions shall be made in each cycle by balancing the goals of geographic distribution and accessibility with the level of need and the potential number of candidates to be served by the potential consortia.

Section 60.100 Loans

Any candidate in a program administered under this Part may receive a forgivable loan for tuition, fees, and other expenses demonstrably related to his or her ability to enroll in or complete the teacher preparation program, provided those expenditures are not otherwise paid for through grants-in-aid, other forgivable loans, or other resources of the consortium. Any amount expended for an individual's direct or related expenses (e.g., child care, transportation or "developmental" coursework) shall be considered a part of that individual's loan, regardless of how the payment is administered and regardless of whether the individual receives any actual payment of funds. The total amount of any candidate's loan shall not exceed $25,000.

a) Pursuant to Section 25 of the Act, loan funds provided to candidates as part of *this program shall be fully forgiven if a graduate completes five years of service in a hard-to-staff school or hard-to-staff teaching position.* Forgiveness and repayment of loans shall be determined as provided in this Section.

b) An individual may accrue the five years of service required for forgiveness of loans under this Part in one or more hard-to-staff schools or positions.

c) If an individual has not assumed employment in a hard-to-staff school or position within two years after receiving a teaching certificate, the individual shall be required to begin the repayment of amounts loaned under this Part. No interest shall apply. An individual who drops out of the program shall be required to begin repaying the amounts loaned in the month following the month when it becomes evident that he or she will not be completing any of the program's requirements for two consecutive semesters. Responsibility to repay the loan is subject to the requirements of subsection (e) of this Section.

d) If an individual has not completed five years of service within 10 years after receiving a teaching certificate, the individual shall be required to begin the repayment of amounts loaned under this Part.

e) Repayment of loans shall be made in no more than 60 equal monthly installments. The minimum monthly payment will be determined by dividing the total amount borrowed by 60. An individual may prepay the balance due on the loan in its entirety at any time or make payments in addition to the minimum amount owed each month without penalty. Individuals who provide written evidence of meeting one of the following conditions may have their loans deferred for a period not to exceed three years and/or have their loan term extended.

1) The individual has re-enrolled as a full-time student in an institution of higher education or in a program under this Part.

2) The individual is unemployed or is working less than 30 hours a week.

3) The individual is experiencing a financial hardship (e.g., receiving public assistance, the monthly loan payment is equal to 50 percent or more of the individual's monthly income).

f) When a teaching certificate is issued to an individual who received assistance under this Part, the certificate shall be accompanied by:

1) a statement indicating the total amount of the loan received by the individual and identifying the dates applicable to repayment under subsections (c) and (d) of this Section; and

2) a claim form that the individual may use to claim forgiveness of the loan amount, which shall require the individual to identify the periods of service completed in hard-to-staff schools or positions and the school administrators who can verify the individual's service.

g) Management of Loans

1) It shall be the responsibility of the institution of higher education, as part of each consortium, to assist the State Board of Education with the forgivable loan process in the following manner:

A) by keeping records of the amounts provided to or on behalf of each individual; and

B) by keeping up-to-date information regarding the address and telephone number of each individual, both during the individual's

preparation and after the issuance of a certificate, until the individual has either qualified for forgiveness of the loan or repaid the full amount.

2) Each institution of higher education shall notify the State Superintendent as to who will be responsible for this information and shall provide contact information for the responsible individual within the institution.

h) It shall be the responsibility of the State Superintendent to take such actions as may be necessary to secure repayment when necessary.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: Predatory Lending Database

2) Code Citation: 38 Ill. Adm. Code 346

3)

Section Numbers:	Adopted Action:
346.10	New Section
346.15	New Section
346.20	New Section
346.25	New Section
346.30	New Section
346.35	New Section
346.40	New Section

4) Statutory Authority: Residential Real Property Disclosure Act [765 ILCS 77/70], Residential Mortgage License Act of 1987 [205 ILCS 635/4-1(g) and 4-10], and Title Insurance Act [215 ILCS 155/20]

5) Effective Date of Rules: January 26, 2006

6) Does these rules contain an automatic repeal date? No

7) Does these rules contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal published in Illinois Register: October 21, 2005 at 29 Ill. Reg. 15772

10) Has JCAR issued a Statement of Objection to these rules? No

11) Differences between proposal and final version: Section 346.35 has been added to clarify the implementation date of the pilot program, while Section 346.40 was added to include an exemption for reverse mortgages that receive one-on-one counseling under HUD regulations and have been exempted generally in other predatory lending enactments. Section 346.10 was amended to add and/or clarify definitions, and Section 346.15 further clarifies the information that must be submitted to the database.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

13) Will these rules replace any emergency rules currently in effect? Yes, at 30 Ill. Reg. 208, effective January 1, 2006.

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rules: Public Act 94-280 establishes a four-year predatory lending pilot program in certain Cook County areas as determined by the Department based on high mortgage foreclosure rates due to predatory lending; this rulemaking implements the program. Requires the Department to maintain and administer a predatory lending database based on information submitted by any broker, originator, credit counselor and title insurance company or closing agent involved in a mortgage transaction on residential real property in the pilot program area. Sets forth certain required information to be submitted by those entities to the database and authorizes the Department to require additional information by rule. Requires the Department to make a determination, as set by rule, whether the borrower must obtain credit counseling from a HUD-certified credit counselor and prohibits the borrower from waiving the counseling.

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

Department of Financial and Professional Regulation
Division of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, Illinois 62786

217/785-0813
Fax: 217/782-7645

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 346
PREDATORY LENDING DATABASE

Section
346.10 Definitions
346.15 Information Required
346.20 Standards for Credit Counseling
346.25 Disclosure of Information Prohibited
346.30 Credit Counselor Costs
346.35 Declaration of Inception Date
346.40 Exemption

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

SOURCE: Adopted by emergency rulemaking at 30 Ill. Reg. 208, effective January 1, 2006, for a maximum of 150 days; adopted at 30 Ill. Reg. 1867, effective January 26, 2006.

Section 346.10 Definitions

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

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

"FICO" means a credit risk score as defined by the Fair Isaac Corporation, or its successor, and reported under such names as "BEACON", "EMPIRICA", and "FAIR ISAAC RISK SCORE" by one or more of the following credit reporting agencies or their successors: Equifax, Inc., Experian Information Solutions, Inc., and TransUnion LLC.

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

"HUD-certified credit counseling" means counseling given to a borrower by a HUD-certified credit counselor pursuant to the Act, or as approved by the

Department for counseling given to a borrower by a HUD-certified housing counseling agency pursuant to HUD counseling requirements for Federal Home Administration (FHA) programs.

"Pilot Program" means the Cook County Predatory Lending Database Pilot Program created by Section 70 of the Act.

"Points and fees" means all items required to be disclosed as points and fees as defined in Section 10 of the High Risk Home Loan Act [815 ILCS 137/10].

Section 346.15 Information Required

As part of the predatory lending database pilot program, the broker or originator must submit all of the following information for inclusion in the predatory lending database for each loan for which the originator takes an application:

a) The borrower's name, address, social security number or taxpayer identification number, date of birth, and income and expense information contained in the mortgage application.

b) The address, permanent index number, and a description of the collateral and information about the loan or loans being applied for and the loan terms, including the amount of the loan, the rate and whether the rate is fixed or adjustable, amortization or loan period terms, and any other material terms.

c) The borrower's credit score at the time of application.

d) Information about the originator and the company the originator works for, including the originator's license number and address, fees being charged, whether the fees are being charged as points up front, the yield spread premium payable outside closing, and other charges made or remuneration required by the broker or originator or its affiliates or the broker's or originator's employer or its affiliates for the mortgage loans.

e) Information about affiliated or third party service providers, including the names and addresses of appraisers, title insurance companies, closing agents, attorneys, and realtors who are involved with the transaction and the broker or originator and any moneys received from the broker or originator in connection with the transaction.

f) All information indicated on the Good Faith Estimate and Truth in Lending statement disclosures given to the borrower by the broker or originator.

g) Annual real estate taxes for the property, together with any assessments payable in connection with the property to be secured by the collateral and the proposed monthly principal and interest charge of all loans to be taken by the borrower and secured by the property of the borrower.

h) Information concerning how the broker or originator obtained the client and the name of its referral source, if any.

i) Information concerning the notices provided by the broker or originator to the borrower as required by law and the date those notices were given.

j) Information concerning whether a sale and leaseback is contemplated and the names of the lessor and lessee, seller, and purchaser.

k) The broker or loan originator for any mortgage on residential property within the Pilot Program area must submit additional information to the database as follows:

1) any and all financing by the borrower for the subject property within 12 months prior to the date of application; and

2) loan information, including interest rate, term, purchase price, down payment, closing costs and prepayment penalty, if any.

Section 346.20 Standards for Credit Counseling

A borrower or borrowers, subject to Article 3 of the Act, shall be recommended for HUD-certified credit counseling if, after reviewing the information on the Predatory Lending Database submitted under Section 72 of the Act and Section 346.15, the Department finds:

a) a FICO score of 620 or less for the middle score if three scores are used, or for the lowest score if fewer than three scores are used; or

b) a FICO score from 621 to 650 for the middle score if three scores are used, or for the lowest score if fewer than three scores are used, and one or more of the following factors exist:

1) the subject property was financed within 12 months prior to the date of application;

2) the loan payment is interest only;

3) the interest rate for the loan adjusts within 3 years or less;

4) the loan uses a stated income for the borrower, rather than verifying the borrower's income through means of tax returns, pay stubs, accounting statements, or other prudent means; or

c) the loan includes a prepayment penalty; or

d) the loan results in negative amortization; or

e) the total points and fees payable by the borrower at or before closing will exceed 5%.

Section 346.25 Disclosure of Information Prohibited

Pursuant to Section 70(h) of the Act, information or documents obtained by employees of the Department in the course of maintaining and administering the Predatory Lending Database shall be deemed confidential. Employees are prohibited from making disclosure of such confidential information or documents. Any request for production of information from the Predatory Lending Database, whether by subpoena, notice, or any other source, shall be referred to the Office of the Attorney General.

Section 346.30 Credit Counselor Costs

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

Section 346.35 Declaration of Inception Date

The Secretary of Financial and Professional Regulation will declare in writing the date of creation ("inception date") of the Pilot Program created by Section 70(b) of the Act. The inception date shall be at least 30 days after the date the Secretary's declaration is issued. The Secretary's declaration will be established in this Part and will be posted on the Department's website. The Department will communicate the declaration to affected licensees of the Department. Until the inception date, none of the duties, obligations, contingencies or

consequences of or from the Pilot Program will be imposed. The four-year term of the program will begin on the inception date.

Section 346.40 Exemption

Borrowers applying for reverse mortgage financing of residential real estate under programs regulated by the Federal Housing Authority (FHA) that require HUD-certified counseling may submit a HUD counseling certificate to comply with the Pilot Program.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: Corporate Applications for Banks and Corporate Fiduciaries

2) Code Citation: 38 Ill. Adm. Code 370

3)

Section Numbers:	Adopted Action:
370.10	New Section
370.20	New Section
370.30	New Section
370.40	New Section
370.50	New Section
370.60	New Section
370.70	New Section

4) Statutory Authority: Illinois Banking Act [205 ILCS 5/48] and Corporate Fiduciary Act [205 ILCS 620/5-1]

5) Effective Date of Rules: January 27, 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 rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal published in Illinois Register: April 29, 2005; 29 Ill. Reg. 5808

10) Has JCAR issued a Statement of Objection to these rules? No

11) Difference(s) between proposal and final version: Section 370.30 was changed to include a statutory cite under most of the applications. Each citation provides the authority under which the Department requests and reviews applications. Section 370.60 was changed to clarify what an applicant must demonstrate in order for the Department to grant information in the application for confidential treatment. Specifically, the applicant's demonstration of competitive harm or unwarranted invasion of personal privacy must be sufficient to allow the Department to conclude that a FOIA disclosure exemption is applicable under the circumstances.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

13) Will these rules replace emergency rules currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rules: This rule codifies existing fee schedules and policies. It provides a fee schedule for corporate applications used by State-chartered banks, corporate fiduciaries, and special examinations or investigations. In addition, it describes the Division's policy on the acceptance of applications and the process to request confidential treatment of information contained in an application.

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

Department of Financial and Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, Illinois 62786

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 370
CORPORATE APPLICATIONS FOR BANKS AND CORPORATE FIDUCIARIES

Section

370.10 Purpose and Scope
370.20 Definitions
370.30 Fee Schedule; Administration of Corporate Application Fees
370.40 Special Examinations or Investigations
370.50 Forms
370.60 Request for Confidential Treatment
370.70 Processing of Applications or Notices; Acceptance; Abandonment

AUTHORITY: Implementing and authorized by Section 48 of the Illinois Banking Act [205 ILCS 5/48] and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].

SOURCE: Old Part repealed at 21 Ill. Reg. 605, effective December 26, 1996; new Part adopted at 30 Ill. Reg. 1874, effective January 27, 2006.

Section 370.10 Purpose and Scope

This Part prescribes certain fee schedules and guidelines for the processing of corporate applications required by the Illinois Banking Act [205 ILCS 5], the Corporate Fiduciary Act [205 ILCS 620], the Foreign Banking Office Act [205 ILCS 645], the Foreign Bank Representative Office Act [205 ILCS 650], and the rules prescribed in accordance with those Acts.

Section 370.20 Definitions

"Division" means the Department of Financial and Professional Regulation-Division of Banks and Real Estate.

"Director" means the Director of the Division of Banks and Real Estate.

Section 370.30 Fee Schedule; Administration of Corporate Application Fees

a) Fees shall be submitted to the Division at the time of submission of any application or notice. All fees filed in connection with an application or notice

are nonrefundable, regardless of whether the application or notice is ultimately approved, denied, withdrawn, or abandoned.

b) While certain fees are set by statute and paid on a regular, cyclical basis, others are "fees for service" and are billed as the services are provided. Pursuant to Section 48(3)(f) of the Illinois Banking Act, Section 5-10 of the Corporate Fiduciary Act, Section 17 of the Foreign Banking Office Act, and Section 4 of the Foreign Bank Representative Office Act, the Director has set the following as fees for corporate activities and applications:

DOMESTIC COMMERCIAL BANKS

Application for a Permit to Organize a State Bank (pursuant to 20 ILCS 3205/5, 205 ILCS 5/9 and 10, and 12 USC 1815(a) and 1816)	$10,000
Application for Approval of an Interim Bank Merger (pursuant to 20 ILCS 3205/5 and 205 ILCS 5/10, 13.5 and 22)	$ 2,000
Application for a Permit to Organize a State Bank and a Purchase and Assumption or Merger – Section 31 (pursuant to 20 ILCS 3205/5, 205 ILCS 5/9, 10, and 31)	$ 500
Application for Purchase and Assumption – Section 31 (pursuant to 205 ILCS 5/31 and 12 CFR 325.103)	No Fee
Application for Merger – Section 31 (pursuant to 205 ILCS 5/31 and 12 CFR 325.103)	No Fee
Application for Approval of a Merger − Affiliated Entities (per merging institution) (pursuant to 20 ILCS 3205/5 and 205 ILCS 5/10, 22, 27, and 29)	$ 2,000
Application for Approval of a Merger − Non-Affiliated Entities (per merging institution) (pursuant to 20 ILCS 3205/5 and 205 ILCS 5/10, 22, 27, and 29)	$ 4,000

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

Application for Approval to Convert to a State Bank (pursuant to 20 ILCS 3205/5 and 205 ILCS 5/10, 25, 26, and 27)	$ 1,000
Notice of Change in Control (pursuant to 20 ILCS 3205/5, 205 ILCS 5/18, 205 ILCS 10/3.02, and 12 USC 1817(j))	$ 1,500
Change in Director or Senior Executive Officer (pursuant to 20 ILCS 3205/5 and 205 ILCS 5/10 and 13)	$ 100
Application to Reduce Number of Bank Directors (pursuant to 205 ILCS 5/16 and 38 Ill. Adm. Code 357.10)	$ 200
Application to Purchase Treasury Stock (pursuant to 205 ILCS 5/14)	$ 200
Notice of Intent to Establish a Bank Branch (pursuant to 38 Ill. Adm. Code 305.10 and 305.20 and 12 USC 1828(d))	$ 250
Notice of Intent to Establish a Bank Subsidiary or Acquire Stock in a Corporation (pursuant to 205 ILCS 5/48(2)(a))	$ 250
Application for Relocation of Main Banking Premises (pursuant to 205 ILCS 5/13)	$ 250
Conversion of an Illinois Trust Company into a State Bank (pursuant to 20 ILCS 3205/5, 205 ILCS 5/10, 29, and 30)	$ 5,000
Certification of Charter (pursuant to 205 ILCS 5/48(3)(e))	$ 100
Application to Reduce the Number of Authorized Board Meetings (pursuant to 205 ILCS 5/16)	$ 100
Reverse Stock Split (pursuant to 205 ILCS 5/17(8))	$ 1,000

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

Charter Amendments Other Than Reverse Stock Splits (pursuant to 205 ILCS 5/17)	$ 500
Certificate of Corporate Existence (pursuant to 205 ILCS 5/48(3)(e))	$ 100
Application for a Certificate of Authority Pursuant to Section 21.4 of the Illinois Banking Act (pursuant to 205 ILCS 5/21.4)	$ 250

FIDUCIARY ACTIVITIES

Application to Form an Illinois Trust Company (pursuant to 20 ILCS 3205/5, 205 ILCS 620/2-5 and 2-6)	$ 8,000
Application to Exercise Fiduciary Powers for State Banks, Savings and Loan Associations, State Savings Banks, and Foreign Banking Offices (pursuant to 20 ILCS 3205/5, 205 ILCS 620/2-5 and 2-6)	$ 1,500
Application to Amend a Certificate of Authority to Accept and Execute Trusts for State Banks, State Savings and Loan Associations, State Savings Banks, and Foreign Banking Offices (pursuant to 20 ILCS 3205/5, 205 ILCS 620/2-5 and 2-6)	$ 250
Application for Approval of a Change in the Control of a Corporate Fiduciary (pursuant to 20 ILCS 3205/5 and 205 ILCS 620/3-2)	$ 1,500
Application for Approval of the Purchase of Substantially All the Trust Assets or the Assumption of Substantially All the Trust Liabilities of an Illinois Trust Company (pursuant to 20 ILCS 3205/5 and 205 ILCS 620/3-2 and 7-1)	$ 1,500
Application to Establish a Corporate Fiduciary Branch Office by an Illinois Trust Company (pursuant to 205 ILCS 620/1-7 and 38 Ill. Adm. Code 396)	$ 250
Notice of Intent to Establish a Corporate Fiduciary Branch Office	$ 250

by a Bank, Savings and Loan Association, or Savings Bank (pursuant to 205 ILCS 620/1-7 and 38 Ill. Adm. Code 396)	
Application for Approval of a Corporate Fiduciary Merger (pursuant to 20 ILCS 3205/5 and 205 ILCS 620/2-6 and 3-1)	$ 1,500
Application to Establish a Subsidiary of a Corporate Fiduciary (pursuant to 205 ILCS 620/1-7 and 5-1(h))	$ 500
Application for a Certificate of the Authority to be Authorized as a Foreign Corporate Fiduciary in the State of Illinois (pursuant to 205 ILCS 620/4-2 and 4-5)	$ 750
Application to Amend a Certificate of Authority of a Foreign Corporate Fiduciary to Authorize Additional Powers (pursuant to 205 ILCS 620/4-2 and 4-5)	$ 250
Notice of Intent to Establish a Foreign Trust Office in Illinois (pursuant to 205 ILCS 620/4A-5)	$ 750
Certified Copy of a Certificate of Authority or a Certificate of Corporate Existence (pursuant to 205 ILCS 5/48(3)(e))	$ 100
CSBS Interstate Trust Activities Application:	
Representative Office in Host State	$ 250
Full Service Branch in Host State	$ 250
Trust Office in Host State	$ 250

INTERNATIONAL BANKING

Application for License to Establish a Foreign Bank Representative Office (pursuant to 205 ILCS 650/4)	$ 700
Foreign Bank Representative Office Annual License Fee (pursuant to 205 ILCS 650/4 and 38 Ill. Adm. Code 375.36)	$ 300
Application for Certificate of Authority to Establish a Foreign	$ 8,000

Banking Office (pursuant to 205 ILCS 645/4 and 5)	
Amendment of Certificate of Authority to Establish a Foreign Banking Office (pursuant to 205 ILCS 645/7 and 8)	$ 500
Notice of Intent to Establish a Bank Branch – Foreign Banking Office (pursuant to 38 Ill. Adm. Code 305.10 and 305.20 and 12 USC 1828(d))	$ 250
Certification of Certificate of Authority and License (pursuant to 205 ILCS 5/48(3)(e))	$ 100
Certificate of Corporate Existence (pursuant to 205 ILCS 5/48(3)(e))	$ 100

Section 370.40 Special Examinations or Investigations

a) Applications and notices submitted to the Director are subject to a special investigation or examination as considered necessary, in the Director's discretion, in order to make an informed decision regarding the application or notice.

b) The cost for a special examination or investigation performed in connection with the review of an application or notice is $900 per day, per examiner.

c) The Director may consider the following factors in determining whether to require an investigation or examination of one or more of the entities to the transaction:

1) A question exists regarding the solvency or potential solvency of the applicant or one or more of the financial institutions or other entities involved in the transaction;

2) A financial institution involved in the transaction has not been examined by a state, federal or foreign regulatory agency within the 18-month period immediately preceding the date of submission of the application or notice;

3) A financial institution involved in the proposed transaction had substantive violations cited in its most recent examination report, or has a less than satisfactory regulatory rating;

4) A question exists regarding the experience, ability, standing, trustworthiness, or integrity of the existing or proposed officers, directors, managers or managing participants of a party involved in the proposed transaction;

5) A question exists as to whether the resulting institution will operate in compliance with the law;

6) A question exists as to whether the resulting institution will be free from improper or unlawful influence or interference from its principal shareholders with respect to operation in compliance with the law;

7) A question exists as to whether the resulting institution will have adequate capitalization;

8) One or more of the entities to the transaction is under a regulatory restriction or subject to an enforcement action or supervisory agreement;

9) Such other factors as determined in the discretion of the Director.

Section 370.50 Forms

a) Forms and instructions for submitting applications and notices may be obtained from the Department of Financial and Professional Regulation web site or by contacting the Division's Corporate Activities Section. Information that is required by another regulatory authority that is also needed as part of a Division application or notice may be provided to the Division by appending a copy of the information to the Division application or notice. Use of the Division's form is optional; however, the material submitted to the Division must contain all information requested in the Division's forms. In addition, if the applicable Division application or notice requires the filing of an Authorization for Release of Personal Information for necessary background checks or a certification page, the applicant must sign and submit the Authorization for Release of Personal Information and the certification page of the application or notice, even if the Division form itself is not being used.

b) If no form is prescribed, the application or notice should be in writing, be signed by the applicant or a duly authorized agent, and contain a concise statement of the action requested.

Section 370.60 Request for Confidential Treatment

a) Under the provisions of the Illinois Freedom of Information Act [5 ILCS 140], an application or notice filed with the Division is considered a public document and available to the public upon request.

b) If the applicant is of the opinion that disclosure of commercial or financial information would likely result in substantial harm to the competitive position of the applicant or that disclosure of information of a personal nature would result in a clearly unwarranted invasion of personal privacy, a request for confidential treatment must be submitted in writing concurrently with the submission of the application or notice and must discuss in detail the justification for confidential treatment. The justification must be provided for each response or exhibit for which confidential treatment is requested.

c) The applicant's reasons for requesting confidentiality should demonstrate specifically the harm that would result from public release of the information. A statement simply indicating that the information would result in competitive harm or that it is personal in nature is not sufficient. A claim that disclosure would violate the law or policy of another state is not, in and of itself, sufficient to exempt information from disclosure. The applicant's demonstration that disclosure would cause competitive harm or would result in an unwarranted invasion of personal privacy must be sufficient to allow the Division to conclude that a Freedom of Information Act [5 ILCS 140] disclosure exemption (e.g., 5 ILCS 140/7(1)(b) or 5 ILCS 140/7(1)(g)) is applicable to the information for which confidential treatment is sought.

d) Information for which confidential treatment is requested should be:

1) specifically referenced in the public portion of the application or notice by reference to the confidential section;

2) separately bound; and

3) labeled "Confidential".

e) The applicant should follow this same confidentiality procedure when filing any supplemental information to the application.

f) The Division will determine whether information submitted as confidential will be so regarded and, when practicable, will advise the applicant of any decision to make available to the public information labeled "Confidential". However, the Division, without prior notice to the applicant, may disclose or comment on any of the contents of the application in the approval issued by the Director in connection with the Division's decision on the application or notice.

Section 370.70 Processing of Applications or Notices; Acceptance; Abandonment

a) On or before the 15th business day after initial submission of an application, the Director shall issue a written notice informing the applicant either that the application is complete and accepted for processing or that the application is deficient and specific additional information is required. All required information necessary for the Director to declare that a submission is an accepted filing, including the filing fee, shall be provided to the Director on or before the 31st calendar day after the date of the Director's written information request. However, if, within the 30 day timeframe prescribed in the information request letter, the applicant submits a written request for an extension, the Director may grant an additional 30 days within which to submit the information, upon a finding of good and sufficient cause. If the applicant fails to submit the required information within the specified timeframe, the Director shall determine the application to be abandoned, without prejudice to the right to refile.

b) After the Director accepts an application, he or she may request additional information in order to make any required statutory findings and to make a fully informed decision. This request for additional information shall be in writing. All requested information shall be provided to the Director on or before the 31st calendar day after the date of the Director's letter. However, if, within the 30 day timeframe prescribed in the letter, the applicant submits a written request for an extension, the Director may grant an additional 30 days within which to submit the information, upon a finding of good and sufficient cause. If the applicant fails to submit the requested information within the specified timeframe, the Director shall determine the application to be abandoned, without prejudice to the right to refile.

c) The Director shall give written notice of any submitted or accepted filing determined to be abandoned. Notice of abandonment shall be effective upon the Director's mailing.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Services

2 Code Citation: 89 Ill. Adm. Code 590

3)

Section Numbers:	Adopted Action:
590.410	Amendment
590.490	Amendment

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625]

5) Effective Date of Amendments: January 30, 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 amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notices of Proposed published in the Illinois Register: 29 Ill. Reg. 1693; February 4, 2005

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: In Section 590.490(b) and (c), added "at an hourly rate of $8" after "paid" and deleted "the hourly rate established by DHS-ORS but never less than the hourly Federal Minimum Wage".

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

13) Will this rulemaking replace an emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of amendments: This rulemaking is being proposed to clarify language related to purchasing of a customer's van and to identify reader/notetaker/driver rates in the Administrative Rules. In the past, these rates have been tied to the Home Services Program's Personal Assistant Rate. The hourly rate will be $8.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

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

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 590
SERVICES

SUBPART A: GENERAL ISSUES

Section
590.10 General Applicability
590.20 Availability of Services
590.30 Effect of Financial Status on Services
590.35 Effect of Comparable Benefits
590.40 Choice of Service Providers
590.45 DHS-ORS Bidding Procedure

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section
590.50 Provision of Services
590.60 Qualification of Medical and Psychological Service Providers
590.70 Treatment of Acute Conditions
590.80 Medication and Treatment
590.90 Hearing Aids
590.100 Binaural Hearing Aids
590.110 Speech and Language Services
590.120 Low Vision Devices
590.130 Mental Restoration Services
590.140 Heart Surgeries
590.150 Kidney Transplant and Related Services
590.160 Chiropractic Services
590.170 Prosthetic and Orthotic Devices
590.180 Wheelchairs
590.190 Prohibited Services

SUBPART C: TRAINING AND RELATED SERVICES

Section
590.200 Provision of Services

590.210 Qualification of Training Facilities/Institutions
590.220 Purpose and Types of Training
590.230 Financial Guidelines for Training Services
590.240 Graduate School Training
590.250 Choice of Training Facility/Institution
590.260 Summer School
590.270 Grades
590.280 Health Status
590.290 On-the-Job Training
590.300 Default on Educational Loans

SUBPART D: SELF EMPLOYMENT PROGRAM

Section
590.310 Provision of Services
590.315 Eligibility
590.320 Self-Employment Program
590.330 Ineligible Costs
590.340 Bidding Requirements (Repealed)
590.350 Recovery of Tools, Equipment, Supplies and Initial Stock
590.360 Transfer of Title
590.370 Limitation of Financial Participation (Repealed)

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section
590.375 Provision of Services
590.380 Vendor Requirements
590.390 Bidding Requirements (Repealed)
590.400 Vehicle Adaptation
590.410 DHS-DRS~~ORS~~ Financial Participation in Van Adaptation
590.420 Environmental Modification
590.430 Written Agreements for Environmental Modification
590.440 Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section
590.450 Provision of Services
590.460 Types of Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

590.470 Services
590.480 Qualifications for Services Provided by Individuals
590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section
590.500 Provision of Services (Repealed)
590.510 Definitions (Repealed)
590.520 Purpose of Equipment Loans (Repealed)
590.530 Criteria for Loan of Equipment/Aids (Repealed)
590.540 Equipment/Aids Loan Request Procedures and Approval Process (Repealed)
590.550 Duration of Loans (Repealed)
590.560 Maintenance and Return of Equipment/Aids (Repealed)
590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)
590.580 Limitations on Available Equipment/Aids (Repealed)

SUBPART H: OTHER SERVICES

Section
590.590 Provision of Services
590.600 Transportation and Temporary Lodging
590.610 Other Goods and Services
590.620 Equipment Sets

SUBPART I: PLACEMENT

Section
590.630 Provision of Placement Services
590.640 Description of Services

SUBPART J: INCREASED COSTS

Section
590.650 Provision of Services
590.660 Increased Costs
590.670 Determination of the Need for Increased Costs
590.675 Determination of Client Financial Participation in Maintenance (Repealed)
590.680 Exceptions

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART K: POST-EMPLOYMENT SERVICES

590.700 Provision of Services
590.710 Definitions
590.720 Scope of Services

SUBPART L: TRANSITION

590.730 Provision of Services
590.740 Definitions
590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7260, effective May 12, 1995; amended at 19 Ill. Reg. 7435, effective May 19, 1995; amended at 19 Ill. Reg. 10153, effective June 29, 1995; amended at 19 Ill. Reg. 10709, effective June 29, 1995; amended at 20 Ill. Reg. 6319, effective April 18, 1996; amended at 20 Ill. Reg. 6523, effective April 18, 1996; amended at 20 Ill. Reg. 10375, effective July 19, 1996; amended at 21 Ill. Reg. 1395, effective January 17, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 201, effective December 15, 1998; amended at 23 Ill. Reg. 7502, effective June 17, 1999; emergency amendment at 24 Ill. Reg. 6728, effective April 14, 2000, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 10372, effective July 1, 2000, for a maximum of 150 days; emergency expired on November 27, 2000; amended at 24 Ill. Reg. 13687, effective August 23, 2000; amended at 24 Ill. Reg. 18561, effective November 30, 2000; amended at 25 Ill. Reg. 4568, effective April 1, 2001; amended at 27 Ill. Reg. 12602, effective July 21, 2003; amended at 30 Ill. Reg. 1886, effective January 30, 2006.

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section 590.410 DHS-DRS~~ORS~~ Financial Participation in Van Adaptation

a) DHS-DRS~~ORS~~ shall not participate in the purchase of any vehicle nor the purchase of the adaptive equipment that has been installed in a vehicle prior to the purchase of the vehicle by the customer, without approval of the appropriate Bureau Chief.

b) A one time unusual allowable expense, to reduce customer financial participation, is available (see 89 Ill. Adm. Code 562) for the purchase of a van for transportation if the van is required for the customer to meet the employment goal and if:

1) due to the nature of the customer's disability, he/she is unable to use an automobile, whether modified or not, or make use of public transportation;

2) DHS-DRS~~ORS~~ agrees, as evidenced by the Assessment (89 Ill. Adm. Code 553.100), that the purchase of the adaptive equipment is essential for the customer's use of the vehicle;

3) the van was~~is~~ purchased by, and title is held in the name of, the customer or is being purchased by the customer, the customer's spouse, or the customer's parent;

4) the van is purchased in the same calendar year or within the past 12 months as the adaptive equipment.

c) When it is determined the customer is eligible for the unusual allowable expense, it shall be calculated as follows:

1) $7,000 shall be deducted from the price the customer paid for the van; and

2) the customer may claim the remainder of the purchase price, up to $6,000, as the one time unusual allowable expense to determine his/her financial eligibility for DHS-DRS~~ORS~~ assistance (see 89 Ill. Adm. Code 562).

d) DHS-DRS~~ORS~~ shall not participate in any cost associated with the removal, replacement, repainting, relocation or restoration of such items as cabinets, beds, appliances, etc. associated with the cost of adapting an individual client's van. Neither shall DHS-DRS~~ORS~~ pay for any costs associated with the adaptation of a vehicle that are required due to the inappropriateness of the vehicle to meet the client's needs.

e) DHS-DRS~~ORS~~ financial participation for the conversion of a mini-van (less than a full-sized van (Section 590.380(b)) shall not exceed that which is reasonable and customary to adapt a full-sized van. Such a determination shall be based on DHS-DRS~~ORS~~ records regarding previous van conversions and information received from the vendor and/or evaluator.

f) When a used vehicle is to be adapted, the vehicle must have an expected useful life of at least 5 years when considering the condition and mileage of the vehicle prior to adaptation. Condition of the van shall be verified by at least one reputable mechanic/adaptor. Any repairs determined necessary as a result of the evaluations by the mechanic/adaptor shall be made, at the expense of the client, prior to the time DHS-DRS~~ORS~~ will participate in the cost of adaptation.

g) Any vehicle, new or used, to be adapted by DHS-DRS~~ORS~~ must be equipped with all necessary factory-installed options so that the vehicle may be modified, using non-standard equipment, at the least possible cost.

h) The client is expected to insure and properly maintain any vehicle in which DHS-DRS~~ORS~~ has participated in the adaptation. Manufacturers' specifications are to be followed in terms of proper care and maintenance.

i) All clients considering vehicle adaptation should consult with DHS-DRS~~ORS~~ staff prior to the purchase of any vehicle to ensure the vehicle's adaptability prior to purchase of the vehicle and to ensure DHS-DRS~~ORS~~ will, if the client is eligible and vehicle adaptation is an appropriate service for the client, participate in the adaptation of the specific vehicle, pursuant to the provisions of this Subpart.

(Source: Amended at 30 Ill. Reg. 1886, effective January 30, 2006)

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section 590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

a) Individuals providing PA services shall be paid only for those hours in which services are being provided to the customer in the customer's home or on the customer's worksite and in accordance with the customer's Individualized Plan for Employment (IPE) (89 Ill. Adm. Code 572). An individual employed by the customer to provide PA services shall be paid at an hourly rate equal to that paid

to an individual providing PA services through the DHS-DRS~~ORS~~ Home Services Program (see 89 Ill. Adm. Code 686.40(a)).

b) An individual providing reader or notetaker services shall be paid only for those hours in which such services are being directly provided to the customer and in accordance with the customer's IPE (89 Ill. Adm. Code 572). An individual providing reader or notetaker services shall be paid at an hourly rate of $8.~~the hourly rate established by DHS-ORS but never less than the hourly Federal Minimum Wage.~~

c) An individual providing driver services to a customer shall be paid an hourly rate for all driving and required waiting time and shall be reimbursed for mileage in accordance with State Travel Regulations (see 80 Ill. Adm. Code 3000.Appendix A). An individual providing driver services shall be paid at an hourly rate of $8.~~the hourly rate established by DHS-ORS for such services but never less than the Federal Minimum Wage.~~

d) An individual providing Interpreter Services, either foreign language, sign language or CART, shall be paid at the hourly, ½ day or full day rate established by DHS-DRS~~ORS~~ for his/her level of certification/qualification and in accordance with the following:

1) minimum payment shall be for a period of 2 hours even though actual work time may be less;

2) if there is less than a one hour lapse during provision of services (e.g., lunch, break) the individual shall be paid for the entire time span of the assignment;

3) an individual who is required to be on site even though he/she does not interpret shall be paid during that period of time;

4) an individual who must travel more than 20 miles one-way for an assignment shall be paid travel reimbursement in accordance with State Travel Regulations (80 Ill. Adm. Code 3000.Appendix A);

5) no payment shall be made to an individual whose assignment is cancelled more than 48 hours prior to the scheduled beginning of the assignment. If cancellation occurs less than 48 hours prior to the scheduled beginning of the assignment, for single day assignments the individual shall be paid for

the entire scheduled assignment time. For multiple day assignments, the individual shall be paid for the time scheduled for the assignment during the first 48 hours of the scheduled assignment;

6) if a customer does not appear for a scheduled appointment, the individual shall stay on-site for one hour. If the customer does not appear after the one hour wait, the individual shall consult the DHS-DRS~~ORS~~ contact person for instructions. The individual shall be paid in accordance with the provisions of subsections (d)(1), (3) and (5) and reimbursed for travel in accordance with subsection (d)(4)~~ above~~;

7) if an individual has to cancel a scheduled assignment, he/she shall contact the DHS-DRS~~ORS~~ contact person immediately and assist in finding a suitable replacement. The suitability of the replacement shall be determined by the DHS-DRS~~ORS~~ contact person. An individual who cancels a scheduled assignment shall not be paid for any of the scheduled services, reimbursed travel cost, or paid a finders fee for locating a replacement.

(Source: Amended at 30 Ill. Reg. 1886, effective January 30, 2006)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits

2) Code Citation: 92 Ill. Adm. Code 1040

3) Section Number: 1040.33 Adopted Action: Amendment

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)]

5) Effective Date of Amendment: January 26, 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 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 Proposed published in Illinois Register: 29 Ill. Reg. 12340; August 12, 2005

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: Grammatical, punctuation and non-substantive technical changes were made as agreed upon with JCAR.

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

13) Will this amendment replace any emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
1040.32	Amendment	29 Ill. Reg., Issue 5933, 4/29/05
1040.109	New Section	29 Ill. Reg., Issue 5933, 4/29/05
1040.42	Amendment	29 Ill. Reg., Issue 12231, 8/5/05

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

15) Summary of purpose of amendment: SOS is amending the rule to include definitions for suspension and revocation. SOS is also amending sanctions for fraudulent activities for consistency.

16) Information and questions regarding this adopted amendment shall be directed to:

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

217/785-1441

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040
CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section
1040.10 Court to Forward Licenses and Reports of Convictions
1040.20 Illinois Offense Table
1040.25 Suspension or Revocation for Driving Without a Valid Driver's License
1040.29 2 or More Traffic Offenses Committed within 24 Months by a Person Under the Age of 21 Years
1040.30 3 or More Traffic Offenses Committed Within 12 Months
1040.31 Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33 Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device
1040.35 Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Upon a Local Ordinance Conviction
1040.36 Suspension for Violation of Restrictions on Driver's License
1040.37 Suspension for Violation of Restrictions on Instruction Permit
1040.38 Commission of a Traffic Offense in Another State
1040.40 Repeated Convictions or Collisions
1040.41 Suspension of Licenses for Curfew Violations
1040.42 Fleeing and Eluding
1040.43 Illegal Transportation
1040.46 Fatal Accident and Personal Injury Suspensions or Revocations
1040.48 Vehicle Emission Suspensions
1040.50 Suspension of License of Commercial Vehicle Driver
1040.52 Driver Remedial Education Course
1040.55 Suspension for Driver's License Classification Violations
1040.60 Release of Information Regarding a Disposition of Court Supervision
1040.65 Offenses Occurring on Military Bases
1040.66 Invalidation of a Restricted Driving Permit
1040.70 Problem Driver Pointer System
1040.80 Cancellation of Driver's License Upon Issuance of a Handicapped Identification

NOTICE OF ADOPTED AMENDMENT

	Card
1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105	Suspension for 5 or More Tollway Violations and/or Evasions
1040.107	Suspension for Violation of 625 ILCS 5/11-907, Approaching a Stationary Emergency Vehicle
1040.108	Suspension for Failure to Make Report of Vehicle Accident Violations
1040.110	Bribery
1040.111	Suspension for Violation of 625 ILCS 5/11-908(a-1) for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present

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

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994;

amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006.

Section 1040.33 Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device

a) For purposes of this Section, the following definitions shall apply:

1) "Authorized holder" – An~~an~~ individual issued a person-with-disabilities license plate under Section 3-616 of the Illinois Vehicle Code or an individual issued a person-with-disabilities parking decal or device under Section 11-1301.1 of the Illinois Vehicle Code [625 ILCS 5/3-616 and 11-1301.1]

2) "Department" – Driver Services Department within the Office of the Secretary of State

3) "False information" – Any~~any~~ incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physician certification or any other information required on the application for a person-with-disabilities license plate or parking permit or device that falsifies the content of the application

4) "Fictitious person-with-disabilities license plate or parking decal or device" – Any~~any~~ person-with-disabilities license plate or parking decal or device that has been issued by the Secretary of State or an authorized unit of local government that was issued based upon false information contained on the required application

5) "Fraudulent person-with-disabilities license plate or parking decal or device" – Any~~any~~ person-with-disabilities license plate or parking decal or device that purports to be an authorized person-with-disabilities license plate or parking decal or device and that has not been issued by the Secretary of State or an authorized unit of local government

6) "Person-with-disabilities license plate or parking decal or device-making implement" – Any~~any~~ implement specially designed or primarily used in the manufacture, assembly or authentication of a person-with-disabilities license plate or parking decal or device issued by the Secretary of State or a unit of local government

7) "Revocation" – The termination by formal action of the Secretary of a person's driver's license or privilege to operate a motor vehicle on the public highways. The termination shall not be subject to renewal or restoration except that an application for a new driver's license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

8) "Suspension" – The temporary withdrawal by a formal action of the Secretary of a person's driver's license or privilege to operate a motor vehicle on the public highways for a period specifically designated by the Secretary pursuant to Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

9) "Unlawfully altered person-with-disabilities license plate or parking permit or device" – Any~~any~~ person-with-disabilities license plate or parking permit or device issued by the Secretary of State or an authorized unit of local government that has been physically altered or changed in such manner that false information appears on the license plate or parking decal or device

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

b) The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that such person has committed one or more of the following offenses listed in Section 6-206 of the Illinois Vehicle Code [625 ILCS 5/6-206]:

1) If such person has knowingly possessed any fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.5(b)(1) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(1)], the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 authority was Section 6-206(a)(35)) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(34)]:

ACTION TABLE

1st Offense	12~~1~~ months~~month~~ Suspension
1st Offense (with pending or effective Revocation)~~2nd Offense~~	Revocation~~6 months Suspension~~
2nd~~3rd~~ or Subsequent Offense	Revocation; or

2) If such person has knowingly issued or assisted in the issuance of, by the Secretary of State or unit of local government, any fictitious person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.5(b)(2) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(2)], the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was Section 6-206(a)(35)) of the Illinois Vehicle Code:

ACTION TABLE

1st Offense	12~~1~~ months~~month~~ Suspension
1st Offense (with pending or effective Revocation)~~2nd Offense~~	Revocation~~6 months Suspension~~
2nd~~3rd~~ or Subsequent Offense	Revocation; or

3) If such person has knowingly altered any person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.5(b)(3) of

the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(3)], the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was Section 6-206(a)(35)) of the Illinois Vehicle Code:

ACTION TABLE

1st Offense	12~~1~~ months~~month~~ Suspension
1st Offense (with pending or effective Revocation)~~2nd Offense~~	Revocation~~6 months Suspension~~
2nd~~3rd~~ or Subsequent Offense	Revocation; or

4) If such person manufactures, possesses, transfers, or provides any documentation used in the application process whether real or fictitious, for the purpose of obtaining a fictitious person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.5(b)(4) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(4)], the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was Section 6-206(a)(35)) of the Illinois Vehicle Code:

ACTION TABLE

1st Offense	12~~1~~ months~~month~~ Suspension
1st Offense (with pending or effective Revocation)~~2nd Offense~~	Revocation~~6 months Suspension~~
2nd~~3rd~~ or Subsequent Offense	Revocation; or

5) If such person knowingly provides any false information to the Secretary of State or a unit of local government in order to obtain a person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.5(b)(5) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(5)], the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was Section 6-206(a)(35)) of the Illinois Vehicle Code:

NOTICE OF ADOPTED AMENDMENT

ACTION TABLE

1st Offense	12~~1~~ months~~month~~ Suspension
1st Offense (with pending or effective Revocation)~~2nd Offense~~	Revocation~~6 months Suspension~~
2nd~~3rd~~ or Subsequent Offense	Revocation; or

6) If such person knowingly transfers a person-with-disabilities license plate or parking decal or device for the purpose of exercising the privileges granted to an authorized holder of a person-with-disabilities license plate or parking decal or device under the Illinois Vehicle Code in the absence of the authorized holder in violation of Section 11-1301.5(b)(6) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(6)], the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was Section 6-206(a)(35)) of the Illinois Vehicle Code:

ACTION TABLE

1st Offense	12~~1~~ months~~month~~ Suspension
1st Offense (with pending or effective Revocation)~~2nd Offense~~	Revocation~~6 months Suspension~~
2nd~~3rd~~ or Subsequent Offense	Revocation; or

7) If such person has knowingly possessed any fraudulent person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.6(b)(1) of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(1)], the Department shall take the following action pursuant to Section 6-206(a)(35) (prior to 7/30/98 the authority was Section 6-206(a)(36)) of the Illinois Vehicle Code:

ACTION TABLE

1st Offense	12~~1~~ months~~month~~ Suspension
1st Offense (with pending or	Revocation~~6 months~~

effective Revocation)~~2nd Offense~~	~~Suspension~~
2nd~~3rd~~ or Subsequent Offense	Revocation; or

8) If such person has knowingly possessed without authority any person-with-disabilities license plate or parking decal or device-making implement in violation of Section 11-1301.6(b)(2)~~11-1306.6(b)(2)~~ of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(2)], the Department shall take the following action pursuant to Section 6-206(a)(35) (prior to 7/30/98 the authority was Section 6-206(a)(36)) of the Illinois Vehicle Code:

ACTION TABLE

1st Offense	12 months Suspension
1st Offense (with pending or effective Revocation)	Revocation
2nd or Subsequent Offense	Revocation; or

9) If such person knowingly duplicates, manufactures, sells or transfers any fraudulent or stolen person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.6(b)(3) of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(3)], the Department shall take the following action pursuant to Section 6-206(a)(35) (prior to 7/30/98 the authority was Section 6-206(a)(36)) of the Illinois Vehicle Code:

ACTION TABLE

1st Offense	12 months Suspension
1st Offense (with pending or effective Revocation)	Revocation
2nd or Subsequent Offense	Revocation; or

10) If such person has knowingly assisted in the duplication, manufacture, sales or transfer of any fraudulent or stolen person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.6(b)(4) of Illinois Vehicle Code [625 ILCS 5/11-1301(b)(4)], the Department shall take the following action pursuant to Section 6-206(a)(35) (prior to 7/30/98 the authority was Section 6-206(a)(36)) of the Illinois Vehicle Code:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

ACTION TABLE

1st Offense	12 months Suspension
1st Offense (with pending or effective Revocation)	Revocation
2nd or Subsequent Offense	Revocation; or

11) If such person has advertised or distributes a fraudulent person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.6(b)(5) of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(5)], the Department shall take the following action pursuant to Section 6-206(a)(35) (prior to 7/30/98 the authority was Section 6-206(a)(36)) of the Illinois Vehicle Code:

ACTION TABLE

1st Offense	12 months Suspension
1st Offense (with pending or effective Revocation)	Revocation
2nd or Subsequent Offense	Revocation

c) The sources of acceptable proof of the offenses described in subsection (b) above are court documents, Department of Vehicle Services applications, Driver Services facility applications, government entity documents and law enforcement correspondence/reports.

(Source: Amended at 30 Ill. Reg. 1896, effective January 26, 2006)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Crisis Assistance

2) Code Citation: 89 Ill. Adm. Code 116

3) Section Number: 116.530 — Emergency Action: New Section

4) Statutory Authority: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI and 12-13].

5) Effective Date of Amendments: January 27, 2006

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

7) Date filed with the Index Department: January 27, 2006

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: This emergency rulemaking is necessary to address the immediate needs of families who evacuated from Louisiana, Alabama, or Mississippi due to Hurricane Katrina.

10) A Complete Description of the Subject and Issues Involved: This rulemaking is being proposed to assist Hurricane Katrina evacuees relocated to Illinois.

11) Are there any other amendments pending on this Part? No

12) Statement of Statewide Policy Objective (if applicable): This rulemaking does not create or expand a State mandate.

13) Information and questions regarding this emergency amendment shall be directed to:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Bldg., 3rd Floor
Springfield, Illinois 62762

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 116
CRISIS ASSISTANCE

Section

116.10 Incorporation By Reference
116.400 Crisis Assistance Programs (Repealed)
116.500 Crisis Assistance
116.510 Emergency Assistance Program (Repealed)
116.520 Hardship Program (Repealed)
116.530 Non-recurrent Short-Term Benefits to Hurricane Katrina Evacuees EMERGENCY

AUTHORITY: Implementing Articles III, IV, and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI and 12-13].

SOURCE: Filed and effective December 30, 1977; amended at 4 Ill. Reg. 13, p. 1287, effective March 17, 1980; amended at 5 Ill. Reg. 12722, effective October 28, 1981; codified at 7 Ill. Reg. 5195; emergency amendment at 9 Ill. Reg. 18154, effective November 15, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 11027, effective June 11, 1986; amended at 11 Ill. Reg. 6487, effective March 17, 1987; amended at 12 Ill. Reg. 14207, effective August 30, 1988; amended at 13 Ill. Reg. 3847, effective March 10, 1989; amended at 14 Ill. Reg. 16970, effective September 30, 1990; amended at 15 Ill. Reg. 16719, effective November 1, 1991; emergency amendment at 15 Ill. Reg. 16772, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5350, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13961, effective September 1, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1078, effective January 15, 1993; amended at 17 Ill. Reg. 19188, effective October 25, 1993; amended at 19 Ill. Reg. 7895, effective June 5, 1995; amended at 19 Ill. Reg. 16852, effective December 11, 1995; emergency amendment at 21 Ill. Reg. 8612, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15507, effective November 26, 1997; amended at 25 Ill. Reg. 4562, effective March 15, 2001; emergency amendment at 30 Ill. Reg. 1907, effective January 27, 2006, for a maximum of 150 days.

Section 116.530 Non-recurrent Short-Term Benefits to Hurricane Katrina Evacuees EMERGENCY

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

To address the relocation needs of families who evacuated from Louisiana, Alabama, or Mississippi due to Hurricane Katrina, cash benefits will be provided as follows:

a) To qualify, a family must have resided in an area that was declared a federal disaster area as a result of Hurricane Katrina.

b) Cash benefits will be non-recurrent short-term benefits designed to deal with the family's specific crisis situation, not to extend beyond four months. The cash assistance will be paid from Temporary Assistance for Needy Families (TANF) and State Maintenance of Effort funds.

c) Applications for non-recurrent short-term cash benefits will be taken through October 31, 2005.

d) The cash benefit amount will be equal to the Payment Amounts for the TANF program as outlined in 89 Ill. Adm. Code 112.250.

e) Criteria for establishing initial and ongoing eligibility will be the same as for the TANF program (see Part 112: Temporary Assistance for Needy Families) with the following exceptions:

1) When verifications are not available, the family's statement will be accepted.

2) Cash benefits are effective the date of application.

3) The definition of a family unit is expanded to include two additional situations:

A) a child who is not living with a specified relative; and

B) additional family members to the extent the family unit may contain more than two adults.

4) Participation in work and training activities is not a requirement.

5) Child support assignment and compliance with paternity establishment is not a requirement.

f) A family which receives cash benefits under this Section is entitled to Crisis

Assistance payments the same as a family which receives regular TANF program benefits. Crisis Assistance payments will be provided to the extent outlined in Section 116.500.

g) The non-recurring short-term benefits will terminate for all families effective January 2006. A general notice will be issued advising them of the termination of the short-term benefits and their right to apply for regular TANF program benefits. A timely notice will be issued advising them of the termination of their benefits and their right to appeal.

h) Because of the short-term nature of the benefits, benefits will not continue while an appeal is pending.

(Source: Added by emergency rulemaking at 30 Ill. Reg. 1907, effective January 27, 2006, for a maximum of 150 days)

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Miscellaneous

2) Code Citation: 50 Ill. Adm. Code 7110

3) Section Number: 7110.90 — Emergency Action: New Section

4) Statutory Authority: Implementing and authorized by the Workers' Compensation Act [820 ILCS 305].

5) Effective Date of Rule: January 27, 2006

6) If this emergency is to expire before the end of the 150 day period, please specify the date on which it expires: Not applicable

7) Date filed with the Index Department: February 1, 2006

8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: The Workers' Compensation Act was amended by Public Act 94-277, effective July 20, 2005, to require the Commission to establish a workers' compensation medical fee schedule by February 1, 2006. Public Act 94-695, effective November 16, 2005, further amended the Act to provide that the medical fee schedule applies to treatments and services rendered on or after February 1, 2006. The rulemaking needs to take effect immediately because the medical fee schedule is to take effect February 1, 2006.

10) A complete description of the subjects and issues involved: In accordance with Section 8.2 of the Workers' Compensation Act, this rulemaking adopts the Illinois Workers' Compensation Commission Medical Fee Schedule, including payment rates, instructions, guidelines, and payment guides and policies regarding the application of the schedule. The fee schedule is available on the Internet free of charge via a link from the Commission's Web site (www.iwcc.il.gov). The fee schedule sets the maximum allowable payment for a medical procedure, treatment or service covered under the Workers' Compensation and Workers' Occupational Diseases Acts. Under the fee schedule, the employer is required to pay the lesser of the amount set forth in the schedule or the health care provider's actual charges. If an employer or insurance carrier contract with a health care provider, the rate negotiated in the contract will prevail.

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF EMERGENCY AMENDMENT

In accordance with Section 8.2 of the Act, the fee schedule sets forth payment rates for medical services in each geozip (area in which all zip codes have the same first three digits) in Illinois. Payment rates and reimbursement are based on the place of service. Payment rates are set at 90% of the 80th percentile of actual (non-discounted) provider charges (as of August 1, 2004 but not earlier than August 1, 2002) in each geozip, or combination of geozips in accordance with Section 8.2, adjusted by the Consumer Price Index-U for the period August 1, 2004 through September 30, 2005 (4.96%).

Whenever a specific fee could not be determined for a service, procedure or treatment the maximum allowable payment is set at 76% of actual charge. The maximum allowable payment for a service, treatment or procedure performed outside the State of Illinois is the greater of 76% of actual charge or the payment set forth in that state's workers' compensation medical fee schedule, if such a schedule has been adopted. In the case of cost outliers, the maximum reimbursement amount is the fee schedule reimbursement amount plus 76% of the charges that exceed the fee schedule amount. A cost outlier is extraordinary treatment in which the bill for an inpatient stay is equal to or above two times the fee schedule amount for the assigned Diagnosis-Related Group (DRG) after pass-through revenue code charges have been subtracted.

The schedule is comprised of nine parts including ambulatory surgical treatment center, anesthesia, dental, emergency room facility, HCPCS (Healthcare Common Procedure Coding System) Level II, hospital inpatient-standard, hospital inpatient-trauma, hospital outpatient, and professional services. Services are identified by applicable standard numeric coding systems. Payment rates may be accessed by geozip, code look-up, or the fee schedule. Users may also download the entire schedule or any part of the schedule.

Pursuant to Section 8.2 of the Act, the fee schedule payment rates are to be increased or decreased no later than September 30, 2006 and each year thereafter by the percentage change in the Consumer Price Index-U for the period ending August 31st of the same year. The Consumer Price Index-U is defined as the index published by the U.S. Department of Labor Bureau of Labor Statistics that measures the average change in prices of all goods and services purchased by all urban consumers, U.S. city average, all items, 1982-84=100. The yearly adjustment takes effect January lst of the following year.

11) Are there any other proposed rulemakings pending on this part? No

12) Statement of Statewide Policy Objective: These emergency amendments neither create nor expand a state mandate as defined in Section 3(b) of the State Mandates Act (30 ILCS 805/3(b)).

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF EMERGENCY AMENDMENT

13) Information and questions regarding this rulemaking shall be directed to:

Kathryn Kelley
Counsel
Illinois Workers' Compensation Commission
100 West Randolph, Suite 8-272
Chicago, Illinois 60601

312/814-6560

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

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF EMERGENCY AMENDMENT

TITLE 50: INSURANCE
CHAPTER II: ILLINOIS WORKERS' COMPENSATION~~INDUSTRIAL~~ COMMISSION

PART 7110
MISCELLANEOUS

Section
7110.10 Vocational Rehabilitation
7110.20 Petitions under Sections 19(h), 8(a), and 7(a) of the Act
7110.30 Commission Meetings: Minutes
7110.40 Petition to Suspend Compensation for Failure to Submit to Proper Medical Treatment
7110.50 Petitions under Section 19(o)
7110.60 Distribution of Industrial Commission Handbook
7110.70 Explanation or Denial of Liability or Further Responsibility for Medical Care
7110.80 Rate Adjustment Fund and Second Injury Fund Contributions: Compliance
7110.90 Illinois Workers' Compensation Commission Medical Fee Schedule EMERGENCY

AUTHORITY: Implementing and authorized by the Workers' Compensation Act [820 ILCS 305].

SOURCE: Filed and effective March 1, 1977; amended at 5 Ill. Reg. 5533, effective May 12, 1981; amended at 6 Ill. Reg. 8040, effective July 1, 1982; codified at 7 Ill. Reg. 2352; emergency amendment at 14 Ill. Reg. 4929, effective March 9, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13161, effective August 1, 1990; emergency amendment at 30 Ill. Reg. 1912, effective February 1, 2006, for a maximum of 150 days.

Section 7110.90 Illinois Workers' Compensation Commission Medical Fee Schedule EMERGENCY

a) In accordance with Sections 8(a), 8.2 and 16 of the Workers' Compensation Act [820 ILCS 305/8(a), 8.2 and 16] (the Act), the Illinois Workers' Compensation Commission Medical Fee Schedule, including payment rates, instructions, guidelines, and payment guides and policies regarding application of the schedule, is adopted as a fee schedule to be used in setting the maximum allowable payment for a medical procedure, treatment or service covered under the Act. The fee schedule is published on the Internet at no charge to the user via a link from the Commission's website at www.iwcc.il.gov. The fee schedule may be examined at any of the offices of the Illinois Workers' Compensation Commission.

b) The fee schedule applies to any medical procedure, treatment or service covered by the Act and rendered on or after February 1, 2006, regardless of the date of injury.

c) Under the fee schedule, the employer pays the lesser of the rate set forth in the schedule or the provider's actual charge. If an employer or insurance carrier contracts with a provider for the purpose of providing services under the Act, the rate negotiated in the contract shall prevail.

d) Whenever the fee schedule does not set a specific fee for a procedure, treatment or service, the amount of reimbursement shall be at 76% of actual charge.

e) Reimbursement under the fee schedule for a procedure, treatment or service shall be based on the place of service.

f) Out-of-State Treatment

1) If the procedure, treatment or service is rendered outside the State of Illinois, the amount of reimbursement shall be the greater of 76% of actual charge or the amount set forth in a workers' compensation medical fee schedule adopted by the state in which the procedure, treatment or service is rendered, if such a schedule has been adopted. Charges for a procedure, treatment or service outside the State shall be subject to the instructions, guidelines, and payment guides and policies in this fee schedule.

2) Where the charges are for facility fees (ambulatory surgical treatment center, hospital inpatient (standard and trauma), and hospital outpatient services), the following revenue codes are pass-through charges to be deducted from the charge and reimbursed at 65% of actual charge: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0276 (lens implant); 0278 (implants); 0540 and 0545 (ambulance); 0624 (investigational devices); and 0636 (drugs requiring detailed coding). Charges billed under these revenue codes shall be billed at the provider's normal rates under its standard chargemaster.

g) The fee schedule includes the following service categories:

1) Ambulatory Surgical Treatment Center

A) This schedule applies to licensed ambulatory surgical treatment centers as defined by the Illinois Department of Public Health (77 Ill. Adm. Code 205.110).

B) All procedures, treatments and services are reimbursed at 76% of actual charge, except as provided in subsection (f)(1)(C).

C) The following revenue codes are pass-through charges to be deducted from the charge and reimbursed at 65% of actual charge: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0276 (lens implant); 0278 (implants); 0540 and 0545 (ambulance); 0624 (investigational devices); and 0636 (drugs requiring detailed coding). Charges billed under these revenue codes shall be billed at the provider's normal rates under its standard chargemaster.

2) Anesthesia

A) The use of this schedule is in accordance with the Current Procedural Terminology, American Medical Association, 515 North State Street, Chicago, Illinois 60610, 2006, no later dates, and the Relative Value Guide, American Society of Anesthesiologists, 520 North Northwest Highway, Park Ridge, Illinois 60068-2573, 2006, no later dates.

B) The maximum fee schedule reimbursement amount is determined by multiplying the conversion factor set forth in the schedule by the sum of all units according to guidelines set forth in the Relative Value Guide.

3) Dental
All procedures, treatments and services are reimbursed at 76% of actual charge unless services are billed under the HCPCS Level II or professional fee schedules.

4) Emergency Room Facility

A) This schedule applies to any department or facility of a hospital licensed by the Illinois Department of Public Health pursuant to the Hospital Licensing Act [210 ILCS 85] that:

i) operates as an emergency room or emergency department, whether situated on or off the main hospital campus; and

ii) is held out to the public as providing care for emergency medical conditions without requiring an appointment, or has provided at least one-third of all its outpatient visits for the treatment of emergency medical conditions on an urgent basis during the previous calendar year.

B) All procedures, treatments and services are reimbursed at 76% of actual charge.

5) HCPCS (Healthcare Common Procedure Coding System) Level II
The use of this schedule is in accordance with the HCPCS Level II, U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, 2006, no later dates.

6) Hospital Inpatient: Standard and Trauma

A) The use of these schedules is in accordance with the Diagnosis-Related Group (DRG) classification system established by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, 42 CFR 405 et seq., 2005, no later dates. A DRG is a diagnosis-related group code that groups patients into homogeneous classifications that demonstrate similar length-of-stay patterns and use of hospital resources. The DRG is the maximum amount of payment for an inpatient hospital stay, except as provided in subsections (f)(6)(E) and (f)(6)(F).

B) Inpatient is defined as being confined to a hospital setting for a period of 24 hours or more.

C) Inpatient hospital bills are subject to the hospital inpatient standard schedule. Inpatient hospital bills from trauma centers designated as Level I and Level II trauma centers by the Illinois Department of Public Health and which contain an admission type of "5" (UB-92 FL 19) are subject to the hospital inpatient trauma schedule.

D) Hospital providers must identify the DRG code on each bill (UB-92 claim form). The DRG assignment should be made in a manner consistent with the grouping practices used by the hospital when billing both government and private carriers.

E) The following revenue codes/pass-through charges are deducted from the DRG charge and reimbursed at 65% of actual charge: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0276 (lens implant); 0278 (implants); 0540 and 0545 (ambulance); 0624 (investigational devices); and 0636 (drugs requiring detailed coding). If the maximum amount of payment for an inpatient hospital stay is 76% of actual charge, the DRG charge is determined after the pass-through charges are removed. Charges billed under these revenue codes shall be billed at the provider's normal rates under its standard chargemaster.

F) In the case of cost outliers (extraordinary treatment in which the bill for an inpatient stay is equal to or above two times the fee schedule amount for the assigned DRG after pass-through revenue code charges referred to in subsection (f)(6)(E) have been deducted), the maximum reimbursement amount will be the fee schedule amount plus 76% of the charges that exceed that amount. The pass-through revenue code charges are reimbursed at 65% of actual charge and shall be billed at the provider's normal rates under its standard chargemaster.

7) Hospital Outpatient

A) All procedures, treatments and services are reimbursed at 76% of actual charge.

B) When hospital outpatient services involve ambulatory surgical procedures, the following revenue codes are pass-through charges to be deducted from the charge and reimbursed at 65% of actual charge: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0276 (lens implant); 0278 (implants); 0540 and 0545 (ambulance); 0624 (investigational devices); and 0636 (drugs requiring detailed coding). Charges billed under these revenue codes shall be billed at the provider's normal rates under its standard chargemaster.

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF EMERGENCY AMENDMENT

8) Professional Services
The use of this schedule is in accordance with the Current Procedural Terminology, American Medical Association, 515 North State Street, Chicago, Illinois 60610, 2006, no later dates.

g) The fee schedule requires that services be reported with the HCPCS Level II or Current Procedural Terminology codes that most comprehensively describe the services performed. Proprietary bundling edits more restrictive than the National Correct Coding Policy Manual in Comprehensive Code Sequence for Part B Medicare Carriers, Version 12.0, U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, 2006, no later dates, are prohibited.

h) An allied health care professional, such as a certified registered nurse anesthetist (CRNA), physician assistant (PA) and nurse practitioner (NP), is to be reimbursed at the same rate as other health care professionals when the allied health care professional is performing, coding and billing for the same services as the other health care professionals.

i) Charges of an independently operated diagnostic testing facility shall be subject to the professional services and HCPCS fee schedules where applicable.

j) No later than September 30, 2006 and each year thereafter, the Commission shall make an automatic adjustment to the maximum payment for a procedure, treatment or service in effect in January of that year. The Commission shall increase or decrease the maximum payment by the percentage change of increase or decrease in the Consumer Price Index-U for the 12-month period ending August 31 of that year. The change shall be effective January 1 of the following year. *The Consumer Price Index-U means the index published by the Bureau of Labor Statistics of the U.S. Department of Labor that measures the average change in prices of all goods and services purchased by all urban consumers, U.S. city average, all items, 1982-84=100.* (Section 8.2 of the Act)

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 1912, effective February 1, 2006, for a maximum of 150 days)

STATE BOARD OF EDUCATION

NOTICE OF AGENCY RESPONSE TO THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: The "Grow Your Own" Teacher Education Initiative

2) Code Citation: 23 Ill. Adm. Code 60

3)

Section Number:	Action:
60.10	Refusal
60.20	Refusal
60.30	Refusal
60.40	Refusal
60.50	Refusal
60.60	Refusal
60.70	Refusal
60.80	Refusal
60.90	Refusal
60.100	Refusal

4) Date Notice of Proposed Rules Published in the Register: October 14, 2005; 29 Ill. Reg. 15367

5) Date JCAR Statement of Objection Published in the Register: February 3, 2006 at 30 Ill. Reg. 1535

6) Summary of Action Taken by the Agency: JCAR objected to ISBE's failure to adopt rules for this initiative in a more timely manner, noting that the statute called for the issuance of planning grants in Fiscal Year 2005. Because this is a question of timing, there is no means by which ISBE could meet the Joint Committee's objection at this time. That is, modification or withdrawal of these rules would not remedy the problem.

ISBE does acknowledge the basis for this objection in that rulemaking should have been completed sooner in order to meet the timelines contemplated by the statute. It was, however, not possible for ISBE to implement the planning grant portion of this program "from existing resources" as envisioned. Further, the availability for staff time is such that the promulgation of rules for initiatives has not been feasible in the absence of reasonable certainty that funding will be provided. ISBE understands the need to monitor the rulemaking requirements for all new statutory programs.

POLLUTION CONTROL BOARD

NOTICE OF AGENCY RESPONSE TO THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Effluent Standards

2) Code Citation: 35 Ill. Adm. Code 304

3) Section Number: 304.123 Action: Refusal

4) Date Notice of Proposed Amendment Published in the Register: May 6, 2005; 29 Ill. Reg. 6200

5) Date JCAR Statement of Objection Published in the Register: December 30, 2005 at 29 Ill. Reg. 21175

6) Summary of Action Taken by the Agency: In its January 19, 2006 opinion in Docket R04-26 adopting interim phosphorus effluent standards, the Board respectfully disagreed that this rulemaking would impose an undue economic burden on the regulated community.

The Board continues to believe that, based on the cost information in the record coupled with the fact that the proposed rule applies to only new or expanding larger facilities, affected facilities can incorporate the additional cost of phosphorus control in their overall expansion plans with an economically reasonable impact. The interim limits will apply to only new or expanded discharges from wastewater treatment plants with either a design average flow over 1.0 million gallons per day receiving municipal or domestic waste water, or a total phosphorus effluent load of 25 pounds per day or more for treatment works other than those treating municipal or domestic wastewater. The 1.0 mg/L limit will not apply to a source that can demonstrate either that phosphorus is not the limiting nutrient in the receiving water or that alternative phosphorus effluent limits are warranted by the aquatic environment in the receiving water.

Thus, the Board finds that the implementation of the phosphorus effluent standard will not impose an undue economic or regulatory burden. Additionally, the record in this rulemaking amply demonstrates that control of phosphorus discharge from larger treatment plants will result in enhanced water quality in the state's receiving streams.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO NOTICE ONLY

1) Heading of the Part: Pay Plan

2) Code Citations: 80 Ill. Adm. Code 310

3) The Notice of Proposed Amendments being corrected appeared at: 30 Ill. Reg. 231, dated January 13, 2006.

4) The Information being corrected is as follows: In the Notice Page response to the question (3) where the Section Numbers and the Proposed Actions were identified, the Department of Central Management Services' response omitted the specific appendix for the Tables L, T, and U listed. The tables are all in Appendix A. The Department of Central Management Services is correctly identifying Appendix A as the location of the tables to be amended in these proposed amendments by adding an "A" for those tables' Section Numbers.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
FEBRUARY AGENDA

STRATTON OFFICE BUILDING
ROOM D-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
FEBRUARY 14, 2006

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

Children and Family Services

1. Licensing Standards for Child Welfare Agencies (89 Ill. Adm. Code 401)
   -First Notice Published: 29 Ill. Reg. 16078 – 10/28/05
   -Second Notice Expiration: 2/19/06

Drycleaner Environmental Response Trust Fund Council

2. Drycleaner Environmental Response Trust Fund Act (35 Ill. Adm. Code 1500)
   -First Notice Published: 29 Ill. Reg. 19017 – 11/28/05
   -Expiration of Second Notice: 3/12/06

Education

3. Certification (23 Ill. Adm. Code 25)
   -First Notice Published: 29 Ill. Reg. 18235 – 11/14/05
   -Expiration of Second Notice: 3/9/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
FEBRUARY AGENDA

4. Early Childhood Block Grant (Repealer) (23 Ill. Adm. Code 235)
-First Notice Published: 29 Ill. Reg. 17902 – 11/14/05
-Expiration of Second Notice: 3/4/06

5. Early Childhood Block Grant (23 Ill. Adm. Code 235)
-First Notice Published: 29 Ill. Reg. 17877 – 11/4/05
-Expiration of Second Notice: 3/9/06

Financial and Professional Regulation

6. Illinois Health Insurance Portability and Accountability Standards (50 Ill. Adm. Code 2025)
-First Notice Published: 29 Ill. Reg. 2586 – 2/18/05
-Expiration of Second Notice: 2/16/06

7. Illinois Dental Practice Act (68 Ill. Adm. Code 1220)
-First Notice Published: 29 Ill. Reg. 14455 – 9/30/05
-Expiration of Second Notice: 2/25/06

8. Nursing and Advanced Practice Nursing Act – Advanced Practice Nurse (68 Ill. Adm. Code 1305)
-First Notice Published: 29 Ill. Reg. 19426 – 12/2/05
-Expiration of Second Notice: 3/9/06

9. Podiatric Medical Practice Act of 1987 (68 Ill. Adm. Code 1360)
-First Notice Published: 29 Ill. Reg. 17930 – 11/4/05
-Expiration of Second Notice: 3/9/06

Healthcare and Family Services

10. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 29 Ill. Reg. 15424 – 10/14/05
-Expiration of Second Notice: 3/11/06

11. Hospital Services (89 Ill. Adm. Code 148)
-First Notice Published: 29 Ill. Reg. 13140 – 8/26/05
-Expiration of Second Notice: 3/11/06

12. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 29 Ill. Reg. 16151 – 10/28/05
-Expiration of Second Notice: 3/11/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
FEBRUARY AGENDA

Human Services

13. Child Care (89 Ill. Adm. Code 50)
-First Notice Published: 29 Ill. Reg. 13156 – 8/26/05
-Expiration of Second Notice: 3/3/06

Law Enforcement Training and Standards Board

14. Illinois Police Training Act (20 Ill. Adm. Code 1720)
-First Notice Published: 29 Ill. Reg. 19501 – 12/2/05
-Expiration of Second Notice: 3/10/06

Natural Resources

15. Sport Fishing Regulations for the Waters of Illinois (17 Ill. Adm. Code 810)
-First Notice Published: 29 Ill. Reg. 14648 – 10/7/05
-Expiration of Second Notice: 3/2/06

Pollution Control Board

16. Permits and General Provisions (35 Ill. Adm. Code 201)
-First Notice Published: 29 Ill. Reg. 14738 – 10/7/05
-Expiration of Second Notice: 3/9/06

17. Permits and General Provisions (35 Ill. Adm. Code 201)
-First Notice Published: 29 Ill. Reg. 15489 – 10/14/05
-Expiration of Second Notice: 3/9/06

18. Measurement Procedures for the Enforcement of 35 Ill. Adm. Code 900 and 901 (35 Ill. Adm. Code 910)
-First Notice Published: 29 Ill. Reg. 5255 – 4/15/05
-Expiration of Second Notice: 3/12/06

19. Sound Emission Standards and Limitations for Property Line-Noise-Sources (35 Ill. Adm. Code 901)
-First Notice Published: 29 Ill. Reg. 5196 – 4/15/05
-Expiration of Second Notice: 3/12/06

Property Tax Appeal Board

JOINT COMMITTEE ON ADMINISTRATIVE RULES
FEBRUARY AGENDA

20. Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910)
    -First Notice Published: 29 Ill. Reg. 18071 – 11/4/05
    -Expiration of Second Notice: 3/11/06

Public Health

21. Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)
    -First Notice Published: 29 Ill. Reg. 16357 – 10/28/05
    -Expiration of Second Notice: 2/23/06

22. Perinatal HIV Prevention Code (77 Ill. Adm. Code 699)
    -First Notice Published: 29 Ill. Reg. 6857 – 5/13/05
    -Expiration of Second Notice: 2/25/06

State Fire Marshal

23. Storage, Transportation, Sale, and Use of Liquefied Petroleum Gas (41 Ill. Adm. Code 200)
    -First Notice Published: 29 Ill. Reg. 15419 – 10/14/05
    -Expiration of Second Notice: 3/2/06

Transportation

24. Motor Carrier Safety Regulations: General (92 Ill. Adm. Code 390)
    -First Notice Published: 29 Ill. Reg. 18393 – 11/14/05
    -Expiration of Second Notice: 2/24/06

25. Hours of Service of Drivers (92 Ill. Adm. Code 395)
    -First Notice Published: 29 Ill. Reg. 18399 – 11/14/05
    -Expiration of Second Notice: 2/24/06

26. Business Logo Signing Program (92 Ill. Adm. Code 542)
    -First Notice Published: 29 Ill. Reg. 18905 – 11/4/05
    -Expiration of Second Notice: 2/24/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
FEBRUARY AGENDA

EMERGENCY RULEMAKINGS

Central Management Services

27. Extensions of Jurisdiction (80 Ill. Adm. Code 305)
-Notice Published: 30 Ill. Reg. 1378 – 1/27/06

Healthcare and Family Services

28. Illinois Cares Rx Program (89 Ill. Adm. Code 119)
-Notice Published: 30 Ill. Reg. 482 – 1/13/06

29. Medical Assistance Programs (89 Ill. Adm. Code 120)
-Notice Published: 30 Ill. Reg. 521 – 1/13/06

30. Medical Payment (89 Ill. Adm. Code 140)
-Notice Published: 30 Ill. Reg. 573 – 1/13/06

31. Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (Repeal) (89 Ill. Adm. Code 126)
-Notice Published: 30 Ill. Reg. 926 – 1/20/06

32. The Illinois Prescription Drug Discount Program (89 Ill. Adm. Code 126)
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33. Children's Health Insurance Program (89 Ill. Adm. Code 125)
-Notice Published: 30 Ill. Reg. 535 – 1/13/06

34. Hospital Services (89 Ill. Adm. Code 148)
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35. Hospital Services (89 Ill. Adm. Code 148)
-Notice Published: 30 Ill. Reg. 955 – 1/20/06

36. Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)
-Notice Published: 30 Ill. Reg. 616 – 1/13/06

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37. Pyrotechnic Distributor and Operator Licensing Rules (41 Ill. Adm. Code 230)
-Notice Published: 30 Ill. Reg. 1485 – 2/3/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
FEBRUARY AGENDA

38. Pyrotechnic and Consumer Display Permitting Rules (41 Ill. Adm. Code 235)
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Central Management Services

39. Pay Plan (80 Ill. Adm. Code 310)
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40. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 30 Ill. Reg. 1382 – 1/27/06

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Education

41. The "Grow Your Own" Teacher Education Initiative (23 Ill. Adm. Code 60; 29 Ill. Reg. 15367)

Pollution Control Board

42. Effluent Standards (35 Ill. Adm. Code 304; 29 Ill. Reg. 6200)

Racing Board

43. Procedures for License Hearings (11 Ill. Adm. Code 205; 29 Ill. Reg. 8074)

JOINT COMMITTEE ON ADMINISTRTIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 24, 2006 through January 30, 2006 and have been scheduled for review by the Committee at its February 14, 2006 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
3/9/06	Department of Financial and Professional Regulation-Division of Professional Regulation, Podiatric Medical Practice Act of 1987 (68 Ill. Adm. Code 1360)	11/4/05 29 Ill. Reg. 17930	2/14/06
3/9/06	Department of Financial and Professional Regulation-Division of Professional Regulation, Nursing and Advanced Practice Nursing Act – Advanced Practice Nurse (68 Ill. Adm. Code 1305)	12/2/05 29 Ill. Reg. 19426	2/14/06
3/9/06	Pollution Control Board, Permits and General Provisions (35 Ill. Adm. Code 201)	10/14/05 29 Ill. Reg. 15489	2/14/06
3/9/06	Pollution Control Board, Permits and General Provisions (35 Ill. Adm. Code 201)	10/7/05 29 Ill. Reg. 14738	2/14/06
3/9/06	State Board of Education, Certification (23 Ill. Adm. Code 25)	11/14/05 29 Ill. Reg. 18235	2/14/06
3/9/06	State Board of Education, Early Childhood Block Grant (23 Ill. Adm. Code 235)	11/4/05 29 Ill. Reg. 17877	2/14/06

JOINT COMMITTEE ON ADMINISTRTIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

3/10/06	Illinois Law Enforcement Training and Standards Board, Illinois Police Training Act (20 Ill. Adm. Code 1720)	12/2/05 29 Ill. Reg. 19501	2/14/06
3/11/06	Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)	10/14/05 29 Ill. Reg. 15424	2/14/06
3/11/06	Department of Healthcare and Family Services, Hospital Services (89 Ill. Adm. Code 148)	8/26/05 29 Ill. Reg. 13140	2/14/06
3/11/06	Property Tax Appeal Board, Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910)	11/4/05 29 Ill. Reg. 18071	2/14/06
3/11/06	Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)	10/28/05 29 Ill. Reg. 16151	2/14/06
3/12/06	Drycleaner Environmental Response Trust Fund Council, Drycleaner Environmental Response Trust Fund Act (35 Ill. Adm. Code 1500)	11/28/05 29 Ill. Reg. 19017	2/14/06
3/12/06	Pollution Control Board, Sound Emission Standards and Limitations for Property Line-Noise-Sources (35 Ill. Adm. Code 901)	4/15/05 29 Ill. Reg. 5196	2/14/06
3/12/06	Pollution Control Board, Measurement Procedures for the Enforcement of 35 Ill. Adm. Code 900 and 901 (35 Ill. Adm. Code 910)	4/15/05 29 Ill. Reg. 5255	2/14/06

PROCLAMATIONS

2006-16
NATIONAL BLACK NURSES' DAY

WHEREAS, today, doctors in Illinois are under mounting pressure. Due to increasing medical liability insurance rates, many doctors have been forced to leave our State; and

WHEREAS, last year, the legislature passed, and I approved, legislation that amends medical liability insurance rates and regulation, which will hopefully keep and attract more doctors here; and

WHEREAS, in the meantime, the doctors who remain bear the brunt of the workload left behind by the departure of their colleagues. Unfortunately, a national shortage of nurses in the healthcare industry has also compounded the problem; and

WHEREAS, nurses have been critical to helping doctors in Illinois. Doctors are seeing three to four times the number of patients they would normally see because of the loss of their peers, and nurses provide the necessary support needed to keep their offices functioning and running smoothly; and

WHEREAS, in 1988, Congress declared the first Friday of February as a day to acknowledge all African-American nurses for their contributions to healthcare. This year, the City of Chicago's four African-American nursing associations are teaming up to celebrate the day, which falls on February 3:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 3, 2006 as **NATIONAL BLACK NURSES' DAY** in Illinois to promote the nursing profession, and in recognition of all nurses, including African-American nurses, for their commitment and dedication to the medical profession and to the well-being of patients, especially during this trying time for them and doctors.

Issued by the Governor on January 24, 2006.

Filed with the Secretary of State January 24, 2006.

2006-17
PERIANESTHESIA NURSE AWARENESS WEEK

WHEREAS, perianesthesia nursing is a specialized nursing practice dealing in all phases of preanesthesia and postanesthesia care, ambulatory surgery and pain management; and

WHEREAS, the depth and breadth of the perianesthesia nursing profession meets the varied and emerging health care needs of the American population in a diversified range of environments; and

WHEREAS, the demand for perianesthesia nurses will only increase due to an aging American population and advances in medicine that are prolonging life. Consequently, the role of these nurses is essential and vital in the quality of health care and safety of patients in the hospital and ambulatory surgery settings; and

WHEREAS, there are more than 49,000 perianesthesia nurses in the United States. The American Society of PeriAnesthesia Nurses represents them and is one of our nation's premier specialty nursing organizations; and

WHEREAS, their mission is to advance the field of nursing by providing education, conducting research and developing professional standards of practice for their field; and

WHEREAS, the Illinois Society of PeriAnesthesia Nurses, founded in 1976 as a branch of the American Society, also represents perianesthesia nurses and promotes quality and cost-effective care for their patients; and

WHEREAS, the Illinois Society of PeriAnesthesia Nurses, in conjunction with the American Society of PeriAnesthesia Nurses will recognize perianesthesia nurses during PeriAnesthesia Nurse Awareness Week, with the theme, "Perianesthesia Nurses exceptional People touching your world:"

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 6-12, 2006 as **PERIANESTHESIA NURSE AWARENESS WEEK** in Illinois, and join the American and Illinois Society of PeriAnesthesia Nurses' recognition of perianesthesia nurses for their indispensable service to the medical profession, as well as quality care and treatment of patients.

Issued by the Governor on January 24, 2006.

Filed with the Secretary of State January 24, 2006.

2006-18
FOUR CHAPLAINS SUNDAY

WHEREAS, on February 3, 1943, four United States Army lieutenants and chaplains sacrificed their lives in one of the most inspiring acts of heroism during the Second World War; and

WHEREAS, once a luxury coastal liner, the U.S.A.T. Dorchester set out with three escort ships on February 2 for an American base in Greenland. Less than 150 miles from its destination, the ship was attacked by a German submarine shortly after midnight; and

WHEREAS, aboard the U.S.A.T. Dorchester, panic and chaos set in. The blast killed scores of men, and many more were seriously wounded. Alerted that the Dorchester was taking on water and sinking rapidly, the captain gave the order to abandon ship; and

WHEREAS, those who were capable made their way towards the deck through the darkness. Once topside, men jumped from the ship for lifeboats. Some were overcrowded and capsized. Others drifted away before soldiers and sailors could get in them; and

WHEREAS, through the pandemonium, Reverend George L. Fox, Rabbi Alexander D. Goode, Reverend John P. Washington and Reverend Clark V. Poling spread out among the soldiers to calm the frightened, tend the wounded and guide the disoriented toward safety; and

WHEREAS, at one point, Rabbi Goode gave away his own gloves to a comrade who had the bad fortune of forgetting his. Shortly thereafter, the chaplains opened a storage locker filled with lifejackets and began distributing them; and

WHEREAS, it was then that John Ladd witnessed an astonishing sight. When they ran out of lifejackets, the chaplains removed theirs and gave them to four frightened young men. John said, "It was the finest thing I have seen or hope to see this side of heaven;" and

WHEREAS, as the ship went down, other survivors in nearby rafts saw the chaplains with arms linked and braced against the slanting deck. They were also heard offering prayers; and

WHEREAS, the Dorchester sunk less than 27 minutes after it was struck. Of the 902 men aboard, 672 died, including all four chaplains. When news reached American shores, the nation was stunned by the magnitude of the tragedy and heroic conduct of the chaplains; and

WHEREAS, all four chaplains were posthumously awarded the Distinguished Service Cross and Purple Heart, as well as a Special Medal of Heroism specially authorized for them by Congress. Every year, the Combined Veterans of Illinois sponsor a memorial service for them, which will be held this year at the Northwest Suburban Jewish Congregation on Sunday, February 5:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 5, 2006 as **FOUR CHAPLAINS SUNDAY** in Illinois in honor and remembrance of the four brave and courageous chaplains who selflessly made the ultimate sacrifice to save the lives of others.

Issued by the Governor on January 26, 2006.

Filed with the Secretary of State January 26, 2006.

2006-19

DELTA SIGMA THETA SORORITY SPRINGFIELD-DECATUR AREA ALUMNAE CHAPTER DAY

WHEREAS, chartered in 1976, the Delta Sigma Theta Sorority Springfield-Decatur Area Alumnae Chapter will celebrate their 30th anniversary on Saturday, January 28 at the Springfield Hilton Hotel; and

WHEREAS, Delta Sigma Theta Sorority is a minority public service organization that was founded in 1913 by 22 students at Howard University who wanted to collectively promote academic excellence and provide assistance to those in need; and

WHEREAS, today, there are more than 200,000 African-American women members of the sorority from more than 900 chapters throughout the world, including the United States, England, Japan, Germany, the Virgin Islands, Bermuda, the Bahamas, and South Korea; and

WHEREAS, programming of Delta Sigma Theta Sorority revolves around five central areas: economic development, educational development, international awareness and involvement, physical and mental health, and political awareness and involvement; and

WHEREAS, the sorority's Springfield-Decatur Area Alumnae Chapter has been active in each of those areas. For the past 12 years, they have sponsored a traveling fashion show, which showcases the latest in fashion. Funds from the event are awarded as youth enhancement grants to selected individuals and organizations; and

WHEREAS, recently, the alumni chapter held their 10th Annual Pre-Kwanzaa Holiday Expo to give the community an opportunity to complete their holiday shopping by supporting area minority businesses. Every year, the chapter also awards numerous scholarships to deserving college-bound students:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 28, 2006 as **DELTA SIGMA THETA SORORITY SPRINGFIELD-DECATUR AREA ALUMNAE CHAPTER DAY** in Illinois in recognition of the alumni chapter for their service to the community, and to congratulate them on their exciting milestone.

Issued by the Governor on January 26, 2006.

Filed with the Secretary of State January 26, 2006.

2006-20
WILLIAM "BILL" RUTHERFORD DAY

WHEREAS, on February 3, William "Bill" Rutherford of Peoria, Illinois will receive the Rotary International Service Above Self Award, the highest honor for Rotarians; and

WHEREAS, Rotary International is a worldwide organization of business and professional leaders that provides humanitarian service, encourages high ethical standards in all vocations, and helps build goodwill and peace in the world; and

WHEREAS, Paul Harris founded the first Rotary Club in Chicago on February 23, 1905. Today, there are more than 1.2 million members of more than 31,000 Rotary clubs in 166 countries united under the banner of Service Above Self; and

WHEREAS, the Rotary International Service Above Self Award was established in 1991 to recognize Rotarians who have demonstrated exemplary humanitarian service, in any form and at any level, with an emphasis on personal volunteer efforts and active involvement in helping others through Rotary; and

WHEREAS, Bill Rutherford is the first recipient of this award from his local district, and he has a long litany of public service. In 1949, Bill helped found the Institute of Physical Medicine and Rehabilitation. The initial mission of the center was to treat emotional and physical problems of veterans from the Second World War, during which Bill served as a flight instructor for the Navy. Today, the center treats amputees, stroke victims, and those suffering from head and spinal cord injuries; and

WHEREAS, in 1978, Bill Rutherford also helped turn 2,000 acres of strip mine land into a conservation and wildlife preserve, which is now home to a great variety of animals, including buffalo, bears, wolves, and elk. Subsequently, Bill consulted with New Zealand and Australian authorities to help them establish similar parks; and

WHEREAS, we should all leave the world a better place than when we were born into it. Bill has clearly done that by his wonderful contributions to Central Illinois and the country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 3, 2006 as **WILLIAM "BILL" RUTHERFORD DAY** in Illinois in recognition of Bill for his tireless and selfless service to others, and to congratulate him for his selection by Rotary International for their exclusive Service Above Self Award.

Issued by the Governor on January 26, 2006.

Filed with the Secretary of State January 26, 2006.

2006-21

PROCLAMATIONS

AUTISM DAY AND AUTISM AWARENESS MONTH

WHEREAS, autism is the third most common developmental disability in the United States. Today, one in 166 Americans are afflicted with the disorder; and

WHEREAS, autism is caused by a neurological disorder that affects the normal functioning of the brain, and generally manifests during the first three years of life. The disorder is four times more likely in males than in females, but can affect anyone, regardless of race or ethnicity; and

WHEREAS, symptoms and characteristics of autism vary in combination from mild to severe. This complex and lifelong developmental disability can significantly impair one's ability to learn, develop healthy social behaviors, and understand verbal as well as nonverbal communication; and

WHEREAS, although autism was first identified in 1943, it remains a relatively unknown disability. A majority of the public, including many professionals in the educational and medical fields, are still unaware of the best methods to diagnose and treat the disorder; and

WHEREAS, while there is no known cure for autism at this time, educators and therapists can help children and adults with autism overcome or adjust to many difficulties. Early and accurate diagnosis and special care and treatment are important for their successful development; and

WHEREAS, the Autism Society of Illinois is the state chapter of the nationally-recognized Autism Society of America. It is their mission to provide support and resources for children and adults with autism and their families; and

WHEREAS, this year is the 30th anniversary of the state chapter. On March 23, members from at least a couple dozen local support groups and provider organizations will join members of the Autism Society of Illinois at the State Capitol to address autism issues and concerns just before Autism Awareness Month in April:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 23, 2006 as **AUTISM DAY** and April 2006 as **AUTISM AWARENESS MONTH** in Illinois to raise awareness about autism, and in support and recognition of the Autism Society of Illinois as they celebrate 30 years of service to autistic children and adults and their families.

Issued by the Governor on January 26, 2006.

Filed with the Secretary of State January 26, 2006.

ILLINOIS ADMINISTRATIVE CODE
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